

Appealing to the First Tier Tribunal when the Local Authority refuses to carry out an EHC needs assessment



Guide No 42

SEPTEMBER 2021



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Glossary

First Tier Tribunal for Special Educational Needs and Disability (“SEND Tribunal”) is independent of the local authority. The SEND Tribunal hears parents’ and young people’s (“YP”) appeals against local authority decisions about the special educational needs (“SEN”) of children and young people. The SEND Tribunal try to keep the appeal process as informal as possible although it is important to keep in mind appealing is a legal process.

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Local Authority (“LA”) is the body who has made the decision not to carry out an EHC needs assessment, a decision which carries a right of appeal. LAs have legal duties towards children and YP who have SEN including the duty to identify and assess the SEN of children and YP for whom they are responsible.

The Children and Families Act (“C&FA”) 2014 is the law which sets out the test for carrying out an EHC needs assessment.

Case law is law which has been made by the courts and decided by judges. In this area of law, it is typically made through the Upper Tribunal. This happens when one of the parties involved in an appeal to the SEND Tribunal has successfully appealed the decision to the Upper Tribunal. The Decision from the Upper Tribunal then becomes binding and creates case law.

The Special Educational Needs and Disability Code of Practice 2015 (“The SEND Code”) is statutory guidance which explains the duties which various professionals, including LAs, have towards children and YP with SEN. When guidance is ‘statutory’ this means all the professionals it applies to must have regard to it. Put simply, they are expected to follow the guidance unless they have a good reason to depart from it.



Section One - Purpose of this guide and how to use it

The purpose of this document is to give you a step-by-step guide to the appeal process. Appealing is typically a 12–14-week process from registering the appeal through to the paper hearing taking place. Therefore, the length of the guide reflects this step-by-step process, but we don’t expect you to read it all at once! This guide will explain the law and guidance which is relevant to the decision being appealed and can be used as a resource for challenging the decision.

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How to use it

The guide contains some practical tips and next steps for starting the appeal process. Please read each section carefully. If you are coming to the guide after you have sent in your appeal to the SEND Tribunal, there is still information and guidance in **section 3** which will assist you in obtaining evidence which can be used for the rest of your appeal.

Section 2 deals with information you need to know before making your appeal including:

- Who has the right of appeal?
- Information in the refusal decision letter and time limits.
- Legal help.
- How IAS can help.
- The legal test relating to 'refusal to assess' decisions which is explained further using case law.

Section 3 deals with evidence and identifying evidence which could help your case. You may need to re-visit this section as your appeal progresses.

Section 4 deals with consideration of mediation and starting the appeal process.

Section 5 deals with preparing for the deadlines once the appeal is registered. This section will also deal with considering whether there may be further evidence you can obtain to strengthen your case.

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Section Two - Essential information you need to know and some frequently asked questions

Frequently asked questions

Who can appeal to the SEND Tribunal for a refusal to assess?

Parents (in relation to children from 0 to the end of compulsory schooling) and/or a YP (over compulsory school age until they reach age 25).

What information must the decision letter contain?

You should have been sent a letter from the LA when they made their decision. This letter must contain the following information on your rights of appeal:

- Your right to appeal that decision
- The time limits for doing so
- Information about mediation
- The availability of—Disagreement resolution services and
- Information and Advice Support Service information, who can advise you about the process, your options and about matters relating to the special educational needs of children and young people.

If you are looking at this guide because you have been informed verbally that the LA will not be carrying out an EHC needs assessment, but you have yet to receive a letter please contact us.

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The timings - The date of the LA notification letter is the date from which the time frame for making an appeal starts to run. You must send the appeal form to the SEND Tribunal within **two months** of the date of the decision you are appealing or **one month** from the date you obtain a mediation certificate, whichever date falls latest.

Example

Alice receives the refusal to assess decision letter and it is dated 10th April. She requests and receives her mediation certificate just before the 2-month deadline on the 7th June. The mediation certificate extends Alice's right of appeal by 1 month therefore her deadline for appealing is now 7th July.

Considering mediation – Before bringing an appeal to the SEND Tribunal, mediation must be considered. This does not mean that mediation is compulsory, but it must be considered. There is a telephone number on your decision letter from the LA which provides the details of the mediation service. You must contact this service to obtain a mediation certificate if you do not want to participate in mediation. Mediation is explained further in Section 4.

What if I have missed my deadline?

