



Evidence

Supporting evidence can be included when you make your appeal, but you will be given a deadline by which to submit final evidence by.

The SEND Tribunal appeal form asks you to list the documents and evidence you have included with your appeal form. This can also be a helpful tracker as you gather additional documents, statements or reports, which you can update and submit with your final evidence

Your appeal is based on the changes you want made to the EHC plan and how you can evidence that those changes are necessary, such as:-

School Evidence

If your school is supporting your appeal, ask them to attend the mediation meetings and/or the Tribunal hearing. The school may be able to provide additional evidence to support your case. The Tribunal will want to hear from all professionals that knows your child well.

- One Planning, SEN Support plans and IEP review reports;
- School reports;
- Annual review reports;
- Examples of the child's work over time (like their homework book);
- Home-School communication books or diaries;
- Risk Assessments
- Reduced Timetable plans
- Suspension or Exclusion letters
- Teachers or Support staff from current or previous settings;
- Any School communication relevant to the case

Parent Views/child Views

The Tribunal will want to hear views and experiences of the parent or carer and there may be areas that will be explored at the hearing. You may be asked questions at the hearing and so make notes of your key points.

It may be helpful to make list of your evidence from the bundle which you will receive before the hearing. Note the page numbers where your key evidence is written so that you can draw the Tribunal panel's attention directly to this.

You will be asked to gather your child's views by the LA who will send you a form to complete with your child. You can ask the school to do this or a home tutor if your child is not attending school. . Your child can attend the hearing but this can be stressful for some children so many children do not attend.

Health Reports/expert professionals

You may need to call expert professionals to give evidence in person to back up their written report. The Tribunal panel will expect them to be able to answer questions about their report, including the reasons for their recommendations.

Examples of expert professionals such as:-

- Health service professionals such as speech and language therapists, occupational therapists or community paediatricians;
- Private professionals, especially those who specialise in the difficulties experienced by the child or young person.
- Voluntary organisations may have been involved and be willing to offer information
- Written statements from individuals who know the child or young person and are involved with them;

Witnesses

Think carefully about how any witnesses would support your case. It may be just as helpful if they were to provide a letter, a report or a statement which you can include as evidence. If they attend the hearing, your witness (you can have no more than three) may clarify or expand on information they have provided.

Private therapists and psychologists you have called as witnesses are likely to charge you for their time. The local authority can ask professionals to attend as witnesses too – you will be able to see who they have called when you receive the appeal bundle.

Examples of witnesses can be:-

- SEN-Coordinator
- Headteacher or Head of Year
- Therapists and Psychologists eg. Speech & Language
- Outside Services/agencies who know your child well

You could ask if they will come along to the hearing, if they decline you can request a summons for them to attend - before you do this be sure they intend to support your case.

You will need to let SEND Tribunals know of your witnesses when you complete the 'Case Review form'

For School Placement Appeals

You will need to prove the local authority's decision about the type of school and/or placement is incorrect with the evidence you present to tribunal.

You can only refer to any other section in the EHCP if your original appeal covered other sections of the EHCP. This means, if you are appealing the school, or that there is no school (or college/setting) named in section I of an EHC plan, you should consider if you also need to appeal the contents of the EHC plan, as your child's needs and required provision are relevant in every appeal about the school/setting (or type) named. If you don't appeal the contents of the plan, as well as Section I, the judge cannot make an order to change the needs and provision within the plan.

Evidence about school or other educational settings that you should include, if possible:

- OFSTED report
- School Prospectus
- Details of the cost of the placement Evidence should deal with your child's special educational provision and this may include:
 - A description of the child and young person's need and the support in place at the setting to meet these needs, by whom, how often;
 - The arrangements in place of the delivery of the programme or activity, to monitor or supervise this;
 - The arrangements of reporting, liaising, preparation and attendance of meetings, including the time this takes,
 - Any necessary equipment to be provided.

For an **independent educational** setting, you must have a letter from the setting confirming a place offer for your child, in writing. This can be a Provision of Placement (PoP) form which the Tribunal will send to you at the time of registration that you can ask the Independent school to complete.

This letter or PoP form will confirm that the setting has given consent for the Tribunal to make an order that the placement can be named in the EHCP.

Take a look at the evidence for a content appeal, like your child or young person's identified special educational needs, or anything else about the setting that may help you explain the reasons for making the appeal that may help your case and explain how the setting and environment can make a difference. Make sure you include this.