

Filling in the SEND35 appeal form

This form must be complete using **black** ink/ text only.

You can download the SEND35 from [HERE](#)

Section 1, 2 & 3: Who

Section 1:

Enter the child/ young persons first name, last name, gender and date of birth.

If you are filling out the form for yourself simply input your own information.

Section 2:

Enter who is making the appeal by ticking the box stating who you are to the person requesting an EHCP.

Then you need to continue and fill out their:

Title

First name

Last name

Phone number

Email address

Relationship to the child/ young person

If you are appealing for yourself fill out your own details.

Section 3:

This section gives you the opportunity to add additional parents/ carers. If you want to make an addition, tick 'Yes' and carry on completing the form as per section 2. If not, simply tick 'No'.

Section 1 – Child or young person's information

1.1 Details of the child or young person

First name

Last name

Gender

Date of birth

For example: 27 03 2007

Day

Month

Year

Section 2 – Details of the person appealing

2.1 Who is making the appeal?

I'm appealing for myself as a **young person**

A young person appealing themselves must be over compulsory school age and under 25 years old.

Compulsory school age lasts until the end of the academic year in which a student turns 16 years old.

I'm appealing on behalf of the young person as a **alternative person**

You are referred to as an '**alternative person**' if you are appealing on behalf of a young person who cannot appeal on their own. This includes parents, a court of protection deputy, or someone with lasting power of attorney.

I'm appealing on behalf of the child (between 0 to 16 years old) as a **parent or carer**

2.2 Details of the person appealing

Title

First name

Last name

Phone number

Email address

Relationship to the child or young person

Section 3 – Details of another parent or carer

3.1 Do you want to add an additional parent or carer?

Yes

Details of the additional parent or carer:

Section 4 & 5: Representative/ Advocate

Important note:

You do not need a representative or advocate to appeal.

A **representative** is someone you want to represent you in dealing with the tribunal. If you name a representative, the tribunal will only communicate with your representative. An **advocate** can be anyone who can support a parent, child or young person. They can support you to communicate on your behalf during your appeal process but cannot represent you at the hearing. You need their permission to add them to your appeal.

Section 4.1 (Representative):

If you **have** a representative tick '**Yes**' and proceed to question 4.2.

If you **don't have** a representative tick '**No**' and proceed to Section 5, you don't need to complete anything further in this section.

Section 4.2 & 4.3:

Fill out your representatives title, first name, last name, company name, number & email address.

Section 5.1 (Advocate):

If you **have** an advocate tick '**Yes**' and proceed to question 4.2.

If you **don't have** an advocate tick '**No**' and proceed to Section 5, you don't need to complete anything further in this section.

Section 5.2 & 5.3:

Fill out your advocates title, first name, last name, phone number & email address.

Section 4 – Representative's information

4.1 Do you have a representative?

- Yes → go to question 4.2
 No → go to Section 5

4.2 Details of the representative

Title

First name

Last name

Company name

4.3 Contact details

Phone number

Email address

Section 5 – Advocate information

5.1 Do you have an advocate?

- Yes → go to question 5.2
 No → go to Section 6

5.2 Details of the advocate

Title

First name

Last name

5.3 Contact details

Phone number

Email address

Section 6 & 7: Communication/ Parental Responsibilities

Section 6.1:

From the details you have already provided above, tick the relevant box for who you want the tribunal to be in contact with. Please note you can only choose one.

Section 6.2, 6.3 & 6.4:

You must fill out all the boxes in these sections with the contact details of who you have chosen to receive information from the tribunal directly.

Section 7.1:

If **there is** another person/ organisation with parental responsibility tick '**Yes**' and proceed to question 7.2.

If **there's not** another person/ organisation with parental responsibility tick '**No**' and proceed to Section 8, you don't need to complete anything further in this section.

Section 7.2 & 7.3:

You must name the other person/ organisation with parental responsibility and tick if you have told them about the appeal or not. If you have a reason for not wishing to include this information, this must be stated.

Section 6 – Communication during the appeal

The tribunal will only provide information during the appeal process to **one person**. This can be you or anyone representing you during the appeal.

