



Partnership with Parents
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INFORMATION SHEET: 13

HOW DO I LODGE AN APPEAL WITH THE SPECIAL EDUCATIONAL NEEDS & DISABILITY (SENDIST) ABOUT A DECISION MADE BY THE LA?

You can only lodge an Appeal with SENDIST if the Local Authority (LA) has informed you of your right to do so. This will usually be contained in a letter telling you of decisions made about your son or daughter's Statement of special educational needs (SEN), or a refusal to carry out an amendment of your child. If you do not agree with the decision you can Appeal. The date of the letter from the LA is important as you only have two months from that date to complete the process of registering the Appeal. If there are exceptional circumstances why you cannot meet the deadline you should contact SENDIST as a matter of urgency.

The first step you need to take is to contact SENDIST on 01325 392760 to let them know that you wish to Appeal. They will send you a copy of their appeal form, which, you will need to complete in order to register the Appeal. You will also have to send relevant documents with the form to SENDIST. All forms and guidance notes are available to download from www.sendist.gov.uk

- It is important to note that you must get the form and supporting papers to SENDIST by no later than two months from the date of the LA's letter (e.g. LA letter dated 5th March, papers must be with SENDIST by 5th May).
- If you miss the date you will only be given an extension in exceptional circumstances and it is only the Tribunal Judge who decides if your reasons are exceptional enough.
- Simply missing the date, being on holiday, or not realising the importance of the letter from the LA are usually not considered to be exceptional reasons.

Once you have sent in your appeal form, SENDIST will register the Appeal within 10 working days. SENDIST will send copies of your paperwork to the LA. You will also be given an appeal number and a date for the hearing. Further information about the appeals process and what happens next can be found on the SENDIST website. A DVD and supporting information are also available on request by calling SENDIST direct on (0132 392760).

Although the Tribunal is intended to be as parent-friendly as possible, you may well be feeling anxious about going ahead with, what is after all, a legal challenge to the LA's decision. Partnership with Parents and a number of other organisations, which are listed at the end of this sheet, can provide free of charge different types of information, advice and support (including representation, through the process dependent on your circumstances, through the process). Appeals to SENDIST do not require you to instruct a solicitor, however you have the right to do so.

You may also wish to gather additional evidence about your child's needs for the Tribunal hearing - these could include up to date medical, therapy or educational assessments. Please note that there are strict deadlines for submitting evidence and late written evidence is usually not accepted. However, with the Tribunal Judge's permission, you may be able to talk about reports at the hearing, but the LA can object to this. If you wish to rely on evidence outside the deadlines, you will have to apply to SENDIST using a Request Form.

If I appeal, can I still talk to the LA?

You can and should keep talking to the LA right up to the day of the Tribunal Hearing. Your child's needs may well change during the time it will take or you may find that the arrangements put in place through the Statement are working well. It is important to keep the LA informed of this and of any new evidence you may have obtained. Your Appeal can be withdrawn right up to and including the day of the hearing and there is no penalty for withdrawal. If you wish to withdraw the appeal less than 10 days before the hearing date, you will need to complete a SENDIST Request Form.

Please note that you may sometimes see SENDIST referred to as SEND

What is Mediation?

When your Appeal has been registered, you may receive details of mediation services. Mediation is a process, which usually involves a meeting with the LA facilitated by an independent third party who is a trained mediator. It is intended to see if there is scope for agreement on any, or all of the matters you wish the Tribunal to make a decision about.

Mediation is always entered into voluntarily. In other words you can choose to ask for mediation or decide not to take part, and this does not remove your right to carry on with the Appeal to SEND.

Useful Contacts:

ACE - Advisory Centre for Education 1c Aberdeen Studios 22 Highbury Grove London, N5 2DQ Tel: 0808 800 5793 (2-5pm) Produce a useful "Tribunal Toolkit" ISBN: 870672 30 5 - Cost £12.95 www.ace-ed.org.uk	IPSEA (Tribunal Support Service) 6 Carlow Mews Woodbridge Suffolk, IP12 1EA Tel: 0845 602 9579 Have means tested representation service for Tribunals www.ipsea.org.uk
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<p>National Autistic Society Tribunal Support Service 393 City Road London, EC1V 1NG Tel: 0845 070 4002 Website: www.autism.org.uk</p>	<p>Children's Legal Centre The Children's Legal Centre University of Essex, Wivenhoe Park Colchester, Essex, CO4 3SQ Advice Line: 0845 456 6811 Website: www.childrenslegalcentre.com</p>
<p>SENDIST (SEND) SEN Helpline: 01325 392760 Email: sendistqueries@tribunals.gsi.gov.uk Website: www.sendist.gov.uk</p>	<p>Global Mediation Ltd. Tel: 0800 064 4488 Elwood House 42 Lyton Road, Barnet EN5 5BY Email: sen@globalmediation.co.uk</p>

