Way forward meetings & Mediation for RTA appeals

The deadline for an appeal is **two months** from the date on the local authority decision letter (which gives the right of appeal) or **one month** from the date a mediation certificate is issued, whichever is the later. Read about Refusal to Carry out an Assessment Appeal

Are you within timeframe to lodge an appeal? (look at the date on the letter from the LA – make a note of the date two months after this).

Yes

No

Example: the LA decision letter is dated over two months ago. I do not have a mediation certificate.

You could lodge a **late appeal** if there are exceptional reasons. You must ask for the extension in your appeal and explain your reasons by sending your completed appeal form asap.

Arrange a Way Forward Meeting with the LA

It's important to meet with the LA before your two-month appeal deadline, so you still have time to plan your next steps.

The Way Forward meeting was **successful.**

If the LA have agreed to carry out the assessment, it must be completed within **20 weeks,** read about the EHCNA process

The Way forward meeting was **unsuccessful**

Having talked through their decision, the LA are **not** going to reconsider their decision .

The LA agreed to reconsider the request but still refused the assessment and issued a new decision letter with a fresh right of appeal.

Do you wish to lodge an appeal

Yes

No

I will continue working closely with the school on One Planning and may ask the school to involve an Inclusion Partner for specialist advice. You can make another EHC Needs Assessment request at any time.

Contact Global Mediation **before** your right of appeal expires. They will ask whether you wish to engage in meetings or just need a **mediation certificate**. NB: Delaying this contact for a certificate can be used strategically to extend your overall appeal deadline.*

I have already met with the LA (Way Forward Meeting) and want to go straight to lodging an appeal.

Do you wish to engage in a mediation

Yes

No

Ask Global Mediation for a mediation certificate

***Do you need more time to gather supporting evidence?** By waiting to contact Global Mediation towards the end of your two month right of appeal timeframe, the certificate will be dated later, thereby giving you an additional month to lodge an appeal. However, if you are ready to lodge your appeal, ask for your mediation certificate asap.

Ask Global Mediation to arrange a meeting. If the LA is unable to participate within 30 days it must tell Global Mediation who must then issue a certificate within 3 days. You can then decide if you wish to appeal immediately or wait for mediation to take place. If you choose to wait for the LA to take part, you will receive another certificate once mediation has concluded, or after 30 days if it has still not taken place. Read about Mediation

Global Mediation will provide a written record of outcomes. They will issue a mediation certificate within three working days, which confirms that mediation has concluded.

Do you wish to appeal?

Yes

No

To lodge an appeal - complete a SEND 35a Appeal form and lodge your appeal, with supporting evidence and mediation certificate to First Tier SEND Tribunal (right of appeal timeframe above). Read How to complete an RTA Appeal form

An agreement reached with the LA. Read about the EHCNA Process