

Appeal Process - Case Review Forms

The Tribunal has introduced a new “Case Review Form” to assist with case management.

The Tribunal will tell you if you need to use this and send it to you to complete by a set date.

If you are not sure if you need to use the form, check the letter and any Directions (Orders) you have received from the Tribunal.

If you are told to use the form but don't receive one, contact the tribunal to request it.

Its purpose is to help the Tribunal manage cases as efficiently as possible, by getting an update on the case and to see if there has been any progress on agreeing issues that were in dispute ahead of the hearing.

When you are told to complete this form, you will also use it to update the Tribunal and LA about who is attending the hearing (instead of an Attendance Form).

The Case Review Form is a WORD document, and you can type into the boxes.

The Form **must** be completed before the Bundle is due. The date for this is in your Registration letter.



The screenshot shows the top portion of a document titled "First-tier Tribunal Special Educational Needs and Disability SEND45". On the left, the text "Case review" is displayed. On the right, there are two input fields: "Child or Young Person's name" with a large rectangular box below it, and "Appeal number" with a smaller rectangular box below it.

- Put your child's full name.
- The Appeal Number is the Hearing number. It should be on all emails you send to the LA and SENDIST or receive from them. You will also find it on your Registration Letter.

Progress of the appeal

1. Issues often change during the lifetime of the appeal, as parties discuss and reach agreement on some points. If you have already reached agreement on some issues, what decisions are left for the Tribunal to make in your appeal? (leave out everything already agreed).
- Refusal to secure an EHC Needs Assessment
 - Refusal to secure a Re-Assessment of EHC Needs
 - Refuse to Issue a EHC Plan
 - Contents of EHC Plan Section B – special educational needs
 - Contents of EHC Plan Section F – special educational provision
 - Contents of EHC Plan Section I – educational placement
 - Contents of EHC Plan - Sections C and D – Health
 - Contents of an EHC Plan Sections D and H – Social Care
 - Cease to maintain the EHC Plan

Question 1. This is where you tick the boxes for what is left to still decide. There can be more than one box ticked.

2. In cases considering the contents of an EHC plan, is there a working document which sets out the changes proposed to the EHC plan and any agreement reached?

Yes. The latest version is

and dated (please include it with the form)

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

No

Question 2. This question is only completed if you are appealing the contents of the EHCP. Yes and include the date of the latest version of the Working Document or No

3. Please list the headline issues outstanding between the parties which are to be decided by the tribunal?

Note 3: For example – description of speech and language needs & specification of speech and language provision; specification of hours of 1:1 support required.

1.

2.

3.

4.

Question 3. This is where you list all the key issues that are still outstanding between yourself and the LA. There are examples in Note 3. It could be that the LA are still to name a School.

Educational placement

In cases where the tribunal must decide the Educational Placement to be named in Section I.

4. Is the child/young person currently attending school or college

Yes

No. Give details of when they last attended school or college and any educational provision they are receiving now

Question 4. Simply if your child is or isn't at school now. If they aren't give the reasons why not, when they last attended and any provision they maybe getting, e.g. 1 hour of A2E a week.

5. What is the name and address of the school or post 16 institution requested by parents or young person?

Name of school or post 16 institution

Building and street

Second line of address

Town or city

County (optional)

Postcode

Question 5. Then give the name of the School you wish the LA to name. If you have two Schools you will need to make a note of this by right clicking, go to 'edit text' and typing the other School's name and address in the box.

If the type of School you wish to have named is an Independent School you **must** have a written offer of a place and this must be sent off along with this Case Review Form. The offer must be dated after the Hearing date. (See Note 6 on the next question).

6. What is the name and address of the school or post 16 institution proposed by the LA?

Name

Building and street

Second line of address

Town or city

County (optional)

Postcode

Note 6: If a parent/ young person is requesting an independent school or college not approved under s.41 of the Children and Families Act 2014, the tribunal must have evidence of an offer of a place for the child/young person or the placement cannot be named.

