

APPEALING A DECISION ABOUT AN EHCP

If you disagree with a decision made by the Local Authority regarding an Education, Health and Care Plan (EHCP), it's important to know your options. Here's a step-by-step guide to help you understand the process:

FIRST STEPS

Contact the SEN Team: Arrange a meeting with your Case Manager to discuss their decision and share why you disagree.

Resolution at This Stage: Many issues can be resolved through open communication, avoiding the need for formal appeals.

What If You're Still Unhappy?

If the issue cannot be resolved, you can appeal to the First Tier Tribunal (SEN and Disability). Before doing so, you must consider mediation, referred to as mediation advice.



WHAT CAN YOU APPEAL?

You can appeal decisions such as:

- Refusal to carry out an EHC needs assessment or reassessment.
- Decision not to issue an EHCP following an assessment.
- The content of Sections B (SEN), F (Provision), or I (Placement) of an EHCP.
- Decision not to amend an EHCP following a review or reassessment.

Decision to cease maintaining an EHCP.

MEDIATION

- Mediation is a free and confidential service aimed at resolving disagreements.
- An independent mediator will facilitate a meeting between you and the Local Authority.
- You will receive a mediation certificate within 3 working days of the meeting. This certificate is required to appeal to the tribunal unless your appeal is only about the school or institution named in the EHCP.

Important: You can still proceed to tribunal after mediation if you're unhappy with the outcome.



TIME LIMITS FOR APPEALS

You must register your appeal within two months of the Local Authority's decision letter or one month from the date of the mediation certificate—whichever is later.

Disability discrimination claims must be made within six months of the incident.

THE ROLE OF THE TRIBUNAL

The First Tier Tribunal considers appeals related to EHCP decisions and disability discrimination claims against schools.

The process is designed to be accessible and user-friendly, without requiring legal representation.

You can bring a friend, supporter, or representative from a voluntary organisation. Shropshire IASS can support you at hearings.



TRIBUNAL DECISIONS

The Tribunal can:

- Dismiss the appeal.
- Order the Local Authority to carry out an EHC needs assessment.
- Order the Local Authority to issue or amend an EHCP.
- Correct weaknesses in the EHCP (e.g., missing information).

Tribunal decisions are legally binding, and the Local Authority must comply within a set timeframe.

WHERE CAN I GET SUPPORT?

For impartial advice and guidance contact Shropshire SENDIASS

