

Tribunal Support Service Level Agreement

As stated in the IASS National Minimal Standards (3.5)

SENDIAS services: “.... provides information, advice and support before, during and following a SEND Tribunal appeal in a range of different ways, dependent on the needs of the parent or young person. This will include representation during the hearing if the parent or young person is unable to do so”.

The role of SEND Advice Surrey is to encourage joint working between parents, children, young people, the Local Authority (LA), educational settings and voluntary bodies in identifying, assessing and making provision for pupils with SEND. Working together at an early stage to explain and clarify issues can often prevent misunderstandings or disagreements and so stop matters escalating. Where such intervention does not resolve a disagreement, it may be necessary to consider a more formal route such as disagreement resolution, Mediation or appealing to SEND Tribunal.

Where a parent or a young person wishes to make a formal appeal to SEND Tribunal, SENDIAS will make every effort to advise and support them through the process by:

- providing information about the SEND Tribunal Process
- giving advice about how to make an appeal
- providing support and guidance on how to prepare for the appeal hearing
- support parents and young people to be empowered to advocate for themselves during the process and at the hearing
- managing the expectations of those we are supporting and
- signpost to other agencies for support if appropriate.

Chapter 2 of the Code of Practice gives advice on the scope of the role of the IASS (2:19):

Individual casework and representation for those who need it

Help when things go wrong, which should include;

- Support children, young people and parents in arranging or attending early disagreement resolution meetings
- Support children, young people and parents in managing mediation, appeals to the First-tier Tribunal (Special Educational Needs and Disability), exclusions and complaints on matters related to SEN and Disability.

- Making children, young people and parents aware of the LA services for resolving disagreements and for mediation and on the routes of appeals and complaint on matters related to SEN and Disability (COP chapter 11).

The SEND Code of Practice states ***“individual casework and representation for those who need it”***.

Therefore, SEND Advice Surrey will provide **representation** at first tier tribunal only in limited cases, where this is absolutely necessary and where it is clear that a parent/carer or young person would not be able to access justice without a high level of intervention and/or representation from the SENDIAS service (SEND Advice Surrey). Each case is assessed on an individual basis of need and we would have to be involved from the start of the process.

In these cases where there are reasons why you may be unable to fully represent yourself, but you cannot access legal representation or appropriate representation from any other source, we are, subject to availability, able to offer further casework support. This might include:

- Help to complete paperwork and provide evidence to the Tribunal
- Making enquiries about your specific case and emailing paperwork to the Tribunal if you are unable to do so (with written consent)
- Liaise with the Local Authority legal team on your behalf (with written consent)
- Support at the Tribunal hearing and if you are unable to do so, speaking at the Tribunal on your behalf.

Our involvement can include **support** during the hearing if the parent or young person would not be able to access justice without the support. (Each case is assessed on an individual basis of need and we would have to be involved from the start of the process):

We would:

- offer information and advice about your rights to appeal to the First Tier Tribunal
- give impartial information, advice and support throughout the process of making an appeal to the Tribunal
- support you to complete appeal paperwork yourself whenever possible
- help with understanding the Tribunal procedures, deadlines and other requirements as ordered by the Tribunal

If you do not have other support and subject to availability, attendance with you at the Tribunal hearing. This would not usually involve speaking on your behalf, but we would sit with you and may offer prompts to ensure you cover everything that you wish to cover.

We can only support where parents engage and take action when needed, e.g. parents may need to write opening statements and closing statements or gathering information. SEND Advice Surrey do not know your child or young person whereas you do. When parents do not engage we will not be able to continue to support, help or represent.

What else you need to know / the important bit (!) :

- As SEND Advice Surrey Advisors we have had some legal training appropriate to our role, but we are not legally qualified in SEND
- Where we act as ‘representative’ for you, we are not acting as a legal representative (such as a solicitor, barrister or legal executive)
- When completing paperwork, if you wish to name a SENDIAS Advisor as a representative please speak to us before doing so. This is to ensure that we are able to provide the right level of support for those who need it most and to check that the service has capacity for an Advisor to act as a representative
- Unless stated please always tick the box for paperwork from the tribunal to be sent to you rather than to our service as we may not receive paperwork in time for deadlines, i.e. we have a reduced team in the holidays
- We are employed by Surrey County Council, but they do not place any restrictions on our ability to carry out this type of work. This is in accordance with our Impartiality Policy
- We will always provide a parental supporter to ensure the work is spread and there is cover on the day. It also means that one of us can explain what is happening on the day and the other can listen to the Judge etc.

If you instruct legal representation or a private advocate, then we (SEND Advice Surrey) will step back from active involvement.

We have a lot of Information Sheets on www.sendadvice.org.uk

Useful addresses and contact numbers

SEND Tribunal - <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Coram Children’s Legal Centre - www.childrenslegalcentre.com

Legal Aid - www.gov.uk/legal-aid

Independent Panel for Special Educational Advice (IPSEA) - www.ipsea.org.uk