



What happens after Lodging an appeal?



The appeal will usually be registered by the SEND Tribunal within **10 working days**. This may be longer when they are busy. They will provide you with an **appeal reference number** which you must use in any further correspondence with the SEND Tribunal.



Important Dates

The SEND Tribunal will write to you with a hearing date, and your deadlines for submitting further documents or evidence. The local authority (LA) will have the same timetable to send further information and evidence as is set out in your directions.



The Local Authority response

The SEND Tribunal will send to the LA a copy of what you have sent. The LA will be given **30 working days** to respond. The LA will send a copy of their response and any accompanying documents to you and to SEND Tribunal. If you do not receive the response within **six weeks** of your appeal being registered, you should notify SEND Tribunal in writing.

Do the LA oppose the appeal?

N

The LA should explain why they oppose the appeal and provide a summary of the facts. The LA are required to provide the child's views or explain why they have not been provided. The LA should make efforts to resolve the disagreements and continue to have ongoing discussions with you.

Y

If the LA agrees to make the requested changes to the EHC plan and you are satisfied with the outcome, you can withdraw the appeal or ask the Tribunal to order the LA to change the EHC Plan in the way you have agreed by making a **consent order**.

Do you have any further evidence?

Y

Request for change

Any changes you wish to make to your appeal would need to be done by completing the **Request for Change form**. For example: submitting late evidence, change in school placement form original appeal form, requesting a witness to attend and amending the grounds of appeal. You must seek the LA's views and submit these with your request to the tribunal service.

Following the LA response you will have the opportunity to respond to the LA's submissions to your appeal and this must be done by the final evidence deadline. If you submit copies of further documents or evidence, you must also send a copy to the local authority. Make sure you do this by the deadline given, as late evidence may not be accepted

Witnesses

Details of any supporters, representatives or witnesses that have agreed to attend with you should be completed on the **'Case Review form'** This must be sent to SEND Tribunals and the LA.

What is Case Management?

Sometimes there may be an issue that has been raised by parent or LA that is not easily resolved on the papers. This is an interim hearing that takes place by means of a conference call where the Tribunal Judge, the LA and parent will be able to discuss the case over the phone. The Tribunal Judge will either give you a decision immediately or reserve the decision. In all telephone hearings, the orders made will be confirmed in writing within a few days.

Amending the working document

At this stage in the case (if not before), the parties should be amending the **working document**. This is simply a word document of the final EHC plan sections under dispute. The LA will send the Working Document for you to **edit**, showing the proposed changes you would like to see made. You can then **return** it to the local authority for review. This should be an ongoing process which enables agreement to be reached ahead of the hearing.

Pre-hearing settlement

A party can withdraw its case at any time before the hearing by writing to the SEND Tribunal using a withdrawal form (**Form SEND8**). Attempt to withdraw less than 15 working days before the hearing must be accompanied by a **Request for Changes form** setting out the reasons why the case is being withdrawn so close to the hearing.

The 'Bundle' before the Hearing

At least **10 working days** before the hearing you will receive an electronic copy of the full appeal bundle from the LA. Details of the time and video link for the hearing will be sent by the tribunal service. The appeal will be considered by a panel - a tribunal judge and up to two specialist members.

Hearing date