



Right of Appeal to the Special Educational Needs and Disability (SEND) Tribunal Checklist

This checklist explains the steps to take if you have the right to appeal a Local Authority (LA) decision about your child's special educational needs or disability (SEND).

1 You Have Received a Decision Letter from Wandsworth Council

What This Means

You have received a letter from the Local Authority (LA) SEN team - called the Special Needs Assessment Service (SNAS) in Wandsworth council, informing you of a decision you do not agree with.

This letter has been sent to you by your child's EHC Needs Co-ordinator in SNAS. It tells you about a decision the LA has made that you may not agree with.

This could include one of the following:

- Not to carry out an Education, Health and Care (EHC) needs assessment, or
- Not to issue an EHC plan after completing an assessment, or
- To cease to maintain
- Has decided not to make the changes you requested to your child's EHC plan, including:
 - Section B (your child's needs)
 - Section F (the support to meet those needs)
 - Section I (the school named in the plan, including a refusal to name your preferred school)

Parent Action

- ✓ Read the LA's decision letter carefully.
- ✓ Identify what you are appealing:
 - Section B (needs)
 - Section F (provision)
 - Section I (nursery/college school/placement)
 - Or refusal decision (not agreeing to start and EHC Needs Assessment or make changes to an EHC plan)

You have 2 months from the decision date on your decision letter to submit your appeal application form.

2 Contact the Independent Mediation Service (Required Step)

What This Means

Mediation is a free process where an independent mediator helps parents and the LA try to resolve disputes before going to the SEND Tribunal. If an agreement can be reached at mediation, you may not need to go through to make an appeal.

You must get a Mediation Certificate before appealing (unless you are only appealing Section I).

You cannot register an appeal without the mediation certificate.

Parent Action

- ✓ Contact the mediation service within 2 months of the date on the LA decision letter (contact details of the mediation service are provided in the decision letter).
- ✓ Decide whether to:
 - Attend mediation, or
 - Decline mediation
- ✓ Ask for your Mediation Certificate if you decline mediation.

3 Register Your Appeal

What This Means

You formally start your appeal with SEND Tribunal.

Parent Action

- ✓ Complete and submit the correct appeal form (you can ask WIASS for help with this).
 - [SEND 35](#) (for most appeals), or
 - [SEND35A](#) (if the LA refuses to assess for an EHC Needs Assessment) appeal form
- ✓ Next attach the following documents:
 - Your Mediation Certificate (if required)
 - The LA decision letter
 - Your child's EHC plan (if you are appealing the contents of a plan)
 - Any supporting evidence
- ✓ Clearly explain:
 - Why you disagree with the decision, and
 - What you would like to change
 - Include any professional reports or documents that support your appeal (if you have available)

Once submitted the Tribunal will usually respond within 10 working days.

Please note: In busy periods it will take longer. Contact the tribunal if you have not heard within 25 working days.

4 Your Appeal is Registered by the SEND Tribunal

What This Means

The Tribunal accepts your appeal and sets a timetable for your appeal case.

You will receive a registration letter with the following information:

- Appeal number (usually starts with an EH)
- What you are appealing
- Case Directions (instructions from the Tribunal explaining what each party (the LA and you) must do, and by when, to prepare for the tribunal hearing)
- The Tribunal hearing date (for EHC plan appeal or refusal to issue or cease an EHC plan)
- Key dates and timetable for you and the LA to follow for each case direction step
- Appendix:
 - Evidence required in the LA's response to an appeal
 - Case Review Form for you to complete
 - Working document guidance (explains how you and the LA can suggest and track changes to wording on the
- EHC plan (if you are appealing Section b and/ or F) during the appeal)

Please note: The Tribunal will also send your appeal papers to the LA when your appeal is registered asking them to respond

Parent Action

- ✓ Note your appeal number and use on all correspondence.
- ✓ Read Case Directions carefully.
- ✓ Note key dates for evidence submission:
 - Date your appeal was lodged (check your letter from the Tribunal)
 - Deadline for the LAs response
 - Deadline to send in any extra evidence
 - Deadline for the working document
 - Deadline to send in your complete Case Review form
 - Also note down dates and information LA has to send to you (if they do not send information on time you can let the Tribunal know), for example receiving the tribunal bundle

Important rule: Anything you send to the Tribunal must also be sent to the Local Authority at the same time

5 Local Authority (LA) Response

What This Means

The LA sends their formal response to your appeal to the Tribunal and you. This explains whether they agree or disagree with your appeal and why.

