



SEND Tribunal Case Review form

Refusal to Assess appeal

The Tribunal has introduced a new “**Case Review Form**” to assist with case management. The Case Review form now replaces the **Attendance Form**.

The Case Review form has a list of questions. Some of the questions will not be relevant as it relates to cases where the Tribunal must decide the educational placement to be named in an EHC plan. You can leave these questions blank.

A **refusal to assess** appeal is considered ‘on the papers’, meaning there is not actually a hearing which you need to attend. You just need to send in all of your evidence and explain your arguments in writing. Any questions relating to an oral hearing you can leave blank.

If you would like a hearing you can still make a request for this in writing, explaining your reasons for wanting the hearing and this will be considered by a Registrar or Judge

The Case Review form’s purpose is to help the Tribunal manage cases as efficiently as possible, by getting an update on the case and to see if there has been any progress on agreeing issues that were in dispute ahead of the hearing.

The Tribunal will tell you if you need to use this and send it to you to complete by a set date.

If you are not sure if you need to use the form, check the letter and any Directions (Orders) you have received from the Tribunal. If you are told to use the form but don’t receive one, contact the tribunal to request it.

The Case Review Form is a WORD document, and you can type into the boxes. The Form must be completed before the Bundle is due. The date for this is in your Registration letter.

When filling in your case review form you will be asked for your appeal number, this can be found on your registration letter. It will start with EH373/24/00, It can be found on emails sent to or from the Tribunal.

How to complete the Case Review form for an RTA appeal

Enter your **child's full name** and **Appeal Number**

The **Appeal Number** is the Hearing number.

Important Note: The appeal number should be on **all** emails you send to the LA and SEND Tribunal or receive from them. You will also find it on your Registration Letter.

First-tier Tribunal Special Educational Needs and Disability
SEND45

Case review

Child or Young Person's name

Appeal number

Question 1 – How the appeal is progressing

In this section you need to tick the boxes for what is still left to decide

Progress of the appeal

1. Issues often change during the lifetime of the appeal, as parties discuss and reach agreement on some points. If you have already reached agreement on some issues, what decisions are left for the Tribunal to make in your appeal? (leave out everything already agreed).

- Refusal to secure an EHC Needs Assessment
- Refusal to secure a Re-Assessment of EHC Needs
- Refuse to Issue a EHC Plan
- Contents of EHC Plan Section B – special educational needs
- Contents of EHC Plan Section F – special educational provision
- Contents of EHC Plan Section I – educational placement
- Contents of EHC Plan - Sections C and D – Health
- Contents of an EHC Plan Sections D and H – Social Care
- Cease to maintain the EHC Plan

← Refusal to assess appeal

Question 2 – Working Document for Contents of an EHC plan

You do not need to complete this section/leave blank

Question 3 – The outstanding issues between parties

List all the key issues that are still outstanding between yourself and the LA to be decided by the SEND Tribunal.

3. Please list the headline issues outstanding between the parties which are to be decided by the tribunal?

1.

2.

3.

4.

Note 3: For example – description of speech and language needs and specification of speech and language provision; specification of hours of one to one support required.

For Example:

The local authority do not agree to undertake a needs assessment

Question 4 to 6 – Educational Placement

This section relates to appeal cases where the Tribunal must decide on Educational Placement to be named on an EHC plan.

You do not need to complete this section/leave blank

Question 7 – Readiness for the hearing

This section asks the parent to give details on the readiness for the hearing. If you feel the appeal is ready to be decided at a final hearing, you can tick yes, or No if more time is needed.

Readiness for hearing

7. Do you consider the appeal ready to be decided by the tribunal at a final hearing?

Yes. Go to question 10.

No. Please explain why not and when it is likely to be ready for a hearing?

If you have submitted all your evidence, tick **Yes** (the appeal will be ready to be heard by the final hearing date) - go to question 9 (we know it says 10 but you go to 9!).

If no, you will need to explain why you feel it is not ready, as well as when it is likely to be ready for a hearing. This could be, for example, you are waiting for a report from a professional.

Question 8 – The appeal is not ready

This is to let the tribunal know that the appeal is not yet ready and a new timetable for key dates has been agreed by both parties.

