

Appeals Process –

How to complete a SEND 7 (Request for Change)

Important bits:

- This form can be typed into. You may need to click on “fill and sign” but please remember to save it.

Using your Appeal Number and child’s name to save the document is a good idea, e.g. “EH938/22/00123 | Smith, Jo | SEND 7”.

Your Appeal Number will be on your Parental Registration Letter.

- Before submitting the SEND 7 you must have consulted the other party, e.g. send it to the Local Authority (LA). You need to give them 5 working days to reply and their reply will need to be included with this form.

If there is no reply in 5 working days then you will need state this on the form and attach a copy of the email you sent to the LA.

If you do not have 5 working days to wait then you will need to state that but state that you have copied in the LA and as soon as they reply it will be forwarded on – see below.

Example of email to send:

SUBJECT: “HD 3/30/2021 | EH938/22/00123 | Smith, Jo | SEND 7 or Request for Change”.

(This is your Hearing Date (again from the Parental Registration Form, your Appeal Number which starts EH, surname of the child the appeals is about, then first name and then state it is a SEND 7 or Request for Change form you are sending).

CONTENT: “Please find attached a SEND 7 for [state the reason for completing the form]. Please reply within 5 working days of receiving this email so your response can be included when sending this form to send@justice.gov.uk If there is no reply we will be stating this when we email the attached form over on [state the date 5 days after the day you send this email].

SEND TO: send.appeals@surreycc.gov.uk

Please note: If you include the LA’s reply then this form will be returned.

Reasons for completing a SEND 7 / Request for Change Form:

- If either party (you or the LA) objects to any of the directions (the information you got when your appeal was registered – in the Parental Registration Form) you should complete the SEND 7 to highlight it.
- If you wish to vary any of the directions as outlined in the Parental Registration Form or reply to the LA response for example.
- **For any changes this form will need to be completed, e.g. change your appeal from a Section I only appeal to a SECTION B, F and I appeal.**

After you have sent off the form, the request and objections will be considered by a Tribunal Registrar or a Tribunal Judge who will issue a direction. Any party may apply for a review of a Registrar's direction within 14 days of it being made.

Where do I find the form?

The Request for Changes Form can be requested from the Tribunal or is downloadable at:

<http://www.justice.gov.uk/global/forms/hmcts/tribunals/send/index.htm>

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Child's name/Young Person's name: complete in full.

Appeal/Claim number: found on your Parental Registration Form and starts EH.

Type of appeal/claim: is it a Section B, F and I appeal – if so write this.

If it is part of the National Trial/Extended trial then also state this – if you are appealing anything other than Sections B and F and/or Section I, e.g. Sections H1 and H2 (Social Care) and Sections C and G (Health) then your Parental Registration Letter will state it's part of this.

Local authority or responsible body: Surrey County Council.

Final hearing date: this is the date of your hearing which will be on the Parental Registration Form (see table for guidance on where the date will be – section highlights in **yellow**).

Date local authority or responsible body response due: this is normally the first date on the Key Dates box on your Parental Registration Form (also see table or guidance on where the date will be – section highlighted in **pink**).

Please tick this box if your hearing has been previously adjourned: it is important you tick this box if your first hearing date was adjourned/moved.

These two columns will be found on your Parental registration Form:		Our notes:
Action and party required to	Date (AND	

respond	TIME) for compliance	
The LA must send its response, attendance form and an electronic copy of the EHC plan to the Parents and the Tribunal so that it is received by:		<i>This is the date you should receive the LA's response to your appeal, the LA's attendance form and an email version of the EHCP which is called a Working Document.</i>
The Parent(s) and LA must send to each other and to the Tribunal any further written information, including professional reports, upon which they intend to rely as soon as it is available and at the latest, it must be received by:		
The Parent(s) are to send their completed Attendance Form to the Tribunal and the LA by:		
No further evidence without express permission of the Tribunal from either party will be accepted after:		
The LA must produce and send to the Tribunal either four copies of the bundle in hard copy, or one copy electronically and at the same time send one copy to the Parent(s) so that it is received by:		
The date of the final hearing:		<i>This is the date of your hearing and you will need to be free to attend.</i>

Please note: If there are any changes needed on the Attendance Form you must re submit that updated form (a SEND 11).

Page 1:

We aim to deal with all requests within 15 working days of receipt.

I wish to apply to the tribunal for: tick the box that best meets the reason for completing this form:

I wish to apply to the tribunal for:

- | | |
|--|---|
| <input type="checkbox"/> An extension of time to comply with a direction | <input type="checkbox"/> A change to the final hearing date |
| <input type="checkbox"/> A witness summons | <input type="checkbox"/> Permission to amend grounds of appeal/response |
| <input type="checkbox"/> Strike out the appeal/LA barred | <input type="checkbox"/> Permission to bring an additional witness |
| <input type="checkbox"/> Other (<i>specify below</i>) | <input type="checkbox"/> An observer to attend the hearing |

What each means:

An extension of time to respond to a direction

You are able to ask the Tribunal to extend the time to respond to a direction. Remember you need to contact Surrey LA first. You also need to confirm to the Tribunal the date by which you will be able to comply. Surrey LA may tick this box if they need time to consult with a School for example. The Tribunal will only extend time in exceptional circumstances.

