

## **SECTION 7 – EHC Needs Assessments and Plans**

### Appeals and Tribunals (Version 1.1 September 2016)

**Appeals types:**

- A) Refusal to assess - this is an appeal against the LA’s decision not carry out an EHC Needs Assessment
- B) Appeal against a final EHCP – this is an appeal against the content of the EHCP.

Officers of the Statutory Assessment and Monitoring (SAM) Service will be responsible for the majority of type B appeals except where parents are employing legal support or where a case is very complex. Legal services will support the SAMS in these situations. The decision to use legal services will be made by the SAMS Manager.

SAMS are responsible for handling appeals made by parents, carers or young people to SENDIST. All SAMS Officers have a responsibility when a tribunal is logged. Tribunals will be held by the Deputy Head of the SAMS overseen by the manager of the service and the Head of Inclusion Services.

There are names Business Support Officers in SAMS who have responsibility for all administration linked to tribunals.

#### **Process for preparation of a case for SEN Tribunal**

Mediation: Prior to registering an appeal with the Tribunal parents/young people must contact a mediation adviser.

Local authority notifies parent/carer/young person of decision re EHC needs assessment. Information provided about mediation and rights of appeal. Peterborough use KIDS as mediators.	Parent/carer/young person has 2 months to decide whether they want to go to mediation. If they are considering an appeal – they HAVE to contact mediation officer
	A) Decision made to proceed with mediation. Mediation adviser contacts local authority B) Decision made not to proceed with mediation. Mediation adviser provides a certificate within 3 working days confirming information has been provided and that the parents/young person do not want to go ahead with mediation.
Local authority arranges mediation session within 30 calendar days of notification that parent/young person wishes to proceed with mediation	Mediation complete – mediation adviser provides a certificate to confirm conclusion of mediation within 3 working days



## SECTION 7 – EHC Needs Assessments and Plans

### Tribunals (Version 1.1 September 2016)

Appeal: Local authority receives appeal to the Tribunal

	WEEK AND DATE	KEY TASKS FOR STATUTORY ASSESSMENT AND REVIEW TEAM	KEY TASKS FOR LEGAL SERVICES	KEY DATES OF APPEAL	DATE COMPLETED
Ongoing communication and discussion with the parents/carers/young person	1	Receive appeal – log date received and date stamp (SF) File set up Copy to Katy B and SEN officer Key appeal dates logged			(received)
		SF sends a copy of the appeal to Legal Services(Amy B) and inform legal who key contact is for SEN (email contact)	Legal to open a file and confirm key contact in Legal to SEN (email contact)		
		SF sends proposed dates for planning meeting with Legal(allow 2 hours)	Convene a case planning meeting with SEN officer (allow 2 hours) Attendees to include SEN officer; legal rep plus school or other professional as appropriate		
	2-6	SEN officer gathers school records, the EHCP with appendices and any other relevant records held by the LA and send to Legal Services,			
		Attend case planning meeting(1): <ul style="list-style-type: none"> <li>Consider strengths and weaknesses of case</li> <li>Identify any areas for clarification</li> <li>Identify any additional information needed including any additional assessment and costs of desired placement if relevant</li> <li>Consider who to approach as witnesses</li> <li>Diarise dates for future meetings</li> <li>Agree deadlines for response</li> <li>Agree date to meet with school</li> </ul>	Attend case planning meeting (1): <ul style="list-style-type: none"> <li>Consider strengths and weaknesses of case</li> <li>Identify any areas for clarification</li> <li>Identify any additional information needed including any additional assessment and costs of desired placement if relevant</li> <li>Consider who to approach as witnesses</li> <li>Diarise dates for future meetings</li> <li>Agree deadlines for response</li> <li>Agree date to meet with school</li> </ul>		



## SECTION 7 – EHC Needs Assessments and Plans

### Tribunals (Version 1.1 September 2016)

	WEEK AND DATE	KEY TASKS FOR STATUTORY ASSESSMENT AND REVIEW TEAM	KEY TASKS FOR LEGAL SERVICES	KEY DATES OF APPEAL	DATE COMPLETED
Ongoing communication and discussion with the parents/carers/young person	2-6		Draft LA response and seek approval from Statutory Assessment and Monitoring Service.		
		SEN officer to provide approval of the LA response	Legal to seek parental permissions for any additional assessments		
		Meeting (2) (1hr) Confirm issues and identify what is resolvable/disputed	Meeting (2) (1hr) Confirm issues and identify what is resolvable/disputed		
		Request any additional assessments/information needed	Support drafting of witness statements as required – use template		
			Serve LA response, LA Attendance form, Working Document and Appendices on Tribunal and parents (or their legal reps) within 6 weeks from receiving the appeal		
		Confirm date for receipt of professional assessments/information and arrange dates and let Legal Services know(if relevant)			
	6-8		Complete case progression checklist and send to Tribunal and parents (or their legal reps)		
		Continue to monitor the progress of expert reports. Provide timely instructions to Legal Services when asked to do so.	Continue to review the case and keep in contact with parents to see if issues can be narrowed		



## SECTION 7 – EHC Needs Assessments and Plans

### Tribunals (Version 1.1 September 2016)

WEEK AND DATE	KEY TASKS FOR STATUTORY ASSESSMENT AND REVIEW TEAM	KEY TASKS FOR LEGAL SERVICES	KEY DATES OF APPEAL	DATE COMPLETED	
Ongoing communication and discussion with the parents/carers/young person	6-8	Visit/meet with the school to get witness statement	Visit/meet the school with SEN officer Receive draft copies of any professional reports to ensure that they comply with Tribunal rules of evidence.		
	10	Attend a case management meeting (3) to discuss final evidence	Attend case management meeting (3) to discuss evidence		
			Prepare final evidence <ul style="list-style-type: none"> <li>• Case chronology</li> <li>• Witness statement from school/relevant school records/Ofsted/Prospectus</li> <li>• Costs information</li> <li>• Updated professional advice</li> <li>• Relevant correspondence</li> </ul> Relevant professional records		
			Send final evidence to Tribunal and parents (or their legal reps)		
	13	Attend a pre-tribunal meeting (4) with the witnesses and Legal Services to discuss the hearing and issues arising from the parental information	Attend a pre-tribunal meeting (4) with the witnesses and the SEN officer to discuss the hearing and issues arising from the parental information		
	17		Send 4 bundles to the Tribunal and a copy to the parents (or their legal reps)		
	18		Submit the Working Document and outline clearly reasons for any dispute and evidence relied upon		
	20		Attend Tribunal hearing		
	20-23	Attend a post tribunal meeting (1 hr) with SEN officer to discuss the outcome of the hearing and debriefing to consider learning points	Attend a post tribunal meeting (1 hr) with SEN officer to discuss the outcome of the hearing and debriefing to consider learning points		