6.1 Who do you want to receive information about the appeal?

Select one:

- The young person the appeal is about
- The named advocate
- The named representative
- The named parent or carer
- The alternative person

6.2 Details of the person who should receive information during the appeal

6.3 Contact details

6.4 Address

Section 7 – Anyone else with parental responsibility

7.1 Is there any other person or organisation with parental responsibility?

- Yes → go to question 7.2
- No → go to Section 8

7.2 Name of the other person or organisation

7.3 Have you told them about this appeal?

- Yes
- No

Tell us the reasons why you have not told them about this appeal:

If the child or young person is under 18 years old we need to ask if there is anyone else who has parental responsibility. Other people could be: a social worker, foster parent, someone from an organisation, parent (who may not be present but still has parental responsibility), or another family member

Section 8: Type of Appeal

Section 8.1:

You need to tick what you are appealing against and then follow onto the relevant section. If you're unsure, check what is written in the decision letter from the LA. You can also make health (Section C & G) and social care (Section D & H) proposals with any reason you choose.

Section 8.2 & 8.3:

You need to tick stating if this appeal is following an annual review or not. Then go on to tick what sections(s) you disagree with - you can tick more than one if they apply to you.

Section 8 – Type of appeal

8.1 What are you appealing about?

Choose all that apply:

- The local authority refused to make an EHC plan
→ go to Section 10
- The local authority refused to secure a reassessment of EHC needs
→ go to Section 10
- I disagree with something written in Section B, F or I of the EHC plan
→ go to question 8.2
- The local authority decided a plan is no longer necessary
→ go to question 8.2

8.2 Is the appeal following an annual review of an EHC plan?

- Yes
- No

8.3 What section or sections of the EHC plan do you disagree with?

Choose all that apply:

- Section B of the plan**
I disagree with what the EHC plan says about the child or young person's special educational needs
→ go to Section 10
- Section F of the plan**
I disagree with what the EHC plan says about the educational help or provision the child or young person requires
→ go to Section 10
- Section I of the plan**
I disagree with the school, college or education provider named in the plan or the type of education provider
→ go to Section 9

Section 9: Placement

Complete this section only if you disagree with what the EHC plan says about the choice of school, college or education provider. This is Section I of the EHC plan.

Section 9.1 & 9.2:

You need to tick what applies to your circumstance.

If you have asked for a specific school or not you need to ticked where appropriate and then proceed to the named question.

Section 9.3:

You may want to mention features you would like from the provider, such as: the type of support they provide, the size of the provider, classroom size, and the access to facilities for disabled people

Section 9 – School, college or education provider

9.1 What about Section I do you disagree with?

Choose one:

- I disagree with the school, college or education provider named in the EHC plan (Section I)
- The local authority has not named a school, college or education provider in the EHC plan (Section I)

9.2 Have you asked for a specific school, college or education provider?

- Yes → go to question 9.4
- No → go to question 9.3

9.3 Which type of school, college or education provider do you want to ask for?

Describe the type of school, college or education provider you want to ask for:

Section 9.4:

Complete this section with the information of your **first choice provider**.

Section 9.5 & 9.6:

The provider should have been informed that you asked them to be named in your plan. You need to state when and how you have contacted the provider. If you're speaking to multiple, include the date & the response (if any) from your **first choice only**.

9.4 Which school, college or education provider did you ask for?

9.5 When did you contact the school, college or education provider?

Date you contacted them

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

9.6 What was their response? (Optional)

Include which provider and as much of their response as you want. Do not include your reasons for appealing here.

Section 10: Reasons for the appeal

Section 10.1:

In this section the Tribunal wants to know: why you disagree, what **evidence** you have, and what action you want the tribunal to take. for **each** issue you have.

Section 10 – Reasons for the appeal

10.1 What are the reasons for your appeal?

This is where you set out why you think the LA's decision is wrong. Try to put in everything you need to say, your full case, at this point.

On the following page you will find a draft letter that may help you with completing this section. You are welcome to use this draft as a starting point for your appeal. The examples included can be adapted and expanded to reflect your personal circumstances. These are just suggestions, your reasons are not limited to those listed. You can edit and build on this draft to suit your needs.

Please note that a formal diagnosis is not required for an EHCP.