A change to the final hearing date

If you require the final hearing date to be changed, you must ask Surrey LA first if they agree to that change and include their comments in your request. State WHY you want to change the final hearing date.

The Tribunal will only change the hearing date if both parties agree or there are exceptional circumstances requiring the change.

The Tribunal will not usually allow a hearing to be delayed.

A witness summons

If you have asked your witness to attend the hearing and they refuse, you must check whether there is another way of presenting their evidence in the appeal, e.g. give a witness statement or get a report from them.

If no other means of presenting the evidence is possible, then an application can be made for a witness summons by ticking this box.

The request should explain what efforts have been made to ensure their attendance, whether they have refused to attend and why no other means of presenting the evidence is available. The application must set out the full name, occupation, full address and contact number of the witness.

Permission to amend grounds of appeal/response to the appeal

Either party may ask the Tribunal at any time in the appeal process to amend the grounds, e.g. by changing the appeal from a Section I only appeal to a Section B, F and I appeal or changing the name of the School named in Section I or giving a second / back up School or type of School.

Again, you must give Surrey LA 5 working days to respond to your request explaining the reasons for the changes.

Permission to add additional witnesses

The Tribunal places a limit on the number of witnesses to ensure that the appeal is dealt with efficiently as possible. In exceptional circumstances, parties may ask for additional witnesses, but the Tribunal will only give permission if their attendance is necessary and the evidence relevant to the decision the Tribunal will make.

The Tribunal also considers all the documents sent in by the parties and all your witnesses should provide a written statement setting out their evidence.

An observer to attend the hearing

Either party can apply for an observer to attend the hearing. Because all hearings are in private, a party will need to apply for permission to bring an observer and explain why their presence is required. If permission is granted, the observer cannot take any party in the hearing, or take notes, only sit observe the hearing.

Other

If you want to make any other requests, you need to complete this section. You should also explain your request and the reasons why it is made.

Page 1: The reasons I am applying are:

The reasons I am applying are:

(If you want the tribunal to change the dates by which things are to be done, specify the dates and the time you need to comply with the direction). If necessary, continue on a separate sheet.

In this box you need to state the reasons you are applying. You can start typing and if you run out of space then continue on a separate sheet. Type “*continued on a separate sheet*”, then start the additional sheet with this heading, “*The reasons I am applying are:*”

If, for example, you are asking for your appeal to be changed to include Sections B and F you could state that on reflection the EHCP is not of date and is not a true reflection of your child. You could also state that since getting advice you have realised that reports are missing from the EHCP so the Plan is not a true reflection of your child.

Page 1: You must include the other party’s response to your request:

You must include the other party’s response to your request

This is where you include the LA’s response after emailing them and giving 5 working days to reply. You could copy the email you sent and their reply on to a Word document and attached that. You would then type in this box “Please see the LA’s respond on an additional sheet – then save that as “*EH[include number] | LA’s response*”.

If there was no response, copy your email and state in this box “*LA were emailed on [state date], there was no reply within 5 working days. Please see attached sheet for evidence of my email to the LA*”. Then copy that email and add the title “*EH[include number] | lack of LA response*”.

Page 1: Signing and dating the form

Signature

Name

Date

Request made by: Parent Parent's representative Responsible Body
 Local Authority Local Authority's representative (in DD Claims)
 Responsible Body's representative

Remember to sign the form by typing your name in the signature box, add your full name to the "Name" box and include the date.

You then need to tick the correct box depending on who you are to the child/young person:

- **Parent**
- **Local Authority** – the LA would generally tick this box. It is the Tribunal Officers representing the LA.
- **Parents Representative** – tick this if someone is representing you.
- **Local Authority Representative** – e.g. if the Councils solicitors represent the LA.
- **Responsible Body's Representative** – it would mainly be the LA not a Responsible Body in Surrey
- **Responsible Body** – only to be used in Disability Discrimination Cases

What you do next:

When you send the completed SEND 7 off you **must** send, **at the same time**, copy in Surrey's Tribunal Team and attached all your evidence and supporting documents:

To: send@justice.gov.uk

Copy in: send.appeals@surreycc.gov.uk

Subject title: "HD [3/30/2021] | EH[938/22/00123] | [Smith, Jo]. SEND 7"

OR "HD [3/30/2021] | EH[938/22/00123] | [Smith, Jo] | Request for Change".

If you do not do the above your request will be returned to you without being considered.