Appeal not ready

8. Do the parties want a new timetable?

- Yes. The parties have agreed to a new timetable set by the tribunal as shown below
 No.

Final evidence

Day Month Year

Update Case Review Form Deadline

Day Month Year

Supplementary bundle deadline

Day Month Year

Final working document deadline (if applicable)

Day Month Year

If you have been in communication with the LA (before completing this form) to agree that the Hearing is not ready and a new timetable for key dates has been agreed then you would complete YES and give the agreed future dates, otherwise it is NO.

Final hearing date

Day Month Year

And any other directions agreed

Question 9 – Appeal is ready and you have a representative

This section is asking if you have a representative acting for you. Most RTA appeals are made to a tribunal without a **legal** representative, but if you do have a representative this is where you provide their details.

A person from the SENDIAS service is **not** a representative for the purpose of the form

Appeal is ready

9. Do you have a representative acting for you?

- Yes. Give details below.
 No. Go to question 11.

If you don't have a legal representative tick No, and go to question 10 (we know it says 11 but you go to 10!).

Please give the name and status of any representative you will have at the hearing.

Representative's name

Status or occupation

- local authority officer
 volunteer representative
 paid representative
 solicitor
 counsel
 other – please give details

If **Yes**, provide the details of your representative for the hearing

Question 10 – Parent Supporter or Advocate

An advocate is someone who knows you, who understands what you think about the issues in the appeal and so can speak on your behalf and attend the hearing.

10. If you are a parent or young person, will a parental supporter or advocate be attending the hearing.

Yes. Give details below.

No ←

Name

Status or occupation

parental supporter

parent's advocate

young person's advocate

Note 10: This is a different person from a representative. They will support the parent or young person at the hearing but **not represent them in the appeal** or help them express their views.

An RTA appeal is generally considered on the evidence only and you are not expected to attend a hearing, so you can answer **NO**

However, if you have requested an oral hearing and you have a supporter or an advocate then you would tick **Yes** and give their full name and tick their role.

Question 11 – Listing the witnesses

As this case will be considered on the evidence only, you are not expected to have any witnesses or attend a hearing

11. What are the names and occupations of your witnesses?

Witness 1 – Name

Occupation

Witness 2 – Name

Occupation

Witness 3 – Name

Occupation

Note 11: You must list the witnesses you will rely on in court here.

Witnesses that are not listed are unlikely to be allowed to attend the hearing unless there are good reasons.

You do not need to fill out this section of the form, unless you have requested an oral hearing.

If you have requested an oral hearing, you would put the names of your witnesses here



Question 12 - Witness Statement or report from witnesses

As this case will be considered on the evidence only, you are not expected to have any witnesses or attend a hearing

12. Have all your witnesses provided a witness statement or report of their evidence?

Yes

No. Please explain why not.

Note 12: All witnesses attending a hearing must have provided a written report or witness statement as written evidence in the appeal.

Any oral evidence given by a witness at a hearing will be in addition to their written evidence.

You do not need to fill out this section of the form, unless you have requested an oral hearing

Question 13 – Special Requirements

You do not need to fill out this section of the form

Question 14 – Paper or Oral Hearing

This section relates to the type of hearing and whether you consent to the appeal being decided by the Tribunal on the documents previously submitted alone, without taking part in an oral hearing.

Type of hearing

14. Do you consent to the appeal being decided by a tribunal on the documents without taking part in an oral hearing?

Yes

No

RTA appeals are in the main heard on papers alone, as they refer only to the Legal Test so you can tick YES to this question

Question 15 - Additional information for the Tribunal

If there is anything else you want to say to SEND Tribunal you would write it in this box

You do not need to fill out this section of the form

Question 16 - Signing the form

You must type your name in the boxes

16. Signature

Send your completed form to tribunal by the **Bundle Deadline**. You can find this date in the case directions document.

You sign the form by typing your name twice

Print name

Send the completed SEND 45 form to [SEND.Justice.gov.uk](https://www.send.justice.gov.uk)

Using the following format in the subject heading

Current hearing date: for example "HD 11/11/25

Appeal Number: (starts with EH)

Child/young person's full name:

Subject:

For example: HD 11/11/25 EH 93623/05667 John Smith CASE REVIEW
FORM

Remember to send a copy to the local authority.