

**Buckinghamshire
SENDIAS
Online Training**



**What you
can do if you
disagree
with a Final
EHC plan or
Final
Amended
EHC plan**

- **Summary:** The purpose of this webinar is to help you to understand what steps you can take if you disagree with a recently issued Final EHC plan or Final Amended EHC plan.
- **Duration:** 30 minutes



**What does the
law say?**

**What is phase
transfer?**

It is time to change to another provider

preschool to infants or
primary school
infant to junior school
junior or primary to
secondary school

- 15 February in year of transfer

secondary school to
further education provider

Further education
provider to further
education provider

- 31 March in year of transfer

- Children and Families Act 2014 – Section 39(4) •

Do you have the right to appeal to Tribunal?

- Do you have a Final EHC plan or Final Amended EHC plan issued no more than 2 months ago?



FINAL AMENDED EDUCATION, HEALTH AND CARE PLAN 14TH FEBRUARY 2023



Have you checked the EHC plan?

- [EHC plans and annual review - Bucks SENDIAS](#) – What's included in the EHC plan
- [EHC plan checklist - IPSEA](#)

What do you disagree about?



- special educational needs – your child’s difficulties or challenges - in **section B** of the EHCP – *and/or* -
- special educational provision - the help your child needs - in **section F** of the EHCP – *and/or*
- placement - the early years setting, school or college - in **section I** of the EHCP

IPSEA says:

It is normally not advisable just to appeal Section I, as the SEND Tribunal will be considering whether the placement is able to meet the needs and provision set out in Sections B and F.

Steps you
can take:

Informal

Formal

[Appealing - Bucks SENDIAS](#)

Steps you
can take:

Informal

- Talking to your Education, Health and Care Coordinator (EHCCo)
- Taking part in a Way Forward meeting

[Working with professionals - Bucks SENDIAS](#)

Steps you
can take:

Formal

- Mediation
- Tribunal appeal

Appealing- Bucks SENDIAS

Checklist

1. Check you have a Final EHC plan or Final Amended EHC plan
2. Check you have the letter from Buckinghamshire Council which came with the EHC plan. If you do not, contact the integrated SEND team
3. Check the date of the letter compared to today's date, no more than 2 months should have passed since the letter was sent to you. You may still be able to appeal if more than 2 months have passed, but there should be good reasons for the delay
4. Identify which sections of the EHC plan you do not agree with.
5. Contact Global Mediation - within 2 months of the date of the decision letter you have received from the Local Authority, call Global Mediation on 0800 064 4488 or email info@globalmediation.co.uk. See their webpage here: [Special Educational Needs and Disability - Global Mediation](#)

The Mediation Adviser will ask you if you want:

- A mediation meeting followed by a mediation certificate or just a mediation certificate.
- If you only want to appeal about Section I of the EHC plan you do not have to have a mediation meeting or a mediation certificate to make a tribunal appeal.
- You have the right to have mediation only on section I if you want it.
- Bucks SENDIAS Service does not recommend appealing only on section I of an EHC plan.
- You do not have to agree to have a mediation meeting.
- If you decide not to have a mediation meeting you will be issued straightaway with a mediation certificate.
- If you decide to go ahead with a mediation meeting then this should be arranged within 30 days from your call with Global Mediation.
- You must be given at least 5 days' notice of the date/time of the mediation meeting.
- You will receive a mediation certificate within a day or so after the mediation meeting.
- Once you have your mediation certificate, if you still want to challenge the decision, lodge an appeal.

Mediation agreement

- Sections 42 and 44 of The Special Educational Needs and Disability Regulations 2014 set out certain timescales that an LA must stick to after a mediation if the mediation agreement does not include deadlines.
- If it has agreed:
- **To carry out an EHC needs assessment:** within 2 weeks the LA must notify the parent or young person that it is starting, then either let the parent or young person know it has decided not to issue an EHC plan within 10 weeks, or send a finalised EHC plan within 14 weeks, of the mediation agreement.
- **To issue an EHC plan:** the LA must issue the draft plan within 5 weeks and the finalised EHC plan within 11 weeks of the mediation agreement.
- **To change the name of a school in an EHC plan:** the LA must issue the amended EHC plan within 2 weeks of the mediation agreement.
- **To amend an EHC plan:** the LA must issue the amended EHC plan within 5 weeks of the mediation agreement.
- If the LA or ICB agrees to do something else (such as agreeing to some temporary funding or professional input) and you didn't agree a different deadline for this to be done by, they must do it within 2 weeks of the mediation agreement (regulation 42(3) SEND Regulations 2014).

