



# Guide to Tribunal and Mediation Law in SEND (England)

**RANi Need to Know Guides | SEN and Disability: Statute Law, Regulations, and Guidance Advisory sheet 7**

*Updated: April 2025*

*A detailed guide for Parents, Carers and Young Persons*

---

## Overview

In the SEND system, families and young people have important legal rights if they disagree with decisions made by a **local authority (LA)** about Education, Health and Care (EHC) needs assessments, EHC plans, and placements.

There are two main ways to resolve such disputes:

1. **Mediation** – an informal, voluntary process facilitated by an independent service.
2. **SEND Tribunal** – a formal, legal appeal process to the First-tier Tribunal (Special Educational Needs and Disability).

Both routes are governed by law and exist to ensure children and young people with SEND get the support they are entitled to.

**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 Laws Governing Mediation and Tribunal Appeals

Law or Regulation	Summary of Relevance
<b>Children and Families Act 2014</b>	Part 3 gives parents/young people rights to request mediation and appeal LA decisions
<b>SEND Regulations 2014</b>	Part 4 outlines mediation procedures and timeframes
<b>SEND Code of Practice (2015)</b>	Explains expectations, procedures, and guidance on mediation and appeals
<b>Tribunals, Courts and Enforcement Act 2007</b>	Sets out general powers and rules for Tribunals
<b>Equality Act 2010</b>	Can be used in claims for disability discrimination in schools/colleges

---

## What Decisions Can Be Appealed or Mediated?

Decision by Local Authority	Right to Mediate or Appeal
Refusing to carry out an EHC needs assessment	✓ Mediation or SEND appeal
Refusing to issue an EHC plan after assessment	✓ Mediation or SEND appeal
The contents of a final EHC plan (Sections B, F, I)	✓ Mediation or SEND appeal
Decision to cease to maintain an EHC plan	✓ Mediation or SEND appeal
School or college placement in Section I	✓ Mediation or SEND appeal
Health and social care needs or provision (Sections C, G, H)	Mediation available, Tribunal can only make <b>non-binding</b> recommendations

**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.

For discrimination cases (e.g. school exclusions or lack of reasonable adjustments), the appeal goes to the **SEND Tribunal under the Equality Act 2010**, not through the EHCP route.

---

## Mediation: What the Law Says

### Legal Basis

- **Section 52–54 of the Children and Families Act 2014**
- **Regulations 32–38 of the SEND Regulations 2014**

### Key Legal Points

- Mediation is **voluntary** – you do **not** have to participate, but must obtain a **mediation certificate** before appealing (except in Section I-only appeals).
- The local authority must:
  - Inform parents/young people of their right to mediation
  - Provide details of a **registered mediation adviser**
- The mediation service must be:
  - **Independent** from the local authority
  - **Free** of charge to families
- Mediation must be arranged **within 30 calendar days** of request.
- **Mediation certificate** must be issued:
  - Immediately after mediation
  - Or within **3 working days** of contacting the adviser (if you opt out)

**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.

## When Mediation Is Not Required

You do **not** need a certificate for:

- **Disability discrimination claims**
  - **Section I-only appeals** (placement only)
- 

## The SEND Tribunal: Rights and Process

### What is the First-tier Tribunal (SEND)?

The **SEND Tribunal** is a specialist court that hears appeals about:

- EHC assessments and plans
- Placement decisions
- Ceasing an EHC plan
- Disability discrimination in schools

It operates under the **Health, Education and Social Care Chamber** of the First-tier Tribunal.

### Legal Rights

- **Section 51, Children and Families Act 2014** gives parents/young people the right to appeal
- **Tribunal Rules** under the 2008 Tribunal Procedure Rules govern case timelines and evidence

**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.

## Time Limits

- Appeals must be lodged within **2 months** of the LA decision letter **or 1 month after the mediation certificate**, whichever is later.
  - Tribunal aims to hear most appeals within **12–20 weeks**.
- 

## The Single Route of Redress – Extended Powers

Since 2018, the SEND Tribunal has had **extended powers** under the **National Trial** (now permanent) to make **non-binding recommendations** about:

- Health provision (Section G)
- Social care provision (Sections H1 and H2)

This only applies when the appeal includes education aspects (Sections B, F, or I).

The Tribunal can recommend changes even if health or social care bodies disagree, but the recommendations are **not legally binding**. However, local areas are expected to follow them or explain why not.

---

## Summary of Key Legal Duties

Legal Duty	Applies to	Legal Basis
Offer mediation before appeal	Local Authority	Children and Families Act 2014, s52
Provide independent mediation service	Local Authority	SEND Regs 2014, Part 4
Arrange mediation within 30 days	Mediation Service	SEND Regs 2014, reg. 38
Issue mediation certificate	Mediation Service	SEND Regs 2014, reg. 33

**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.

Tribunal can order changes to Sections B, F, I	SEND Tribunal	Children and Families Act 2014, s51
Tribunal can recommend changes to Sections C, G, H	SEND Tribunal	Extended powers since 2018

---

## Summary Checklist for Parents

- ✓ Understand your appeal rights (Sections B, F, I + others)
  - ✓ Contact a mediation adviser (even if opting out)
  - ✓ Get your mediation certificate
  - ✓ Submit appeal within time limit
  - ✓ Prepare evidence and working documents
  - ✓ Know your child's rights under education and equality law
  - ✓ Attend Tribunal and make your case clearly
  - ✓ Consider support from SENDIASS or legal advice
- 

## 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 Guide** for parents and young people:  
<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>
- **SEND Code of Practice (2015)** – Chapters 11 and 12 cover mediation and appeals:  
<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
- **Independent Mediation Advice and Services:**
  - KIDS SEN Mediation: <https://www.kids.org.uk/mediation>
  - Global Mediation: <https://www.globalmediation.co.uk>
- **SENDIASS** – Local impartial information and advice service for parents and young people [www.iasmanchester.org](http://www.iasmanchester.org)

**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.

- **IPSEA** – Independent Provider of Special Education Advice:  
[www.ipsea.org.uk](http://www.ipsea.org.uk)
- **Contact** – A national charity supporting families with disabled children:  
[www.contact.org.uk](http://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.

---

## Get in Touch

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

**Email us:** [info@rani.org.uk](mailto: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.

**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.