If you have missed the deadline, you can ask the SEND Tribunal to accept your appeal late and they have the power to register the appeal. If you need to do this, IAS recommends you seek advice first. There may be reasons for this such as a family crisis/relationship breakdown/ housing issues/illness within the family/ financial issues/problems in the workplace/exclusion of your child and/or other difficulties your child is experiencing.

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Example

Alice received the refusal to assess decision letter and intended to make an appeal. However, during the appeal window she broke her leg and her son was permanently excluded from school which meant she was incredibly stressed and could not make the appeal in time.

What is Legal Help and do I qualify?

Under the Legal help scheme, parents/YP may qualify to receive free legal help from a solicitor firm. There is a legal aid checker here: [legal help](#). It is important to check whether this is available even if you suspect you or your YP may not qualify. If you do qualify this means a solicitor's firm will do your case work free of charge.

IAS expect parents/YP to check to see whether they are eligible for legal help and take up this help if it is available so that IAS can support those families who are not eligible.

Will my appeal involve a hearing?

An important point to bear in mind is the SEND Tribunal process is going to be less formal than typical courts and **Tribunals should be accessible and parent friendly**. They are presided over by judges who are trained in this area of law and specialist panel members who are experts in SEND. Whilst there is some formality to the process, a refusal to assess appeal is a '**paper only**' appeal. This means that the SEND Tribunal will base their decision on the evidence submitted and you do not need to attend a hearing.

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What IAS can do to help parents and YP

- IAS can help parents/YP to explore their options and rights and can provide information to help them make informed decisions/responsibilities and own any decision.
- IAS can keep the appeal focused on the legal test and ignore historical aspects of the case.
- IAS can support parents/YP to plan regarding facts and evidence.
- IAS can direct parents/YP to a model letter if there is no decision letter and the LA is out of time.
- IAS can check the LA decision letter is compliant and consider parent/YP circumstances if they are out of time for making the appeal. (See above).
- IAS can explain the practical considerations of mediation.
- IAS can explain the use of Legal Aid, but it is always the parent/YP's responsibility to check if they are eligible.
- If IAS are supporting you through the appeal, we can check your draft reasons for appeal (time limits permitting).

IAS will expect that:

- The parent/YP to follow any guidance.
- The parent/YP attempt to draft their reasons for appealing.
- All information is given/available on time.

What IAS cannot do?

- Give personal opinions.
- Solve problems and make decisions for the parent/YP.
- Do things that parent/YP can do for themselves or could do with encouragement/support.
- Jointly support a parent/YP whilst a solicitor is advising on their case.
- Chase up the LA to ensure deadlines are adhered to.

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The law

The legal test for whether the LA must carry out an EHC needs assessment is set out in the C&FA 2014 as follows:

Children and Families Act 2014 Section 36(8)

'The local authority must secure an EHC needs assessment for the child or young person if, after having regard to any views expressed and evidence submitted under subsection (7), the authority is of the opinion that—

(a) the child or young person has or may have special educational needs, and

(b) it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan.

This means the LA must carry out an EHC needs assessment if your child/YP has or may have SEN and they may require special educational provision to be made through an EHC Plan. There can be some confusion around the term 'SEN', so it is helpful to clarify exactly what this means first.

What is an SEN?

Put simply, a child or young person has SEN if they have a greater difficulty in learning or a disability which requires special educational provision to be made for them. **The SEND Code** outlines what is referred to as the 'four broad areas' of SEN. They are listed as:

- Communication and Interaction
- Cognitive and Learning
- Sensory and/or Physical
- Social, emotional and mental health

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Although behaviour is not referred to in the 'four broad areas' it could come under the categories of communication and interaction and/or social, emotional and mental health. A child/YP can have SEN even if they are considered 'academically able'. This is outlined in the SEND Code which states the following:

Paragraph 6:23 SEND Code

Slow progress and low attainment do not necessarily mean that a child has SEN and should not automatically lead to a pupil being recorded as having SEN. However, they may be an indicator of a range of learning difficulties or disabilities. Equally, it should not be assumed that attainment in line with chronological age means that there is no learning difficulty or disability. Some learning difficulties and disabilities occur across the range of cognitive ability and, left unaddressed may lead to frustration, which may manifest itself as disaffection, emotional or behavioural

If you are unsure what the law means when it refers to the term 'SEN' there is some useful information [here](#):

EHC needs assessment case law

Case law has considered the threshold of the test for an EHC needs assessment. In **Cambridgeshire County Council v FL-J** [2016] UKUT 0225 (AAC), the Upper Tribunal considered the two-part test LA's must apply when considering whether an EHC needs assessment is necessary. In their decision, the Upper Tribunal made it clear the test is not a question of whether special education provision **is** needed by way of an EHC Plan and said the following:

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“The authority or tribunal does not have to decide at this initial stage whether special educational provision ‘is’ necessary; that question only arises when an assessment has been made... it is only when an assessment has been made that a definitive decision has to be made”.