What to expect:

The LA must respond within 30 working days of your appeal being registered.

Response should include:

- Whether they oppose (disagree) the appeal
- Their reasons for this
- Summary of facts they rely on
- Your child's views (or explanation why these have not been included)

Parent Action

- ✓ Check their response carefully.
- ✓ Compare it with your appeal and evidence. Make a note of anything you agree or disagree with.
- ✓ If no response from the LA after 8 weeks, let SEND Tribunal know.

6 Evidence Gathering and Submission

What This Means

Both you and the LA send in written evidence to support your case. The Tribunal panel (Judge and Specialist members) will mainly base their decision on this evidence.

Parent Action

If appealing Section B and F:

- ✓ Gather recent professional reports (preferably within last 2–3 years):
 - Educational Psychologist (EP)
 - Speech and Language Therapy (SALT/SLT)
 - Occupational Therapy (OT)
 - Medical professionals (e.g. Paediatrician, CAMHS, etc, where relevant)

If appealing Section I only:

- ✓ Check that Sections B and F clearly support the type of placement you are asking for.
- ✓ Gather evidence to show:
 - Your preferred school can meet needs
 - Current LA named placement cannot meet needs

General actions for all appeals:

- ✓ Submit all (clear and relevant) evidence focused on your child's needs and support required.
- ✓ Avoid sending:
 - Duplicate documents
 - Very old reports (usually over 3 years unless part of EHC plan)
 - Long email chains (unless essential)
 - Emotional arguments alone

Witnesses (if needed):

- ✓ Identify witnesses early, such as:
 - SENCo or Headteacher
 - Educational Psychologist / SALT
 - Representative from preferred school (Section I appeals)

Important to know: Hearings mainly rely on what's in the bundle (See point 8 for an explanation) Late evidence is usually not accepted, unless there is a good reason, waiting for a report.

7 Tribunal Bundle (Hearing Papers)

What This Means

The bundle brings together all the evidence from both sides into one organised pack.

The LA prepares the bundle, not you (parent/s). It is the main document the Tribunal panel will read before your hearing and rely on during the hearing to make their decision about your appeal.

Parent Action

- ✓ Check the bundle when received.
- ✓ Make sure all your evidence that you send to the LA and Tribunal is included e.g the correct version of the EHC plan (if an EHC plan appeal).
- ✓ Tell the LA and Tribunal if something important is missing and/or incorrect.

8 Requests for Changes (If needed)

What This Means

Sometimes you may need to ask the Tribunal to make a change to what you are appealing during the process. You can do this by completing a Request for Changes form, called SEND7 form.

A Tribunal Registrar or Judge will consider your request. They will make a decision and confirm this in writing to you and the LA.

Use this if you need to:

- Ask for documents you can't access
- Change deadlines
- Amend (change or update) what you are appealing
- Submit a request for sending late evidence

Parent Action

- ✓ Complete a [Request for Changes](#) form (SEND 7 form) explaining what you're asking for and why.
- ✓ Send the form to the LA first to get their view on if they agree to your request (whatever their response is, you add to the form, before sending to the Tribunal).
- ✓ Send it to the SEND Tribunal.

9 Case Management Hearing (CMH) (If scheduled)

What This Means

Sometimes the SEND Tribunal may invite you to a Case Review Hearing (CRH).

This is more likely in appeals that involve:

- The contents of an EHC plan
- (and/or) Extended appeals (where the Tribunal is also asked to make recommendations about health (Sections C & G) and/or social care (Sections D H))

A CRH is usually a short hearing (by phone or video) to help move your case forward.

The Tribunal uses the CRH to:

- Check if your appeal is ready for the final hearing
- Help resolve any outstanding issues between you and the LA
- Decide if anything else is needed (for example, more evidence or clarification)
- Estimate how much time will be needed for the full hearing

The CRH will be listed to be held by video after the return of the Case Review form and evidence bundle deadline. It will usually last for up to 1 hour.

Parent Action

- ✓ Attend the CRH if you are invited.
- ✓ Be ready to explain any concerns or outstanding issues.
- ✓ Let the Tribunal know if you need anything to take part (e.g. adjustments or support)
- ✓ Make a note of any directions or deadlines given during the hearing.

