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## **HOW DO I LODGE AN APPEAL WITH THE SPECIAL EDUCATIONAL NEEDS AND DISABILITY TRIBUNAL (SENDIST) ABOUT A DECISION MADE BY THE LA?**

### **Information Sheet 18**

You can only lodge an Appeal with SENDIST if the Local Authority (LA) has informed you of your right to do so. This will usually be contained in a letter telling you of decisions made about your son or daughter's Statement of special educational needs (SEN). If you do not agree with the decision you can appeal. The date of the letter from the LA is important as you only have two months from that date to register your appeal.

The first step you need to take is to contact SENDIST on 01325 392555 or email: [tribunalqueries@sendist.gsi.gov.uk](mailto:tribunalqueries@sendist.gsi.gov.uk) to let them know that you wish to appeal. They will send you a copy of their booklet in which you will find the form you need to complete in order to register the Appeal. You will have to send relevant documents with the form and these are listed in the SENDIST booklet. There is also a website at [www.sendist.gov.uk](http://www.sendist.gov.uk)

- *It is important to note that you must get the form and supporting papers to SENDIST by no later than two months from the date of the letter sent to you by the LEA (eg LA letter dated 5<sup>th</sup> March, papers must be with SENDIST by 5<sup>th</sup> May).*
- *If you miss the date you will only be given an extension in exceptional circumstances and it is only the President of the Tribunal who decides if your reasons are exceptional enough.*
- *Simply missing the date, being on holiday, or not realising the importance of the letter from the LA are usually not considered to be exceptional reasons.*

Once you have sent in your form, SENDIST will acknowledge it and send copies of your paperwork to the LA. You will be sent a letter, which explains what happens next together with a video, which describes the process. The SENDIST booklet also covers this.

Although the Tribunal is intended to be as parent-friendly as possible, you may well be feeling anxious about going ahead with, what is after all, a legal challenge to the LA's decision. Parent Partnership and a number of other organisations, which are listed at the end of this sheet, can provide (free of

charge) different types of information, advice and support including representation, through the process. You might also wish to consult a solicitor but you should note that appeals to SENDIST do not attract Legal Aid and you will have to pay for the costs of legal advice. You may also wish to gather additional evidence about your child's needs for the Tribunal hearing – these could include up to date medical, therapy or educational assessments. Please note that there are strict deadlines that have to be kept to for submitting evidence and late written evidence is usually not accepted although, with the Tribunal Chair's permission you may be able to talk about reports at the hearing, but the LA can object to this.

### **If I appeal, can I still talk to the LA?**

You can and should keep talking to the LA<sup>1</sup> right up to the day of the Tribunal hearing. Your child's needs may well change during the time it will take or you may find that the arrangements put in place through the Statement are working well. It is important to keep the LA informed of this and of any new evidence you may have obtained. Your Appeal can be withdrawn right up to and including the day of the hearing and there is no penalty for withdrawal.

*If you decide to withdraw your Appeal, please remember that you have to do so in writing to SENDIST who will then advise the LA. Only you, the pupil's parents, have the right to make and withdraw the Appeal.*

### **What is Mediation?**

When your Appeal has been registered, you may receive details of mediation services. Mediation is a process, which usually involves a meeting with the LA facilitated by an independent third party that is a trained mediator. It is intended to see if there is scope for agreement on any or all of the matters you wish the Tribunal to make a decision about.

*Mediation is always entered into voluntarily, in other words you can choose to ask for mediation or decide not to take part, and this does not remove your right to carry on the Appeal to SENDIST.*

### **Additional information**

[www.parentcentre.gov.uk](http://www.parentcentre.gov.uk) at home page click on publications  
Resources for parents by parents