What you need to show

The SEND Tribunal will need evidence that the legal test is met for your appeal to succeed. You will need to show evidence that your child/YP ‘has or *may* have SEN’ and they *may* require special educational provision to be made for them by way of an EHC plan. If the request has been made for a young person over the age of 18 the LA **must** consider whether the young person needs more time to complete their education and/or training compared to others the same age who do not have SEN. We have emphasised the word ‘*may*’ to show that it is a relatively low threshold you need to cross. For the second part of the test, you do not need to show that your child **requires** an EHC plan – just that they ‘**may**’ require one. It is important to be aware that this test is often misunderstood. Sometimes parents are told that they must show the school has spent a certain amount of money to justify an EHC needs assessment and/or the school/college must carry out a particular number of ‘*assess, plan, do and review*’ cycles of SEN support before the LA will carry out an assessment. Remember, the SEND Tribunal is a specialist body which is independent from the parties to the appeal - they **must** apply the legal test regardless of what an LA policy says. Policy is not law and the law will always prevail. However, although the test is low you will need to show evidence of the test being met. Please now read the evidence section below.

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Section Three - Evidence

Evidence

Any document which describes your child/YPs SEN can be considered as evidence and it will be important to use these documents. Although the following types of evidence are not essential, they are desirable.

Examples

- School progress reports – yearly (plus termly summaries)
- Any diagnostic reports e.g. ADHD/ASC if available
- Formal exclusion letters/disciplinary record/SEN support record
- Information from health such as speech and language/occupational therapy/nurse practitioner reports.
- If available, any report from an Education Psychologist.
- Any report/record if your child/YP has spent time in a “hub” or in a “resourced provision” or any alternative provision.
- Types of help the child/YP’s school/college provides for children with SEN without EHC plans as a **maximum** level of support – this should be available on the school/college website as part of their SEN ‘offer’.
- Any evidence which demonstrates the ‘graduated response’ (assess, plan, do and review) envisaged by the SEND Code has been followed
- Remember, progress is not just academic – note all areas of difficulty

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Evidence can include documents which indicate your child/YP has SEN even if the document does not formally identify those needs as being SEN. For example, this could be school progress reports referring to a lack of progress and/or difficulties with concentration, behaviour and organisation.

An important part of the EHC needs assessment test is looking at unidentified/unknown needs. This would suggest your child or YP needs an assessment so their needs can be properly identified.

Unidentified needs – these examples may point to potential SEN:

- Underlying language problems which could be your child or YP using language inappropriately such as being ‘too formal’ for their age or misinterpreting language or social cues
- Memory difficulties and/or difficulty in processing information and instructions
- ‘Meltdown’ behaviours and/or your child/YP avoids or intensely dislikes physical activities/exercise – these may indicate underlying difficulties with sensory needs and/or fine and gross motor skills
- Your child/YP is, or is at risk of school avoiding/refusing or has been excluded from school – this can be used as evidence of underlying/identified needs
- Your child/YP has been attending school on a ‘reduced’ timetable because their needs cannot be managed in school.
- Your child/YP has had “unofficial exclusions” i.e. school has requested you to collect your child/YP early because they cannot manage their behaviour or needs
- Part-time education for under 5’s if the school admits others the same age full-time **and parents want it.**
- You have been encouraged to home educate or “flexi-school” because the school do not feel able to meet your child/YP’s needs

Other issues to consider which can be used in your reasons/evidence

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- Whether your child/YP have a transition coming up e.g. transfer to secondary, which is impacting on their needs
- Are your child/YP independent/social skills appropriate to their age?
- Is going to school/college easy for them? Do you need to do much to prepare them each day?
- Can they access the teaching, facilities and resources in the same way as others who don't share their difficulties?
- Does your child/YP have low self-esteem and incidents of self-harm- at home and has happened immediately before they were expected to attend school?
- Do they have sensory needs and/or behaviours at home may happen on return from school?