What if mediation doesn't resolve all of my concerns?

1. [Asking for an early review of an EHC plan - IPSEA](#)
2. [Asking for a re-assessment of a child or young person's needs](#)
3. [Appealing - Bucks SENDIAS](#)

[Working with professionals - Bucks SENDIAS](#)

Priority appeals

- Phase transfer appeals are priority appeals
- Mention this is a **phase transfer appeal** in your appeal form
- write **phase transfer appeal** within the subject line of the email in which you submit your appeal form

- Children out of education are priority appeals
- Mention this is a **child out of education appeal** in your appeal form
- write **child out of education appeal** within the subject line of the email in which you submit your appeal form

Filling in the tribunal appeal form

[Tribunal appeal form - SEND35](#)

[Appealing - Bucks SENDIAS](#)

What happens after I submit my appeal?

What happens after I submit my appeal? - IPSEA

- Automatic response from the Tribunal to confirm receipt
- Notification from the Tribunal to confirm if the appeal has been registered
- If registered, you will receive an appeal number

Preparing the case before the hearing

What happens after I submit my appeal? IPSEA

- Always copy in the Local Authority to anything you send to the Tribunal
- Obtain written evidence as soon as you can

Asking for recommendations about health and social care (sections C, D, G and H)

[Appealing - Bucks SENDIAS](#)

See section:

'Reasons for asking for a recommendation for Health and/or Social Care'

Appeals about section 1

- [Choosing an education provider - Bucks SENDIAS](#)
- [IPSEA briefing on appealing the school in an EHC plan](#)
- [Choosing a school/college with an EHC plan - IPSEA](#)

Where else can I find help?

- SENDIAS advice may include helping you to prepare for a meeting. In exceptional circumstances we may be able to attend a meeting with you, this will usually be remotely.
 - We can help you to start a Tribunal appeal and can provide advice once you have received your response from the local authority. In exceptional circumstances we will act as your representative, provide case management support and/or attend hearings.
 - If you are already receiving personalised SEND advice from paid consultants or lawyers, our help will be limited to signposting to avoid duplication and confusion.
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- [Other places where you can find help](#)

The Working Document

Normal type	Original EHC plan
<u>Underlined type</u>	Amendments agreed by both parties
Bold type	Parents' proposed amendments
Bold struck through	Parents' proposed deletions
<i>Italic type</i>	LA's proposed amendments
<i>Italic struck through</i>	LA's proposed deletions

A working document is a version of the EHC plan which can be amended by both parties in the run up to the Tribunal hearing.

To make changes to the working document, the following key is used to identify who is making the suggestion and whether the other party agrees with it or not.

[Appealing - Bucks SENDIAS](#)

Bucks SENDIAS Service

- If you require further information to help you please first refer to the SENDIAS webpages: [Bucks SENDIAS service | Buckinghamshire Council](#) and if necessary contact SENDIAS using the [clickable Bucks SENDIAS Contact Form](#)

- Sign up for our email updates

- Live webchat:

Mondays 1-3pm and Fridays 10am- 12 noon

Important information

In this news update you will find information about:

- New to SEND? - Free FACT Bucks/Bucks SENDIAS Service Webinar - 10-11am on Friday 27 January 2023
- Shout out for SEND - Youth Voice Bucks
- The Prince's Trust Team Programme
- Family Support Service - three exciting projects online and in person for young people in school years 7 and upwards starting in February 2023
- Contact - Welcome to What's new
- Bucks SENDIAS Service Live Web Chat

Your feedback please

Please let us know whether you found this webinar useful:

Message us in the chat or use our [Bucks SENDIAS Contact Form](#)

Thank you