Question 6. This is where you put the School that the LA wish to name. If they don't have a School state this in the top box.

Readiness for hearing

7. Do you consider the appeal ready to be decided by the tribunal at a final hearing?

Yes. **Go to question 10.**

No. Please explain why not and when it is likely to be ready for a hearing?

Question 7. Do you think the Hearing is ready to be heard by a Judge?

Yes - got to question 9 (we know it says 10 but you go to 9!).

No – explain why you feel it is not ready.

Appeal not ready

8. Do the parties want a new timetable?

Yes. The parties have agreed to a new timetable set by the tribunal as shown below

No.

Final evidence

Day

Month

Year

Update Case Review Form Deadline

Day

Month

Year

Supplementary bundle deadline

Day

Month

Year

Final working document deadline (if applicable)

Day

Month

Year

Final hearing date

Day

Month

Year

Question 8. If you have contacted the LA before completing this Form to agree that the Hearing is not ready and agreed to future dates for all the Key Dates then you would complete YES and give the agreed dates otherwise it is NO.

Appeal is ready

9. Do you have a representative acting for you?

Yes. Give details below.

No. Go to question 11.

Please give the name and status of any representative you will have at the hearing.

Representative's name

Status or occupation

LA officer

volunteer representative

paid representative

solicitor

counsel

other – please give details

Question 9. Complete this if you have a representative for the Hearing.

10. If you are a parent or young person, will a parental supporter or advocate be attending the hearing.

Yes. Give details below.

No

Name

Status or occupation

parental supporter

parent's advocate

young person's advocate

Note 10: that this is different person from a representative. They will support the parent or young person at the hearing but **not represent them in the appeal** or help them express their views.

Question 10. If you have a Supporter or an advocate then you would tick these boxes and give their full name.

11. What are the names and occupations of your witnesses?

Note 11: You must list the witnesses you will rely on in court here.

Witness 1 – Name

Occupation

Witnesses that are not listed are unlikely be allowed to attend the hearing unless there are good reasons.

Witness 2 – Name

Occupation

Witness 3 – Name

Occupation

Question 11. As this Case Review Form is now used instead of an Attendance Form you would put the names of your witnesses here. Remember you must email them prior to completing this form to let them know you are calling them.

12. Have all your witnesses provided a witness statement or report of their evidence?

Note 12: All witnesses attending a hearing must have provided a written report or witness statement as written evidence in the appeal.

Yes

No. Please explain why not.

Any oral evidence given by a witness at a hearing will be in addition to their written evidence.

Question 12. This is where you confirm that your witnesses have provided a witness statement or a report which will be in the Bundle. See the Note 12.

Please note that “TBC” is not acceptable, and the form will be returned and deemed that the response is non-compliant and those witnesses once identified, are unlikely be allowed to attend the hearing unless there are good reasons

Special requirements

13. Please let us know of any special requirements you or your witnesses may have.

Note 13:

Special requirements can include:

- documents in alternative formats, colours and fonts
- help with communicating, sight, hearing, speaking and interpretation
- having a person or assistance animal for support at a hearing
- something else to feel comfortable at a hearing
- access and mobility support if a hearing takes place in person

Question 13. Is about your requirements. Do you need a translator for example. Will you need a signer? You can highlight a learning or medical need that you may have too.

Type of hearing

14. Do you consent to the appeal being decided by a tribunal on the documents without taking part in an oral hearing?

- Yes
- No

Question 14. If you agree to the Hearing being heard on papers only then tick this box. It means that you won't have a face to face / virtual Hearing and the evidence will be looked at on the papers.

15. Do you want to tell the tribunal anything else about the hearing?

16. Signature

Print name

Send your completed form to tribunal by the **Bundle Deadline**. You can find this date in the case directions document.

Question 15. If there is anything else you want to say to SENIDST you would write it in this box.

Question 16. Lastly you sign the form by typing your name twice!