



4. WHAT YOU CAN DO IF YOU DISAGREE

YOU DISAGREE WITH THE LOCAL
AUTHORITY DECISION NOT TO
ASSESS YOUR CHILD FOR AN EHCP
OR TO ISSUE A PLAN, OR WITH THE
FINAL EDUCATION, HEALTH AND
CARE PLAN

Remember that at any point, if you
can't agree on any aspect of the plan,
you can ask to take part in
disagreement resolution. This is in
ADDITION to any mediation or appeal.
*If your appeal is only about
placement you do not have to seek
mediation first

For decisions where there
is no right of appeal
to the First Tier Tribunal, decisions
can be challenged via Judicial Review.
Families will need legal advice in
relation to Judicial Review and legal
aid may be available to pay for this
in some circumstances.

If you are not satisfied with either a local authority's decision not to assess
your child for an EHCP, OR not to provide an EHCP after a statutory
assessment, you can appeal to the SEND Tribunal.
Appealing to the First Tier Tribunal can be done in the name of the parent
or the child/ young person.
Additionally, if you are unhappy with any of the needs or provision or
placement offered in your child's final EHCP, you can also appeal.

There is a trial underway currently (2018/19) to include health and social
care as a single route of appeal. Please check the status of this at the time
of your appeal. A large percentage of appeals are settled at 'case
management' stage, via telephone hearings.
If you lose your FTT appeal, you can take legal advice in consideration of a
further appeal to the Upper Tribunal, usually on a point of law.

Before appealing about
1. Refusal to assess,
2. Refusal to issue an EHCP, OR
3. A final EHC plan
you must first contact a mediation advisor.
The LA must inform you about how to do
this*. The mediator will give you evidence
that you have done so. You will be
encouraged to participate in mediation,
however, this is not compulsory if you feel
that mediation will not work. If at all
possible, keep the lines of communication
open - you can still reach an agreement
that works for your family at any time up
to the date of Tribunal.

To appeal, you have two
months after the local
authority's decision.
You can register an
appeal when you have a
certificate from the
mediator. If you choose to
go to mediation & it fails,
you will have a minimum of a
month after that to register
an appeal.

Full details can
be found in
Chapter 11 of the
SEND Code of
Practice

If you do decide to head for the SEND Tribunal, there are free sources of legal advice
to help such as:

IPSEA www.IPSEA.ORG.UK

SOSSEN: www.SOSSEN.ORG.UK

Contact A Family SEN line www.Contact.org.uk

IASS for young people: cyp.iassnetwork.org.uk

IASS: <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network>

(SNJ advice: It is not advisable to go to appeal without seeking specialist legal advice and
/or advocacy support such as above)

SIGN UP TO SPECIAL NEEDS
JUNGLE BLOG UPDATES
WWW.SPECIALNEEDSJUNGLE.COM
/SUBSCRIBE
THANKS TO IASS NETWORK
FOR ADDITIONAL INFORMATION



1. SEN SUPPORT IN SCHOOLS

Before you meet:
Write down your concerns and points
to raise. Consider taking a friend or
partner to make notes so you can
concentrate on the conversation.

If you disagree at any point, you can
ask to involve the Disagreement
Resolution service or speak to the
Information, Advice & Support
Services Network

IF YOUR CHILD'S NEEDS ARE CLEARLY
SEVERE, AN EHCP ASSESSMENT MAY
BE REQUESTED WITHOUT THE SEN
SUPPORT STAGE (OR CONDUCTED
BEFORE SCHOOL AGE)

START HERE:

YOU, OR YOUR CHILD'S
SCHOOL ARE CONCERNED
THAT YOUR CHILD MAY
HAVE A SPECIAL
EDUCATIONAL NEED

Meet with your child's class
teacher and/or SENCo to
discuss concerns



Agree on a plan of
action using the Assess,
Plan, Do, Review cycles
& decide together which
external assessments
will be needed

Work with the
school to see what
services from the
Local Offer your
child can access to
help them
overcome any
barriers to
learning

If your child has a
medical condition, ask to
see your school's policy
that complies with the
Government's Statutory
Guidance Supporting
pupils at school with
medical conditions. Ask
how these guidelines can
be used to support your
child, if necessary

If progress is made, continue the cycle
of Assess, Plan, Do, Review. However, at
any point, if you feel the interventions
are not working, you can choose to
apply for a statutory assessment for
an Education, Health and Care Plan

Make sure you meet the expert after they
have carried out any external assessment
on your child, so you can give them any
extra information. You know your child
better than anyone and your input is vital

There may come a point at which
you agree your child has made
sufficient progress and no further
support is required. However, you
can ask for SEN help again at any
point if you think it is needed.

When the report(s) have been received ask to
meet with the class teacher and SENCo again to
revise any interventions in the light of the report
recommendations. Agree a date for initial review

An EHCP can be requested
by parent, young person,
teacher or anyone else
concerned about the
child's SEN

On the review date, discuss with the teacher/SENCo
how the interventions are working, any changes that
need to be made and a further review date

Move to Flow
Chart 2
"Requesting an
EHCP"

WHERE, DESPITE THE SCHOOL HAVING TAKEN RELEVANT AND PURPOSEFUL ACTION TO IDENTIFY,
ASSESS AND MEET THE SEN OF THE CHILD OR YOUNG PERSON, THE CHILD OR YOUNG PERSON HAS
NOT MADE EXPECTED PROGRESS, THE SCHOOL OR PARENTS SHOULD CONSIDER REQUESTING AN
EDUCATION, HEALTH AND CARE NEEDS ASSESSMENT.

When your application has been received, you should be given the details of your local SENDIASS who will be
able to advise and support you through the process. These are free and impartial services who provide information,
advice and support to children, young people and parents on a range of SEND issues, including your EHCP application.
You can also search for resources on the Special Needs Jungle site and on the IPSEA website, among others.