

SPECIAL EDUCATIONAL NEEDS AND DISABILITIES TRIBUNAL

Aim of the briefing:-

- To inform you of the Tribunal process and the 2 year national trial
- Who can help you if you are concerned about support in school for your child

Appeals to the SEND Tribunal

A parent can make an appeal to the SEND Tribunal about:-

- ❖ A decision by the local authority not to carry out an Educational Health and Care Plan (EHC plan) assessment
- ❖ A decision by the local authority not to carry out a re-assessment for a child with an EHC plan
- ❖ A decision by the local authority not to amend an EHC plan following a review or re-assessment

Appeals to the SEND Tribunal

- ❖ A decision by the local authority to cease to maintain an EHC plan
- ❖ The description of the child's special educational needs in an EHC plan
- ❖ The special educational provision stated in the EHC plan
- ❖ The school named in the EHC plan

Changes to the power of the SEND Tribunal

- ❖ Trial will run from 3 April 2018 until April 2020
- ❖ Parents WILL be able to make an appeal to the SEND Tribunal in relation to health and social care where it relates to an educational appeal
- ❖ One exception – refusal to assess – responsibility of local authority statutory assessment service

Purpose of the Trial

- ❖ Bring appeal rights in line with wider remit of EHC Plans – Health and Social care provision
- ❖ Improve joint working between Local Authority services – education, adult and children’s social care
- ❖ Improve joint working between the Local Authority, the Clinical Commissioning Groups and Health Providers
- ❖ BRING ABOUT POSITIVE BENEFITS TO FAMILIES

What will change

- ❖ The Tribunal will have powers to make non-binding recommendations about health and social care aspects of an EHC plan
- ❖ The Tribunal will send its decision/recommendations to the Local Authority and the parent who made the appeal 10 days after the hearing about education or social care issues
- ❖ The Tribunal must also send a copy of any recommendations to the Clinical Commissioning Group (CCG) if it includes any recommendations on health issues

What will change

- ❖ The local authority must put in place decisions made about education
- ❖ The local authority/CCG must give detailed reasons to parents within **5 WEEKS** if they decide not to adopt the Tribunal's recommendations
- ❖ Recommendations are expected to follow them. If not the local authority (social care) or CCG (health) must have a good reason for refusal
- ❖ If recommendations not implemented, families can complain to the Ombudsmen or seek to have a Judicial Review

National Evaluation

- ❖ Information will be gathered nationally to see if the trial improves outcomes for families
- ❖ Ofsted and CQC will be looking at the national trial as part of local area SEND inspections

Who can help you

- ❖ Speak to the class teacher or SENCO
- ❖ Contact BwD PIP – Parent Carer Forum on 07923252483 by email at bwdpip1@gmail.com
- ❖ Contact the Statutory Assessment Team based at Duke Street – statutory.assessment@blackburn.gov.uk 01254 666738 or 666739
- ❖ Contact Jane Partington – SEND Information, Advice and Support Service on 01254 503049 by email at jane.partington@communitycvs.org.uk

Other Resources

- ❖ IPSEA – Website contains resources about the Tribunal process and how to appeal
- ❖ Citizen's Advice Bureau
- ❖ Tribunal contact details 01325 289350 and email SENDISTQUERIES @hmcts.gsi.gov.uk
- ❖ YouTube – Ministry of Justice UK videos