You'll need to provide **evidence** showing the individual requires special educational provision through an EHC plan. **Include as much supporting evidence as possible with your appeal form and refer to it in your reasons** (e.g. school reports showing lack of progress despite SEN support). If you don't have everything ready to send straight away; you can submit more evidence after you've registered your appeal. You must send in enough information for the LA to be able to respond.

During an EHCNA the local authority must gather advice on the child or young person's needs, the provision required to meet those needs, and the intended outcomes of that provision. If the child or young person is in or beyond Year 9, this must also include advice on preparation for adulthood.

This evidence can be sought from; the child's parent or the young person, the education provider, healthcare professionals, an educational psychologist, and social care. The LA may also consult anyone else it deems appropriate, as well as anyone reasonably requested by the parent or young person.

Section 10: Reasons for the Appeal - Draft Letter

My son/daughter, **[name]** is diagnosed as having **[diagnosis]**. I attach his/her diagnosis. In addition, he/she has:

(insert from list below adding appropriate details e.g. diagnosis, date of, therapy given, progress, existing needs.)

Speech and language difficulties (see report attached), Sensory difficulties (see report attached from occupational therapist), Cognitive difficulties, Physical difficulties, Sleep difficulties, Eating difficulties, Anxiety issues, Behavioural issues, Lack of self-help skills

My son/daughter attends **[name of current/latest school]**. I attach his/her latest pre-school/school report. That placement agrees with me that **[name]** needs special educational provision to be secured through an Education and Health Care Plan.

On the **[date of letter received]** I received confirmation from the LA that it was not going to issue an EHC plan for my son/daughter. Its failure to do so is a breach of Section 37(1) of the Children and Families Act 2014.

The available evidence and reports from the EHC needs assessment shows that my son/daughter is not making appropriate progress. **(List the reasons/examples – developmental milestones, academic attainment etc.)**

In addition, the ordinarily available provision is clearly insufficient to meet my son's/daughter's needs. **[name]** needs much greater support in order to fully access his/her education, especially if they were to continue in a mainstream setting.

(Insert any provision you say is needed above that which is ordinarily available)

The available evidence and reports from the EHC needs assessment shows that my son/daughter will not be appropriately placed in any LA maintained mainstream school because: **(List the reasons)**

I therefore ask the Tribunal to:

- A. Find that my son/daughter has special educational needs.
- B. Find that my son/daughter requires special educational provision to be secured through an Education, Health and Care Plan.
- C. Find that the LA are in breach of their statutory duty to issue an EHC plan for my son/daughter as indicated in Section 37(1) of the Children and Families Act 2014.
- D. To find that the current school my son/daughter attends cannot meet their needs without provision being made through an EHC Plan.
- E. Order the LA to issue a draft EHC plan and proceed to a final EHC plan, in keeping with statutory processes, for my son/daughter, **[name]**.

Section 10: Reasons for the Appeal - Useful sources of evidence

Please note this is not an exhaustive list

- ▶ **The Health Service** e.g. speech and language therapist, CAMHS, occupational therapist, paediatrician, GPs, medical professionals, physiotherapists, psychiatrists etc.

- ▶ **Evidence from the child or young person's current school or other institution** e.g. attendance records, current and previous pupil passports/ IEPs, communication with school (emails, letters), meeting minutes, education psychologist reports, pupil progress reports, exclusion letters, part time timetable risk assessments, incident reports, after school clubs, school trip risk assessments. Home/school diaries.

- ▶ **Privately obtained reports from independent professionals**
These can be very expensive so you may wish to consider:
 - ▶ If you qualify for legal aid: <https://www.gov.uk/check-legal-aid>
 - ▶ Voluntary organisations that specialise in a particular disability may be able to provide an assessment at a modest cost.

- ▶ **During the EHC needs assessment, the LA should have sought information and advice from a range of professionals including an educational psychologist.** The LA should have obtained an up-to-date report from a particular professional and if they failed to do so, you should ask them to do this. If they refuse, you can ask the Tribunal to order that they obtain the report needed – use the “Request For Change SEND7” form: <https://www.gov.uk/government/collections/special-educational-needs-and-disability-tribunal-forms>

- ▶ **Written statements from those involved with the child or young person** e.g. teachers, someone who knows the child or young person from outside school such as at a youth club or a carer, the child/young person (written by themselves if they are able to do so) or the parents (to ensure they get all their points across).

