



# What Can I Do If I Disagree With Decisions About SEND (Special Educational Needs or Disability) Support?

## RANi Need to Know Guides | EHCP Advisory sheet 7

*Updated: April 2025*

*A guide for parents, carers, and young people on resolving disagreements about special educational needs (SEN) and Education, Health and Care (EHC) plans.*

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## Overview

If you disagree with decisions made about your child's or your own special educational needs or disability (SEND) support—whether it relates to school provision, EHC assessments or plans, or local authority involvement—there are several legal and practical options available to help resolve the issue.

This guide explains your rights and the steps you can take if:

- Your child is not receiving the right support in school
- You've been refused an EHC needs assessment or EHC plan
- You're unhappy with the contents of an EHC plan
- Your child has been excluded or refused a school place
- You want to challenge decisions by the local authority (LA), school, or health/social care services

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## Common Situations Where Disagreements Arise

You might disagree if:

- A school is not putting appropriate SEN support in place
- You have been refused an EHC needs assessment or plan
- An EHC plan does not accurately reflect your child's needs
- The LA decides to cease the EHC plan
- The named school in Section I of the plan is unsuitable
- Health or social care support is missing from the plan
- There are delays or unlawful processes being followed

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## Step 1: Talk to the Provider First

Start by trying to resolve the issue informally.

Who to speak to:

- The class teacher or SENCO at school
- The Headteacher or SEND Governor
- The Local Authority SEN Case Officer
- Relevant health or social care professionals

Keep a record of all conversations and follow up in writing.

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## Step 2: Make a Formal Complaint

If the issue isn't resolved informally, you can make a formal complaint.

Examples:

- If a school isn't delivering agreed SEN support: use the school's complaints policy
- If a local authority refuses an assessment or delays issuing an EHC plan: complain to the LA
- If a health or social care body fails in its duty: complain through the NHS or social care complaints procedure

**You must receive a written response explaining what will happen next. If unhappy, you can escalate the complaint further (e.g., to the Local Government & Social Care Ombudsman or Parliamentary & Health Service Ombudsman).**

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## Step 3: Disagreement Resolution and Mediation

These are voluntary and independent services designed to help resolve issues without going to Tribunal.

### Disagreement Resolution

- Can be used for any type of SEND-related disagreement
- Involves an independent facilitator
- Usually organised by a provider contracted by the LA

### Mediation

- Must be offered before most SEND appeals to the Tribunal

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- If you don't want to attend, you must still obtain a mediation certificate
- Mediation is free and typically arranged quickly (within 30 days)

**Mediation can cover:**

- Refusal to assess
  - Refusal to issue or amend an EHC plan
  - The contents of the EHC plan
  - Ceasing to maintain a plan
  - Health or social care issues under the "Single Route of Redress"
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## **Step 4: Appeal to the SEND Tribunal**

You have a legal right to appeal to the First-tier Tribunal (Special Educational Needs and Disability) for many decisions relating to education in an EHC plan.

You can appeal if the LA:

- Refuses to carry out an EHC needs assessment
- Refuses to issue an EHC plan after an assessment
- Issues an EHC plan with contents you disagree with (Sections B, F, I)
- Refuses to amend or stops maintaining an EHC plan
- Does not name your preferred school/college
- Fails to meet deadlines or follow lawful procedures

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### **Timeline:**

Appeals must usually be submitted within 2 months of the LA's decision letter, or 1 month from receiving the mediation certificate (whichever is later).

You do not need a solicitor, and appeals are free of charge.

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## **Extended Tribunal Powers: The Single Route of Redress**

You can also ask the Tribunal to make non-binding recommendations about:

- Health provision (Section G)
- Social care provision (Section H)

This is called the Extended Tribunal powers under the National Trial arrangements. You must include an appeal about education (Sections B, F, or I) to use this route.

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## **Step 5: Other Legal Remedies**

### **Local Government & Social Care Ombudsman (LGSCO)**

**Investigates complaints about councils and some education providers if:**

- There is delay or failure to follow legal duties
- The process was unfair or misleading
- SEN provision in EHC plans isn't being delivered

The LGSCO cannot overturn a Tribunal decision, but can recommend apologies, changes, or compensation.

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## Judicial Review

If the LA has acted unlawfully or failed in its public duty, you may be able to challenge this in court. This is a complex legal process and requires specialist legal advice. It is often used in urgent cases (e.g. unlawful exclusion, refusal to provide education).

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## Which Path Is Right for You?

Issue	Best next step
No or poor SEN support at school	Speak to SENCO → School complaint
Refused EHC assessment or plan	LA complaint → Mediation → Tribunal
Disagree with content of EHC plan	Mediation → Tribunal appeal
No school named / wrong placement	Tribunal (Section I appeal)
Missing health/social care support	Tribunal (Single Route of Redress)
LA delay or failure to act lawfully	Complaint → Ombudsman → Judicial Review

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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
- **SENDIASS** – Local impartial information and advice service for parents and young people [www.iasmanchester.org](http://www.iasmanchester.org)
- **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.

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## 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](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.

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