Why your child may require an EHC plan - examples

- Your child/YP may have had additional support and interventions over a period have not been consistent or effective. Some interventions may have been informal i.e. pastoral support groups, periods of time in a "hub" where there are already small groups and a higher than average teacher/pupil ratio.
- Your child/YP SEN may have increased.
- Your child/YP is on a waiting list therapeutic input such as speech and language therapy or mental health support, so their needs are not currently being provided for.
- Specialist teaching/therapies/social skill groups/other resources.
- Your child/YP's school have provided some 1:1 support but not enough and inconsistent in terms of staff turnover/absence. It could be that the staff needed to support your child/YP are not skilled and experienced their area of need.
- The school may have already said to you informally that they are unable to supply all the special educational provision required unless it is specified in an EHC plan.
- Without the EHC needs assessment, it could be that your child/YP's needs, provision and outcomes will remain unidentified therefore unmet.
- The school has provided all the help that could be expected but your child/YP requires more/different provision and/or is not progressing well/gap is widening between them and their peers.

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- Over 18s- considering what other YP are typically doing at this age and whether your YP is anywhere near this.
- Over 18s – Does your YP require longer in education or training to complete their education and/or training?

Getting evidence from an education setting

Your child/YP's education setting may hold information you do not have which could help your appeal such as:

- EHC needs assessment request (if they made the initial request)
- Their response to the LA asking for information concerning the EHC needs assessment request
- Internal and external communication with other professionals about your child/YP's SEN
- For behaviour and/or absences – any information such as emails between staff/records of meetings/behaviour logs/attendance record

If you are having difficulties in obtaining this information or the education setting is reluctant to provide it then you could consider making a formal request for the information. There is a model letter you can use [here](#). For children over 12 it would be desirable to have a short letter from them (if appropriate) saying they consent to you requesting their information.

Evidence dos and don'ts

The Tribunal can order the LA to assess but cannot deal with issues such as any disagreement you've had with the LA or your child/YP's school or college. For this reason, it is important not to focus on issues which are not relevant to the question in law as to whether an EHC needs assessment is needed. It is important to keep your reasons relevant to the test as this is what the SEND Tribunal must look at.

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You may not have all the evidence you would ideally like at this stage but don't worry and more importantly, don't hang on waiting for evidence before sending your appeal in as it is vital you do not miss your deadline for appealing. Once the appeal is registered you will have an opportunity to send further evidence in.

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Section Four - Mediation and the SEND Tribunal appeal form

Mediation

If you wish to enter mediation, make sure you request it before your appeal time window runs out. Speak to IAS for further advice around this if you need to. If mediation goes ahead, you meet with the LA at mediation with a mediator (the current list is on the back of the LA letter). The LA may change their decision at mediation and decide to carry out an EHC needs assessment. If mediation is unsuccessful, you must be issued with a mediation certificate which will enable you to go on and appeal. Once you have your mediation certificate (whether you have chosen to mediate or not) the following steps are important for starting the appeal.

SEND Tribunal appeal form

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The SEND 35a form is the form you need to use for this type of appeal and it can be obtained [here](#).

Before completing the appeal form watch the [following video](#), which will help you complete each section of the form.

Although the form is relatively straightforward, it is better to complete it a little at a time. Each time you open the form remember to save it as a fresh document to prevent the information on the form being lost.

An additional sheet to the appeal form can be included. Remember the SEND Tribunal will only know your child/YP from the information you put on the form and the evidence you send in with the appeal. You could use this additional sheet to write a summary of your child/YP's history; when and how their needs were first identified; their education so far and any significant events with dates leading to the current appeal. You can also copy the 'reasons for appeal questions' (see below) from the form and answer them on your additional sheet rather than the form as the form doesn't have a lot of room for you to type your answers. You need to mention if you are still waiting for further reports and/or evidence. Remember, you do not need to wait around for evidence before sending the appeal as there will be an opportunity later to send evidence into the tribunal once the appeal is registered.

The appeal form questions

Question one: Whether the child or young person has or may have SEN? Describe any special educational needs that the child or young person has:

This question is asking about SEN which have already been identified. If you are unsure go back to Section 3 of this guide. A description and evidence of SEN could come from SEN support documentation from your child/YP's school or college; information from another professional setting out your child/YP's difficulties; it could even come from an exclusion letter describing your child/YP's behaviour as the reason for the exclusion.

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Question one: Whether the child or young person has or may have SEN? Describe any special educational needs which you consider the child or young person may have which have not yet been fully identified:

This question is addressing the ‘may have SEN’ part of the legal test. You can use this to detail any needs you believe your child/YP may have but have yet to be identified. The school does not have to recognise your child/YP has these difficulties for them to be seen as ‘SEN’. Again, if you are unsure go back to section 3 of the guide and re-read the evidence of unidentified need section.

