

Appeal Process – Terminology

| <u>Term</u> | <u>Meaning</u> |
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| Advocate | An advocate is someone who knows the young person, who understands what they think about the issues in the appeal and so can speak on the young person's behalf. They can be a parent, family member, friend or a paid advocate. They are not someone who can give advice on the issues in the appeal. |
| Appeal | To challenge a decision made by the Local Authority about a child or young person's special educational needs. |
| Appellant | An appellant is the person who is making an appeal. |
| Case Management | A Case Management is an opportunity for the SEND Tribunal to consider any preliminary issues which need to be sorted out before the hearing can be held – for example, whether further assessments need to be carried out, or where one party wants to postpone the hearing and the other does not. It may also be an opportunity to narrow down the issues in dispute. |
| Concede | When the Local Authority surrenders and agrees to the appeal, which will in turn bring the appeal to an end. |
| Consent Order | A Consent Order is a legal document which provides information about an agreement mutually reached by the people involved in a legal case. |
| Deposals | Reaching a solution on an appeal: either a decision or a consent order or a withdrawal. |
| Direct | When a Judge instructs an LA or School to carry out an action. |
| Evidence | <p>Both parents and the LA will need to submit evidence to the Tribunal in order to support their side of the appeal.</p> <p>Parent's evidence includes:</p> <p>Letters – emails – written submissions – statements from witnesses – reports or opinions – examples of the child's work – school or college prospectus – school SEN information report – OFSTED report and details of cost of educational placement (if applicable).</p> <p>Local Authority's evidence includes:</p> <p>Letters – emails – policies – written records – information from the school file – other witness statements (if produced) – school or college prospectus – school SEN information report – OFSTED report and details of cost of educational placement (if applicable).</p> |
| First Tier | is an independent national tribunal which hears parents' and young people's |

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| (SENDIST) Tribunal | appeals against LA decisions about the special educational needs of children and young people. |
| Kinly CVP | Kinly CVP – Cloud Video Rooms is the software that is used for the Video Hearing Appeals. The smartphone app is Pexip Infinity Connect . |
| McKenzie Friend | A McKenzie Friend is someone who accompanies you to court to help you as a Litigant in Person – those who are unrepresented by a Solicitor or engage a barrister. The McKenzie Friend is able to sit with you in the court and offer advice and support as well as taking notes to help you. |
| Opposed | <p>Opposing an appeal is when the LA do not agree with your appeal.</p> <p>If the Local Authority opposes the appeal, its response must say:</p> <ul style="list-style-type: none"> • why it opposes the appeal • the name and profession of its representative • its address for sending documents to • a summary of the facts about the local authority’s decision • why the decision was made (if this is not in the decision itself) • the child’s views (or the reason why the local authority has not got them). |
| Order | an instruction by or command of a court. |
| Position Statement | A short statement that sets out your position for a court hearing. They are a helpful way of getting your points across to the Judge and the other party in a clear and concise manner. |
| Representative | <p>A Representative is someone who will give advice on the issues in the appeal, prepare the paperwork and represent the person making an appeal to the Tribunal. They can also be an advocate. They could be a volunteer from a charity, a paid representative, a solicitor or barrister.</p> <p>Most appeals to the Tribunal are made without a Representative. The Tribunal will support both parties through the process of making an appeal to ensure that it is decided fairly and justly.</p> |
| Respondent | A respondent is someone who answers to a case in court. |
| Response | The respondents answer to a case in court. |
| Stayed Appeal ‘Stay of proceedings’ | A stay of proceedings is a ruling by the Judge to halt further legal process in an appeal. The court can subsequently lift the stay and resume proceedings based on events taking place after the stay is ordered. |
| Striking Out (Case) | <p>A case that is dismissed by the court and cannot be pursued any further. The Tribunal will strike out a case if:</p> <ol style="list-style-type: none"> 1. there are no reasonable grounds for bringing or defending a claim; |

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| | <p>2. the case is an abuse of the court's process or is likely to obstruct the just disposal of the proceedings; or</p> <p>3. there has been a failure to comply with a rule, practice direction or court order.</p> |
| TCMH (Telephone Case Management Hearing) | The purpose of a TCMH is to seek and gain clarity and direction from the Judge when things have become stuck or very confused. This is in no way a final hearing. |
| Unopposed appeals | <p>Is when the LA does not oppose your appeal.</p> <p>In this case the appeal is determined as in favour of the appellant.</p> <p>In response to the appeal the LA shall:</p> <ul style="list-style-type: none"> • carry out an EHC needs assessment, review or reassessment • issue the amended EHCP (contents) • issue the amended EHCP (school or other institution) • arrange to make an EHCP |
| Vacate | To vacate a court order or judgment means to cancel it or render it null and void. |
| Withdraw | When the appellant decides they no longer wish to appeal they can withdraw their appeal, although this must be done no later than 5 days prior to the Tribunal date. |
| Witness | A witness is a person who is asked to attend an appeal to give relevant information. Witnesses are not perceived to be for one party or the other; both parties and the Tribunal can ask them questions. They will not be put on the spot, but instead will be asked for information which helps everyone to gain a clearer picture of the situation. If you have listed witnesses on your Attendance Form you must send them the Bundle when it arrives and the joining instructions. |