10 Telephone Case Management Hearing (TCMH)

What This Means

Sometimes the SEND Tribunal may arrange a Telephone Case Management Hearing (TCMH) if your appeal is more complex or there are issues that need sorting out before the final hearing.

This usually takes place by phone or video call.

Parent Action

- ✓ You can ask the Tribunal to arrange a TCMH if you feel it would help.

11 Working Document (EHC Plan Content Appeals)

What This Means

The working document is a version of your child's EHC plan where both you and the LA can suggest changes.

It shows:

What wording is agreed, and what wording is still in disagreement about. This helps the Tribunal clearly see what still needs to be decided.

Parent Action

- ✓ Check the working document carefully.
- ✓ Add your proposed changes using the parent key.
- ✓ Clearly state where your proposed amendments, additions and deletions using the parent key set out in the Tribunal guidance.
- ✓ Make sure you send your updated version by the deadline in your Tribunal timetable.
- ✓ Keep updating the document if changes are agreed before the hearing.

12 Before the Hearing Preparation

What This Means

This is your time to check everything carefully and make sure you feel prepared and ready.

Parent Action

- ✓ Read your hearing notification letter carefully (this includes the date, time, and how to join)
- ✓ Make sure you have received the appeal bundle (all the documents for the hearing)
- ✓ Check the hearing format (video or in person) and request face-to-face or hybrid early if needed.
- ✓ Make sure any of your witnesses know the hearing date, have the joining details, and have seen the bundle.
- ✓ Prepare a quiet space where you can focus and won't be interrupted.
- ✓ Have your Tribunal bundle in front of you during the hearing.
- ✓ Mark key pages with 'post it notes' so you can quickly find important evidence.
- ✓ Prepare clear notes about:
 - Your child's needs
 - The support (provision) they require
 - Why you disagree with the LA's position
- ✓ Be clear about the main issues you are still in disagreement with and be ready to explain them using your evidence.

13 At the Final Hearing

What This Means

This is your opportunity to explain your case to the SEND Tribunal panel (Judge and Specialist/s member/s). Hearings are usually held by video, but can sometimes be face-to-face, if you request it and is agreed.

The Tribunal panel will have read all the documents (the bundle) in advance. During the hearing, they will ask questions to help them understand your child's needs and the issues in disagreement.

The judge will explain what will be discussed first and order of the day.

You will be able to:

- Explain your views
- Answer questions from the panel
- Add anything you feel is important
- The LA, witnesses will be asked question

Parent Action

- ✓ Focus on your child's needs and outcomes.
- ✓ Refer to the evidence already in the bundle (using page numbers where possible). Keep the bundle in front of you.
- ✓ Make sure you are in a room where you will not be disturbed and keep your joining device (laptop/tablet/phone charged)
- ✓ Keep your points clear, practical, and specific.
- ✓ Take your time - you will be given the chance to speak, respond and ask anyone who is at the hearing to repeat anything.

[CLICK HERE FOR SEND TRIBUNAL HEARINGS VIDEO](#)

14 Decision Issued

What This Means

After the hearing, the SEND Tribunal will send you a written decision called an Order. This sets out what the Tribunal has decided and what the LA must do next.

The decision is usually sent within 10 working days of the hearing.

The decision order will clearly explain:

- If LA must start an EHC Needs Assessment, or
- What changes must be made (for example, to the EHC plan)
- Keep the EHC plan going
- How long the LA has to do this

Parent Action

- ✓ Read the decision carefully so you understand what has been ordered.
- ✓ Check exactly what must change in the EHC plan (if relevant)
- ✓ Note the deadline the LA must meet.

15 Implementation and Follow Up

What This Means

The LA must carry out the Tribunal's decision within the timescales set out in the Order (for example, issuing an amended EHC plan or starting an EHC Needs Assessment).

Parent Action

- ✓ Keep track of the LA's progress.
- ✓ Check that changes are made correctly and on time.
- ✓ Contact the LA if deadlines are missed.
- ✓ Keep copies of all emails, letters and updated plans.

For further information please look at IPSEA website, in the sections about [refusal to assess appeals](#), [appeals about the contents of an EHC plan](#) and [appeals about the school or other setting named in an EHC plan](#).