



A Guide to the Special Educational Needs and Disability (SEND) Tribunal

RANi Need to Know Guides | Mediation, Tribunals and Appeals support Advisory sheet 2

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A guide for parents, carers and young persons

What Is the SEND Tribunal?

The **First-tier Tribunal (Special Educational Needs and Disability)**, also known as the **SEND Tribunal**, is an independent legal body that hears and decides appeals against decisions made by local authorities (LAs) concerning children and young people with special educational needs and/or disabilities (SEND). It also hears claims of disability discrimination in schools.

The SEND Tribunal is impartial. It listens to both sides of the disagreement (usually the parent/young person and the local authority) before making a decision based on the law.

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What Can You Appeal to the SEND Tribunal About?

You can appeal to the SEND Tribunal against decisions relating to an **Education, Health and Care (EHC) plan**, including when the local authority:

1. **Refuses to carry out an EHC needs assessment**
2. **Refuses to issue an EHC plan** following assessment
3. **Issues an EHC plan you disagree with** — including its:
 - Description of special educational needs (Section B)
 - Special educational provision (Section F)
 - Named school or other setting (Section I)
4. **Refuses to amend** an EHC plan after an annual review
5. **Decides to cease to maintain** the EHC plan

You can also ask the Tribunal to make **recommendations about health and/or social care** provision if you are already appealing about education (this is called the **Single Route of Redress National Trial**, now part of the extended powers of the Tribunal).

Who Can Appeal?

- **Parents** of a child with SEND (aged under 16)
 - **Young people** (aged 16–25) with SEND who have capacity to make the appeal themselves
 - **A representative** for a young person who lacks mental capacity
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Before You Appeal: Mediation Requirement

Before submitting an appeal (except in **Section I-only placement appeals** or **disability discrimination claims**), you must **consider mediation**.

You do this by contacting a **mediation adviser**, who will explain your rights. If you don't want mediation, they will give you a **Mediation Certificate**, which you must include with your appeal.

How to Appeal

You need to complete the relevant appeal form (usually **SEND35**), which you can find on the GOV.UK Tribunal website.

Your appeal should include:

- Your details and the child or young person's details
- The decision you are appealing
- The reasons for your appeal (what you want changed and why)
- Supporting evidence (reports, letters, assessments, etc.)
- A mediation certificate (unless exempt)

You must submit your appeal within **2 months** of the decision letter from the LA or **1 month** from the date on your mediation certificate — whichever is later.

What Happens After You Submit?

1. **Tribunal acknowledges your appeal** and notifies the local authority
2. The **local authority must respond** within 30 working days
3. A **case management hearing** may be arranged in complex cases

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4. You and the LA exchange documents via a **working document bundle**
 5. You attend a **final hearing** (usually within 12–20 weeks)
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The Hearing

Tribunal hearings are usually held online or in person. The panel includes:

- A **Tribunal Judge** (legal expert)
- One or two **Specialist Members** (with experience in education/SEND)

At the hearing, both you and the local authority can:

- Present evidence
- Ask questions
- Call witnesses (e.g., school staff, health professionals)

The Tribunal will make a decision based on the law and the evidence presented.

After the Tribunal Decision

- A **written decision** is sent to you within **10 working days**.
- If the appeal is successful, the local authority **must comply with the Tribunal's order** (e.g., issue/amend an EHC plan) within a set time (usually **5 weeks**).
- If the Tribunal makes **health or social care recommendations**, the LA/ICB must respond in writing within **5 weeks**, explaining whether they will follow them and why.

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Disability Discrimination Claims

You can also appeal to the SEND Tribunal if you believe a **school or setting has discriminated** against a disabled child or young person under the Equality Act 2010. These claims are usually about:

- Exclusion or being sent home repeatedly
- Lack of reasonable adjustments
- Being treated unfairly compared to non-disabled peers

There is **no requirement for mediation** before making a discrimination claim.

Help and Support

You do not need a solicitor to go to the Tribunal. Many parents and young people represent themselves.

You can get help from:

- **RANi (Raising Awareness on Neurodivergent Individuals)** Impartial advice and support
 - **SENDIASS (Special Educational Needs and Disabilities Information, Advice and Support Services)** – impartial legal guidance
 - **Independent advocates** (especially for young people)
 - **IPSEA, SOS!SEN, or Contact** – charities offering resources and support
 - **Legal aid solicitors or pro bono law clinics** in some cases
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Tips for a Successful Appeal

- Start early and keep track of **deadlines**

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- Be clear and focused in explaining **what you want changed and why**
 - Provide **evidence** to support your points (e.g., expert reports, school letters)
 - Use the **working document** to propose wording changes collaboratively with the LA
 - Prepare for the hearing by writing down your **main arguments** and questions
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Summary Checklist

Step	Action
1. Understand your appeal type	E.g., refusal to assess, contents of EHC plan, placement, etc.
2. Consider mediation	Obtain a certificate if not participating
3. Submit your appeal	Use SEND35 form with supporting documents
4. Engage with process	Read LA response, participate in document exchange
5. Prepare for hearing	Gather evidence, draft key points, consider calling witnesses
6. Attend hearing	Present your case confidently and respectfully
7. Follow up	Ensure LA complies with decision or responds to recommendations

Remember:

Always keep a copy of all correspondence you send, along with proof of postage or delivery. If you send documents by post, we recommend using a **signed-for** service. If sending by email, request a **read receipt** if possible.

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Get in Touch

If you need more information or have a question, we're here to help.

Email us: info@rani.org.uk

Please include:

- Your name
- Your child's name
- Your child's date of birth
- Your query

Or, if you prefer, you can fill out our online **contact form** and we'll get back to you as soon as possible.

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