

# Tribunal Representation Contents Appeal

Our case workers aren't lawyers or solicitors, however, they are trained in The Children and Families Act 2014 and the SEND Code of Practice 2014, and have completed legal training.

A SEND tribunal is a legal process where you can get a decision you don't agree with, heard by an independent judge and panel at a higher level. there are no legal costs to be paid to the SENDIST Tribunals.

There are generally 2 occasions when you might consider an appeal against the content of the EHC plan, namely Sections B & F (but also C&G, D&H and I).

- 1) After an EHC needs assessment has taken place and a final EHC plan has been issued
- 2) After an Annual Review or Reassessment.

We will prepare all the documents required to lodge the appeal with the tribunal and for this we need the following:

1. The final EHCP and all appendices listed in Section K.
2. The final EHCP letter.
3. A mediation certificate. This can be obtained from one of the mediation companies listed on the LA's letter. This is not needed if you are only appealing section I (school placement).

Once the appeal has been lodged we will liaise with you on a monthly basis (via teams) to discuss progress of the appeal and answer any questions you might have.

As part of the Tribunal Representation, we will liaise with the local authority, ensure all key dates are adhered to from ourselves and the local authority, update the working document and attend the hearing. During our monthly update meetings with yourselves, we can discuss if any other aspects of the case and meet with you a week before the hearing date.

Tribunals are now conducted via a cloud video platform and are scheduled for a morning/afternoon or full day hearing. Allow at least 4 hours for this process. You are welcome to attend the hearing at our offices, or remain at home. There are strict guidelines to etiquette and they are as follows:

- You will need to log in 30 mins before the hearing to ensure the link works.
- SEND hearings are private so it is important you are in a private space, where you will not be overheard or interrupted.
- It is a criminal offence to record a court hearing - no attempt should be made to record video or audio or take screen shots of your hearing.



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## What to expect once Appeal has been lodged

Once the SENDIST Tribunal has received the appeal, they will notify us (as we are your representative) this can take up to 30 working days as the Tribunal is a national service and not just to your local area. They will send a registration letter which will include your individual reference and all the important dates including:

The LA must send its response to us

The LA and ourselves must send each other any further evidence

The LA and ourselves must send a completed case review form to include any witnesses

The LA must produce a bundle with all relevant paperwork that has already been submitted (by both parties) to both us and the Tribunal

The Hearing Date\*

\*For Refusal to Assess – it is a paper hearing only (no need to attend). They will give us a month's window for the tribunal, and inform both parties of the exact date, 10 days prior.

