



The Right to Mediation in Section I-Only Appeals (Placement in an EHC Plan)

RANi Need to Know Guides | Mediation, Tribunals and Appeals support Advisory sheet 5

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A detailed guide for parents, carers and young people

What This Guide Covers

This guide focuses on your **legal rights and options around mediation** when appealing the **educational placement named in Section I** of an Education, Health and Care (EHC) plan. This type of appeal is commonly known as a “**Section I-only appeal**”.

We'll cover:

- What Section I of an EHC plan is
- When and how mediation applies
- Your rights and choices
- What the process looks like

Disclaimer: This resource is intended to provide general information and should not be considered legal advice. While RANi strives to ensure the content is accurate and current at the time of publication, we cannot accept responsibility for any loss, damage, or inconvenience that may result from using or relying on the information provided

- Key legal considerations
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What is Section I of an EHC Plan?

Section I of an EHC plan must name **the school, college or other educational institution** that the child or young person will attend. It may also state that the child or young person is being educated **otherwise than in a setting**, such as through home education.

Parents and young people can appeal to the SEND Tribunal if they disagree with:

- The **type** of placement named (e.g., mainstream vs. specialist)
 - The **specific school or college** named
 - The LA's decision to **name no school at all**
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What is a Section I-Only Appeal?

A **Section I-only appeal** means you are challenging **only** the educational placement in Section I of the EHC plan. You are **not** disputing the description of needs (Section B) or the special educational provision (Section F).

This is often the case when:

- The LA names a mainstream school, but the parent/young person wants a specialist school
 - The LA refuses to name a parental preference
 - The LA says "education otherwise than at school" without justification
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Do I Have to Consider Mediation for a Section I-Only Appeal?

No — mediation is not mandatory for Section I-only appeals.

The law states that:

"You do not need to obtain a mediation certificate before making an appeal to the SEND Tribunal if your appeal is **only about the school or college named in Section I.**"

(Children and Families Act 2014, s.55 and Regulation 33 of the Special Educational Needs and Disability Regulations 2014)

This means you can go **directly to the SEND Tribunal** without contacting a mediation adviser or taking part in mediation.

Can I Still Choose Mediation if I Want To?

Yes — you have the right to request mediation voluntarily even for a Section I-only appeal.

You may wish to try mediation if:

- You think a negotiated agreement may be possible
- You want to avoid a formal Tribunal hearing
- You want to preserve or improve working relationships with the LA or school
- You think the LA may agree to your preference once more information is shared

The local authority **must take part** if you request mediation about placement.

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How Does Voluntary Mediation Work?

1. **Contact the Mediation Adviser**

Even though you're not required to, you may still contact the adviser listed in your EHC plan decision letter or Local Offer.

2. **Explain You Are Appealing Section I**

Tell them you're making a Section I-only appeal and are considering mediation voluntarily.

3. **Agree on a Timeframe**

If both parties agree, mediation must be arranged **within 30 days**.

4. **Attend the Mediation Meeting**

A trained, neutral mediator will help both parties explore options and work toward agreement.

5. **Written Outcome**

If you reach an agreement, this can be documented and may avoid the need to appeal. If not, you still have the right to proceed to Tribunal.

Key Deadlines to Know

Even if you choose mediation, you must still **submit your Tribunal appeal within the time limit**:

- You must lodge an appeal to the SEND Tribunal **within two months** of the LA's decision letter, or **within one month of a mediation certificate** (whichever is later).

If you **do not opt for mediation**, you can submit your appeal **at any time within the two-month window** without delay.

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Example Scenarios

Scenario 1: No School Named

The LA issues a final EHC plan naming "Education Otherwise Than at School" (e.g., home tuition) without discussing alternatives. You can appeal and request your preferred school — and choose to skip mediation.

Scenario 2: Mainstream School Named, But You Want a Special School

The LA names a local mainstream school in Section I. You disagree and want a named specialist setting. You can:

- Appeal directly, or
- Try mediation first to see if the LA will agree to change the named setting

Scenario 3: LA Names a School You Did Not Choose

You named a preference (e.g., a different maintained school or college), but the LA chose another. You want to challenge that choice and have a statutory right to do so through the SEND Tribunal.

Mediation Certificate — Not Required, But Optional

If you opt **not** to try mediation in a Section I-only appeal, you **do not need to get a mediation certificate**. You can go straight to the Tribunal with your appeal form (SEND35).

If you **do** choose to try mediation, the adviser will issue a certificate after:

- You have participated in mediation, or
- You decide to withdraw or it doesn't resolve the issue

This certificate may be helpful to include with your appeal even though it is not legally required.

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Tips for Parents and Young People

- **Know your rights:** You cannot be forced to try mediation for Section I-only appeals.
 - **Understand your goal:** If your focus is purely on placement, you can appeal directly and avoid delays.
 - **Consider mediation if time allows:** It might resolve issues quickly and positively.
 - **Track your deadlines** carefully if you try mediation first.
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Support and Resources

You can get further support from:

- **RANi** – Help with advice, support and impartial information
- **Local Offer** - Help with advice, support and impartial information
- **SEND Tribunal Information:**
<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-education-a-l-needs-and-disability>
- **SENDIASS** – Local impartial information and advice service for parents and young people www.iasmanchester.org
- **IPSEA** – Independent Provider of Special Education Advice:
www.ipsea.org.uk
- **Contact** – A national charity supporting families with disabled children:
www.contact.org.uk

If you'd like help preparing your request or understanding your appeal options, RANi can provide guidance and templates.

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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