Example

Joe has difficulties consistent with those typically seen with children on the autistic spectrum but has never received a diagnosis. Academically he does very well. However, since starting secondary school his primary school peers have distanced themselves from him as he can be socially inappropriate. Joe has started to ‘school refuse’ and his attendance has dropped significantly. On the days he does attend school he tells his Mum that changing lessons, noise and the large environment makes his skin ‘hurt’ and he can’t concentrate. When he gets home, he ‘explodes’ and cries for prolonged periods. School report that he is managing fine in school when he attends and they don’t witness any of these behaviours.

Think of how your child/YP is day to day – is going to school/college easy for them? Is it stressful? Can they access the teaching, facilities and resources in the same way as others without their difficulties? Are their independence/social skills appropriate for their age? Do they have a transition coming up – transfer to secondary school for example? It is important to give a true reflection of what life is like for your child/YP and tell the SEND Tribunal this in your reasons.

Question two: Whether the child or young person may require an EHC plan? Explain why you think the child or young person may require an EHC plan:

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It is important to detail why you think your child/YP may need an EHC plan. Use the examples from section 3 'why your child may need an EHC plan' of this guide and if they are relevant to your circumstances put them in this section to answer the question.

Now conclude your reasons for appeal. They could be different in every case. Below is a short example.

Example

"In summary my child/YP has SEN and potentially unidentified SEN. An EHC needs assessment is the appropriate step to find out what the difficulties are and what help is needed. An EHC needs assessment would ensure all needs are identified and provision is well matched to meet his needs".

Once the form is complete

Have the information the Tribunal requires in Section 8 of the appeal form and have any evidence you wish to send with the form ready. Your appeal and documentation can be sent by email to the address specified in Section 10 of the form - write in the subject line of your email 'New Appeal' to ensure it is dealt with quickly. The document limit for each email is 14MB so if your documents amount to more than this you will need to spread them over more than one email making sure you note in the subject bar 'New Appeal email 1 of 1; then in a new email making sure it is marked as email 1 of 2' - so on and so forth.

Tip – There are page limit numbers for all types of appeals so it is important to ensure the evidence you plan to send reflects the 'refusal to assess' issues. The form asks specifically 'why' the evidence you are sending is relevant to the appeal. Guidance on the page limit for each type of appeal can be found [here](#).

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Section Five - Once the appeal is registered and preparing for the process

What happens next

The SEND Tribunal will write to you – typically by email. **Always** check your junk mail as sometimes their emails will go to a junk folder.

The SEND Tribunal will register and send a timetable of what should happen next and when.

Key Dates- this is an example of the key actions and dates applicable.

Action and party required to respond	Date for compliance
The LA must send its response so that it is received by:	12 noon on 20/10/2019
The Parent(s) and LA must send to each other and to the Tribunal any further written information, including professional reports, upon which they intend to rely as soon as it is available and at the latest, it must be received by:	12 noon on 14/11/2019
No further evidence without express permission of the Tribunal from either party will be accepted after:	12 noon on 14/11/2019
The LA must produce and send to the Tribunal either four copies of the bundle in hard copy, or one copy electronically and at the same time send one copy to the Parent(s) so that it is received by:	12 noon on 20/11/2019
The date of the final hearing	Between 09/12/2019 and 21/12/2019

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Put your deadlines in a calendar/diary/smart phone straight away so you do not miss these important dates.

It is very important to comply with tribunal directions such as sending in any missing information and responding to deadlines. Otherwise, you risk the appeal being struck out (ended). If you are having difficulties with this, please contact us.

If IAS are assisting you with the appeal, you need to keep them informed as and when you receive instructions from the Tribunal or communications from the LA. If you are continuing to receive advice/support and leave it to the last minute to share the information and get advice, it may not be possible for IAS to support before the next deadline.

Communicating with the SEND Tribunal

Once an appeal is registered the SEND7 form is the tool to use if you need to communicate with the SEND Tribunal for certain issues. (Click [here](#) or search SEND tribunal forms). Examples include:

- Applying for more time to comply with a tribunal direction.
- Order for the other side to provide more information or documents.
- Adjournment of the hearing.

Before making an application, the parties must contact the other side for their views - if this has not been done the application will be **rejected**. The form does explain this clearly.

