

Appeal Process – Flow Chart

This guidance is only linked to the SEND 35 and the SEND 35a forms.

- **SEND 35a** - use this form to appeal the Local Authority's (LA's) decision not to secure an EHC needs assessment (EHCNA) of a child or young person (called a Refusal to Assess). This form can be used by parents or those with parental responsibility or by a young person aged 16 to 24.
- **SEND 35** – use this form if you:
 - disagree with what the plan says in Section B
 - disagree with what the plan says in Section F
 - disagree with the school / college / Institution named in Section I
 - refusal to issue
 - refusal to re-assess
 - refusal to amend
 - cease to maintain

AND...

- are asking the tribunal to make a recommendation for Health and Social Care needs
- disagree with what the plan says about health or
- disagree with what the plan says about social care.

LA writes to you (parent/carer or young person) giving the “right to appeal” in a decision letter

(This gives you 2 months from the date on the letter to complete and submit the form below)



You call Global Mediation within 2 months of the date on the letter:

- Global Mediation – 0800 064 4488 or 020 8441 1355
(If you are considering Mediation please see our guidance called Appeals Process – Mediation)

Please note: If you are appealing Section I only (the placement) you do not need to call Global Mediation, you will just complete the SEND 35.



You receive a certificate within 3 working days of your call

(This gives you 1 month from the date on the certificate to complete the form below)



You must complete the next stage by the latest day you have from above, i.e. whichever date is the latest out of the 1 month from the date of the certificate OR the date 2 months from the letter from the LA

COMPLETE the SEND 35 or the SEND 35a FORM

<https://www.gov.uk/government/collections/special-educational-needs-and-disability-tribunal-forms>

REMEMBER to include everything listed in the Checklist section:

- Section 8 on the SEND 35a form
- Section 10 on the SEND 35 form

If these are not attached you will have your paperwork returned and the appeals process has NOT started.

REMEMBER:

- to write in the subject line of your email '**New Appeal**' to ensure it is dealt with quickly
- Email to send@justice.gov.uk (please note the address on the forms is different to this address but this is the address we advise to use – do use both if you wish. You will be using this address for everything AFTER your appeal is registered)
- Keep copies of everything you are sending
- Add a delivery and read receipt to your email if you can

Or you could post everything to:

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

The Courts number is 01325 289350 if you need to contact them. Again, make a record of your call for your records.

**Please note all communication from now on MUST go to the LA and Tribunal.
Most changes would be on the Request for Change Form.**