

LEWISHAM PARENT PARTNERSHIP SERVICE

Her Majesty's Courts & Tribunals Service Special Educational Needs & Disability (SEND)

Her Majesty's Courts & Tribunals Service is an independent body which considers appeals against the decisions of Local Authorities (LA) about a child's special educational needs, when parents/carers cannot agree with the LA. There is a two month time limit for making an appeal, which starts when the LA gives parents their final written decision. Parents and LA should try to resolve disagreements and carry on doing so even after an appeal has been registered with the tribunal.

Parents can appeal to the tribunal if the LA:

- Will not carry out a formal statutory assessment of their child's special educational needs.
- Refuses to issue a statement of special educational needs.

If the LA has made a statement or changed a previous one then parents can appeal against:

- Part 2 – the description of the child's needs and the provision which has been made for those needs in part 3.
- Part 4 – the name of the school or educational setting.
- The fact that a school hasn't been named in part 4.

Parents can also appeal against:

- Refusal to change the name of the school in part 4 – if the statement is at least a year old and the request is for an LA maintained school.
- Refusal to reassess the child's special educational needs if the LA has not made a new assessment for at least 6 months.
- A decision to cease the child's statement.
- If a decision has been made, not to change the statement after the child has been reassessed.
- Refusal to amend the statement following Annual Review.

Parents can also make an appeal if they feel their child has been discriminated against because of their disability relating to admissions, exclusions or education and services linked to education (a claim must be made within 6 months of the event happening).

A hearing does not normally take more than half a day. You should expect to receive a decision about your appeal within 10 working days from the hearing date.

Further information

Her Majesty's Court & Tribunal Service:

Tel: 01325 392760

Email: Sendinquiries@hmcts.gsi.gov.uk

Website: www.justice.gov.uk You can download a copy of How to Appeal an SEN Decision: A Guide for Parents, which describes the process step-by-step.

Independent Panel for Special Education Advice – www.ipsea.org.uk

Tribunal Helpline: 0845 602 9579

Advisory Centre for Education (ACE): www.ace-ed.org.uk

Advice line: 0808 800 0327.

Parent Partnership Service: Independent information, advice and support for parents of children with Special Educational Needs. Contact details below