LA's response to the appeal

The LA's response to the appeal is the very first deadline which must be complied with. At this stage the LA may well concede (agree to carry out an EHC needs assessment). If this

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is the case it is treated as an 'unopposed appeal' meaning the LA **must** within 2 weeks of notifying the Tribunal they were not opposing the appeal, notify you they are assessing. If they do not make an EHC plan after the EHC needs assessment they must notify you within 10 weeks of the date of they notified the SEND Tribunal they were not opposing the appeal. If the LA agree to issue an EHC plan, it must send the final EHC plan within 14 weeks of the date they notified the Tribunal they were not opposing the appeal.

If the LA do decide to defend the appeal, then they must give their reasons. It will be important to read their reasons carefully and share the information with IAS if we are supporting/advising you. The LA's reasons for defending the appeal are likely to point to any further evidence and/or information you may need for your evidence deadline.

What if the response from the LA is late?

If the LA is late, it is important for you to chase this as soon as possible as there is the potential to request that the LA is barred from taking part in the appeal further. You could use the following example wording to send in an email to the LA:

Example

"We have not received the LA's response to our appeal on the deadline set by SEND Tribunal. We are considering asking the SEND Tribunal to bar the LA from the remainder of the proceedings. Therefore, we request the response within 5 working days. If there is no response or an inadequate response, we will request that the LA is barred from the proceedings"

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Final evidence deadline and any further reasons you want to send

The next deadline is for you to send in any further evidence and/or further information/reasons to support your appeal. You can also use this to respond to any reasons the LA has given in their response for saying an EHC needs assessment is not necessary. Although you can use this opportunity to send any evidence in which you did not have at the start of the appeal – only send it in if it is relevant to the test.

If you have come to use this guide **after** you have sent in your appeal, please look at the types of evidence we recommend you get which is detailed in **section 3** of the guide. There is still time for you to make a start on building further evidence.

Tribunal bundle

This contains all the documents the parties to the appeal (you and the LA) have sent to the SEND Tribunal as part of the appeal. The LA is responsible for preparing the bundle and must send a copy to you and the SEND Tribunal by the deadline. If you do not receive it by the deadline or receive it but there is information missing it will be important to telephone the SEND Tribunal.

Sending evidence once the deadline has passed

Late evidence must be sent to the LA and tribunal at the same time. Reasons must be given for why the evidence is late and that you are making an application for the SEND Tribunal to admit the evidence. There is no guarantee that the evidence will be accepted by the SEND Tribunal hearing your appeal, it is important to make sure you detail your reasons carefully. Seek advice if you are not sure. Once you have emailed this evidence with your explanation, you should telephone the SEND Tribunal shortly before the hearing window to ensure that the late evidence has been sent to the panel hearing your appeal.

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Pre-hearing

The LA may concede (agree to carry out an EHC needs assessment) after the response deadline but prior to the hearing. This **MUST** be done via a consent order, which is signed by both parties and sent to the tribunal by the LA and parent/YP. This is to ensure the deadlines for the assessment procedure are protected. If you are unsure about this process, please seek advice. The form used for withdrawing the appeal is the SEND 8 form which can be found [here](#). The SEND Tribunal will not normally allow an appeal to be withdrawn when there are less than 5 working days before the appeal hearing window.

The decision

What happens if my appeal is successful?

If the LA is ordered to assess they must within 2 weeks of the SEND Tribunal's decision notify you that it shall assess. If the LA does not make an EHC plan **after** the assessment they must notify you within 10 weeks of the date of the SEND Tribunal's decision. If the LA agree to issue an EHC plan, it must send the final EHC plan within 14 weeks of the date of the SEND Tribunal's decision

If the appeal succeeds, IAS will signpost you to resources to ensure next steps i.e. EHC needs assessment timelines and process happens properly. As part of the EHC needs assessment process, parents/YP have the right to request the LA seeks advice and information from any person 'they reasonably request' e.g. CAMHS, even if their child is on a waiting list. If you experience any issues during this process where the assessment is not being done properly see model letter ['what you can do if the assessment is not being done properly'](#)

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What if my appeal is dismissed?

If the appeal is dismissed, then you may wish to come back to the service for advice and information.

Contact details for (IASS) Manchester

Parent Confidential Helpline: **0161 209 8356** (Monday to Friday 8.30 am-4pm)

Answer phone available when lines are closed: 0161 209 8356

Email: parents@manchester.gov.uk

Website: www.iasmanchester.org

Address:

Information, Advice and Support Service (IASS) Manchester
Hulme District Office
323 Stretford Road
Hulme
M15 4UW

If you are looking for advocacy support for the SEND Tribunal there is a short guide to this [here](#).

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