







Buckinghamshire SENDIAS Service

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BUCKS SENDIAS SERVICE POLICY FOR SPECIAL EDUCATIONAL NEEDS AND DISABILITY TRIBUNAL WORK

When Local Authorities make certain decisions about the education and/or training of a child or young person with SEN, there is a right of appeal to an independent Tribunal – The Special Educational Needs and Disability Tribunal, known as “SENDIST”. If the decision concerns a child, it is the parent who has the right of appeal. If the decision concerns a young person, then it is the young person who has the right of appeal.

SENDIAS services are available by law in every Local Authority (LA) partly to help families resolve disputes relating to special educational needs and/or disabilities (SEND) without resorting to tribunal. The appealable decisions are:

- refusal to carry out an EHC needs assessment (and refusal to reassess)
- refusal to issue an EHC plan
- refusal to amend an EHC plan following a review or reassessment
- a decision to cease to maintain an EHC plan

There are also rights of appeal about the contents of an EHC plan which can be about:

- The child or young person’s special educational needs
- The special educational provision specified in the EHC plan
- The school* or other setting named in the EHC plan or the type of school or setting
- If no school or other setting is named, that fact

For a child or young person in custody, the appropriate person during the period of detention can appeal to the First-tier Tribunal (SEN and Disability) about:





- a decision by a local authority not to carry out an EHC needs assessment
- a decision by a local authority that it is not necessary to issue an EHC plan following an assessment
- the school or other institution or type of school or other institution (such as mainstream school/college) specified in the plan as appropriate for the detained person on their release from custody or that no school or other institution is specified

The Tribunal also hears claims about disability discrimination against the responsible bodies of schools.

The role of Bucks SENDIAS Service will include exploring all the options available to the parent/young person to resolve disagreements with the LA. This can include setting up and/or supporting with discussions and/or meetings involving the parents/young person, educational staff, LA officers, clinical commissioning groups and other statutory and voluntary agencies. In these meetings the role of Bucks SENDIAS Service may include facilitating an agreed resolution to the situation and ensuring parents/young people are aware of their rights and responsibilities.



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On occasions parents/young people will approach the service after they have already lodged an appeal with the Special Educational Needs and Disability Tribunal. On such occasions it is anticipated that Bucks SENDIAS Service will act swiftly to explore the situation with the parents/young people and seek to set up a discussion and/or meeting with the relevant SEN Officer as quickly as possible to explore options and attempt to resolve the situation before the tribunal.

An independent mediation service (currently provided by Global Mediation) is automatically offered by the LA to parents/young people wanting a SEND Tribunal to hear their case - exceptions are:

- any appeal relating only to educational placement (Part I) on an Education, Health and Care plan
- any claim for disability discrimination

In addition, Bucks SENDIAS Service can help parents/young people request access to the independent mediation/disagreement resolution service for any other type of SEND, health, social care or disability discrimination dispute with the LA, the educational setting and/or the health commissioning bodies. The LA will consider these requests on a case by case basis.

Procedures relating to tribunal appeals

Bucks SENDIAS Service will train all its staff and volunteers to:

Ensure that all of the team including volunteers are familiar with the procedures and workings of SEND tribunal appeals.

Have access to videos and other resources to inform parents and young people about the SEND tribunal process.

Understand the reasons for lodging an appeal and the powers of the tribunal.

Understand the time limits relating to tribunals.





Be able to support parents and young people in putting together the paperwork and information required for a tribunal.

In supporting parents and young people with appeals Bucks SENDIAS Service can:

- Explain rights and grounds for appeal
- Direct to others sources of advice
- Help with relevant paperwork
- Discuss re-submission to LA decision-making panels if new evidence is available
- Encourage ongoing dialogue with LA SEN Officer and/or educational setting
- Explain the options for independent disagreement resolution and mediation



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- Explain timelines and processes relating to tribunals
- Discuss the role of witnesses
- Attend a hearing as a 'Parent helper' for a parent or as a 'Young person's helper' for a young person.

On occasions a member of the team may attend a hearing as a witness if subpoenaed by a parent or young person.

The Bucks SENDIAS Service team is not legally qualified and will explain this to parents/young people immediately once a Tribunal is likely. The team will always assist in finding out whether the parents/young person qualifies for free expert legal advice. For those who want to pay for a solicitor, we refer them to [Law Society](#) and recommend that they request a solicitor specialising in special educational needs. Bucks SENDIAS has separate information about Free and Paid for Legal help which is provided to parents when considering the Tribunal process.

When parents/young people opt to use a solicitor Bucks SENDIAS Service will no longer be involved until legal proceedings are over, to avoid confusion and possible duplication.

Bucks SENDIAS Service will not normally attend Tribunals where parents have legal representation, except for training purposes.

Some parents/young people will not qualify for free legal support and will not be able to afford to pay for it. The role of Bucks SENDIAS Service in almost all cases is to provide support through the SEND tribunal procedure and hearing but not to act as an advocate. There will be rare occasions when parents/young people who are unable to present their views effectively request that the Bucks SENDIAS adviser speaks on their behalf to clarify their position and/or ask questions on their behalf. The adviser is named on the SEND form as 'Parent Helper' specifically to be able to speak and assist parents/young people in presenting their case at the Tribunal hearing, rather than to represent them.

*School refers both to early educational settings and all schools (including non-maintained schools) and post-16 educational settings e.g. colleges

Useful links:

[Special Educational Needs and Disability - Global Mediation](#)

[First Tier SEND Tribunal - GOV.UK](#)

[Where can I get help with making an appeal? | \(IPSEA\) Independent Provider of Special Education Advice](#)

[Tribunal Helpline | \(IPSEA\) Independent Provider of Special Education Advice](#)

[Finding legal help - National Pro Bono Centre](#)

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