

Application for appeal – Refusal to secure an EHC Needs Assessment

Child of or under statutory school age

You should use this form to appeal against a decision made your Local Authority (LA) not to secure an EHC needs assessment of my child. For Young Persons over statutory school age please complete form **SEND24C**.

From 1 August 2016 all Refusal to make an EHC Needs Assessment or to issue an EHC Plan will be automatically heard on the papers meaning that there will be no oral hearing. However if you wish to have the appeal heard orally you will need to tell us this.

About this form

This form helps you provide all the information the tribunal requires to register your appeal. It will also ensure that your appeal contains all the necessary details which the law requires.

How to fill in this form

Please use BLOCK CAPITALS unless the forms tell you not to, or complete the form using a computer to send into the tribunal.

What to include with this form

You must include a copy of the LA's decision letter giving you a right to appeal to the tribunal. You must also send in a mediation certificate.

Contact Details

The tribunal's preferred method of communication is by email, phone or text. Therefore, it is crucial that you let the tribunal know of any change of email or phone number.

Section 1: Your child's details

The child's surname

The child's first name(s)

Gender

 Boy Girl

Date of birth

/ /

Section 2: Your contact details

Parent One

Mr Mrs Miss Ms

Other _____

Surname

First name(s)

Relationship to the child (eg. parent, guardian, foster parent or person who has care of the child)

Home address

Postcode

Daytime phone number

Mobile phone number

Email address

If any other person or organisation shares parental responsibility for the child please give the name and address of each person or organisation and confirm that you have notified them of the appeal:

If you believe they should not receive details of the appeal, please explain why

Parent Two

Mr Mrs Miss Ms

Other _____

Surname

First name(s)

Relationship to the child (eg. parent, guardian, foster parent or person who has care of the child)

Email address

Home address

Postcode

Daytime phone number

Mobile phone number

Your representative

Is your representative legally qualified? Yes No

Mr Mrs Miss Ms

Other _____

Surname

First name(s)

Profession and organisation

Email address

Address

Postcode

Daytime phone number

Mobile phone number

Who should receive information about the appeal?

We can only send papers and documents to one of the people named on this form. If you do not say otherwise, we will send them to your representative. If you do not have a representative we will send them to the first named parent.

Parent One Parent Two Representative

Section 3: Reasons for appeal

I disagree with the Local Authority's (LA's) decision because:

My child has or may have the following special educational needs:

They may need an EHC Plan because:

Section 4: Your appeal

Which Local Authority made the decision against which you are appealing?

On what date did the Local Authority send you the letter giving their decision?

/ /

Section 5: Determining your appeal

The tribunal will fast track these appeal types to ensure a decision is made quicker. From 1 August 2016 all Refusal to make an EHC Needs Assessment or to issue an EHC Plan will be automatically heard on papers meaning that there will be no oral hearing. However, if you wish to have the appeal heard orally you will need to tell us.

I do not agree to a paper hearing and wish to attend an oral hearing.
Please explain the reasons below for a Judge to consider.

I consent to the local authority obtaining the child's views on the issues in the appeal to submit to the Tribunal with their response

 Yes No

Section 6: Existing claims/appeals

Existing claims/appeals

Is there another current appeal in relation to this child or a sibling, that is being dealt with at the moment?

 Yes No

If Yes, please give the appeal number

Do you have an existing Disability Discrimination Claim for this child?

 Yes No

If Yes, please give the

date of claim

/ /

claim number

If possible, would you like these appeals to be heard at the same time?

 Yes No

Section 7: Checklist

I confirm that the following documentation is enclosed with this appeal form:

- A signed and dated letter from the Local Authority giving you the right of appeal to HM Courts & Tribunals Service (**Local Authority decision letter**)
- A copy of the **signed mediation certificate** or I confirm that my appeal is about the school/institution or type of school/institution only and no certificate is necessary
- Your reasons for making the appeal (**see section 2 of the appeal form**)
- The appeal form has been **signed and dated** by parents/parental representative making the appeal

Section 8: Please sign below

1st Parent signature

If you are sending your appeal via email please type your name in the signature box.

2nd Parent signature

Representative signature

(a qualified lawyer can sign on your behalf with your permission)

Who are you representing?

- 1st Parent
- 2nd Parent

Date / /

Section 9: Sending us your appeal

When you have completed the appeal form and signed it, please send it and all other relevant documents to

Email: **send@hmcts.gsi.gov.uk**

HM Courts & Tribunals Service
Special Educational Needs and Disability Tribunal
1st Floor, Darlington Magistrates Court
Parkgate
Darlington DL1 1RU

Fax: 0870 739 4017

If you need to contact us by telephone our number is: 01325 289350

Please keep a copy of the appeal form.

You must send your appeal to the Tribunal no later than **2 months** from the date of the Local Authority's decision letter or within one month of date of the mediation certificate if later. If the appeal is submitted to the Tribunal more than 2 months after the date of the Local Authority's letter or one month after the date of the mediation certificate, you must set out in writing the reasons for the delay and why you think the appeal would succeed if time for making the appeal is extended and if you do not do so, the papers will be returned to you without being registered or seen by a Tribunal Judge.



It is important to us that everyone who has contact with HM Courts & Tribunals Service, receives equal treatment. We need to find out whether our policies are effective and to take steps to ensure the impact of future policies can be fully assessed to try to avoid any adverse impacts on any particular groups of people.

That is why we are asking you to complete the following questionnaire, which will be used to provide us with the relevant statistical information. **Your answers will be treated in strict confidence.**

Thank you in advance for your co-operation.

What is your ethnic group?

White

- (a) English/Welsh/Scottish/Northern Irish/British
- (b) Irish
- (c) Gypsy or Irish Traveller
- (d) Any other White background

Mixed / multiple ethnic groups

- (e) White and Black Caribbean
- (f) White and Black African
- (g) White and Asian
- (h) Any other Mixed / multiple ethnic background

Asian/Asian British

- (i) Indian
- (j) Pakistani
- (k) Bangladeshi
- (l) Chinese
- (m) Any other Asian background

Black / African / Caribbean / Black British

- (n) African
- (o) Caribbean
- (p) Any other Black / African / Caribbean background

Other ethnic group

- (q) Arab
- (r) Any other ethnic group
- (s) Prefer not to say