

## Mediation

Special Educational Needs and Disability Tribunal. The service is free and confidential.

If you wish to register an appeal with the **First Tier Tribunal (SEN and Disability)** you first have to consider whether to enter mediation and obtain a certificate saying you have considered it. This is called mediation advice. If you decide not to go into mediation and tell the mediation adviser, they will send you a certificate within 3 working days and you can then register your appeal. You do not have to go into mediation if you do not want to—you only have to consider whether or not.

Your local authority must tell you about mediation and who to contact for the initial advice when they send you their decision. You must contact your mediation advisor within two months of getting the decision Your time limit for appealing to the Tribunal is two months from the date of getting the decision, or one month from the date of the mediation certificate, whichever is the later.

You do not need to seek. You can register an appeal without considering mediation first if the appeal is only about the name of the school, or college, named on the plan, the type of school or college specified in the plan or the fact that no school or other institution is named.

If you choose mediation the local authority (or Clinical Commissioning Group) must take part. The meeting will be arranged within 30 days.

You can find more about appeals to the Tribunal in the **SEND Code of Practice** sections 11.39 to 11.55

**St. Helens IASS** can explain the appeal process to you and provide impartial advice and support.

## Who to contact

Sheila Henshall

07990 772926

sheilahenshall@sthelens.gov.uk

Karen Deane

07990 773596

karendeane@sthelens.gov.uk

Beverley Boyer

beverlyboyer@sthelens.gov.uk

**Please contact us to request translation of Council information into Braille, audio tape or a foreign language.**

St.Helens



Supporting families of SEND

A valuable source of advice and information offering support to parents/carers/young people by listening to their concerns around SEND.



St.Helens Council

thedesignstudio@sthelens.gov.uk

1500355R

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## EHCP Fact Leaflet

What if I do not agree with decisions about SEN provision?



St.Helens Council

## What if I do not agree with the decision about SEN provision?

This information is about what you can do if your child has special educational needs (SEN) or a disability and if you are unhappy about the help they are getting.

### St. Helens IASS;

- Listen to your concerns
- Help you to sort out the issues
- Identify other people who can support you
- Help you decide what to do next
- Explain the law and your rights

### First steps

If you are not happy about the help that your child has at school the first step is to talk to their teacher, or to the Special Educational Needs Coordinator or the head teacher.

If you think the school is doing all it can but your child needs even more help, you can ask the local authority for an **EHC needs assessment**.

**St. Helens IASS** can help you prepare for and attend a meeting. If you still have concerns we can help you decide what to do next.

### What next?

If you still have a problem you might be able to:

- Seek some help to put your concerns forward
- Make a complaint
- Ask for independent disagreement resolution or mediation
- Appeal against the decision

**St. Helens IASS** can tell you more about each of these and help you decide what to do.

## Making a complaint

If you are unhappy with the school, college or the Local Authority you can complain using their complaints procedure.

- St Helens IASS can help to resolve your complaint by speaking to the right people
- Put a complaint in writing, using the word ‘complaint’

If you are not happy with the outcome of making a complaint or feel that it has not been dealt with properly **St. Helens IASS** can give you information on what to do next.

You can learn more about complain procedures in the **SEND Code of Practice** sections 11.2, 11.67 to 11.111.

### Disagreement resolution

Many disagreements can be sorted out by talking with the school, college or local authority, or, for health and services, the Clinical Commissioning Group.

The First-tier Tribunal (Special Educational Needs and Disability) (the “**SEND Tribunal**”) is an independent national tribunal which hears parents’ and young people’s appeals against LA decisions about the special educational needs of children and young people. It also hears claims of disability discrimination against schools.

You can appeal to the SEND Tribunal if you’re unhappy with a decision made in relation to an EHC needs assessment or an EHC plan. There are no fees for parents or young people to pay. The SEND Tribunal has the power to order LAs to carry out EHC needs assessments, issue EHC plans, and amend existing EHC plans. LAs must comply with orders made by the SEND Tribunal.

The SEND Tribunal is governed by the law, and has to follow the interpretation of that law by higher courts in judgments about previous SEN disputes. The SEND Tribunal must have regard to the SEN and Disability Code of Practice (the “**Code**”) which advises schools and LAs on identifying and making provision for children with SEN. The SEND Tribunal is not bound to follow the Code to the letter but it generally accepts the Code’s guidance in coming to its decisions.

The SEND Tribunal looks at the evidence put before it and decides whether the LA decision followed the law and the Code. It will make a decision based on what is right for the child or young person at the date of the hearing.

The SEND Tribunal produces a free booklet, *How to Appeal*, and other guidance forms which can all be accessed on their website. The SEND Tribunal have also produced a set of videos which explain more about what appealing to the SEND Tribunal is like – these are available on YouTube or you can request a DVD from the SEND Tribunal.