- ▶ **Video/ audio evidence** (this should be short and to the point. Video evidence more than 10 minutes is unlikely to be watched). Attach with it a statement of the facts the evidence seeks to establish.

- ▶ **Published evidence or references to relevant research and findings.** Be aware of relying on this too much as the best evidence is going to be primary evidence about the child/ young person.

- ▶ **Examples of the child/ young person's work and progress overtime.**

Section 11: Health and Social Care

This section is optional - you don't need to complete this if it isn't relevant to your case.

Section 11.1 & 11.2:

You need to tick if you want the tribunal to make recommendations about health & social care and then follow on to the relevant section. If you do proceed to 11.2, select the option(s) you require and follow the directions to the next relevant section.

Section 11.3 & 11.4:

If you have an EHC plan, health details are in **Section C and G**. Send any evidence you have along with this appeal form. You should also list the evidence you are sending in the 'Supporting evidence' table at the end of this appeal form.

Section 11.5 & 11.6:

If you have an EHC plan, social care details are in **Section D and H**. Send any evidence you have along with this appeal form. You should also list the evidence you are sending in the 'Supporting evidence' table at the end of this appeal form.

Section 11 – Health and social care (optional)

You may also ask that a recommendation is made about health, social care, or both.

The local authority will send a copy of this appeal to the local health or social care provider.

11.1 Do you want to ask the tribunal to make a recommendation about health or social care?

- Yes → go to question 11.2
 No → go to Section 12

11.2 What do you want the tribunal to make recommendations about?

You can choose both options:

- Health**
If you have an EHC plan, health details are in Section C and G
→ go to question 11.3
- Social care**
If you have an EHC plan, social care details are in Section D and H
→ go to question 11.5

11.3 What issues do you want the tribunal to consider and decide about **health**?

11.4 What recommendations do you want the tribunal to make about **health**?

11.5 What issues do you want the tribunal to consider and decide about **social care**?

11.6 What recommendations do you want the tribunal to make about **social care**?

Section 12: Mediation Certificate

Section 12.1 & 12.2:

If you have a mediation certificate tick '**Yes**' and proceed to Section 13, you don't need to complete anything further in this section. If you don't have a mediation certificate tick '**No**' and proceed to question 12.2.

Make sure to explain in full why you think you do not need a mediation certificate or it may cause a delay in your appeal. The tribunal will decide if they can accept your reason.

Section 12 – Mediation certificate

Before submitting the appeal, you need a mediation certificate unless there is a valid reason why you do not have one.

You do not need to have a mediation meeting if you choose not to, but you still need to contact a mediation organisation to show you have considered mediation. They will give you a certificate which you'll need to submit an appeal to the tribunal.

For more information on the mediation process and who to contact, read our mediation guidance:

<https://www.gov.uk/appeal-ehc-plan-decision/before-you-appeal>

12.1 Do you have a mediation certificate?

- Yes → go to question Section 13
 No → go to question 12.2

12.2 I do not have a mediation certificate because:

- My appeal is only about which school, college or education provider the child or young person should attend (Section I of the EHC plan)
- Another reason
Tell us why you do not have a mediation certificate:

Section 13: Appealing on time

Section 13.1, 13.2 & 13.3:

Please enter the date the LA issued the decision letter. If you have a mediation certificate, also provide the date it was issued, using the format DD/MM/YYYY. You need to explain why you are submitting your appeal after the deadline. A tribunal judge will review your explanation, so it's important to give full reasons for the delay. You should explain; why the appeal is late giving full reasons for the delay. Why you believe your appeal has a good chance of success. And why you should not have to wait for an annual review or ask for another assessment

Section 13 – Appealing on time

You must submit this appeal **within 2 months** of the date on the local authority's decision letter, or **within one month** of the date on the mediation certificate if you have one.

13.1 What is the date printed on the local authority decision letter?

For example: 27 03 2007

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

13.2 If you have a mediation certificate, what is the date printed on it? (optional)

For example: 27 03 2007

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

13.3 If you are appealing after the time limits, or you are not sure if your appeal will be received in time, explain why:

Section 14: Other SEND Appeals

Section 14.1:

Tick whether or not the child, young person or any of their siblings involved in any other SEND appeals. If there is, please included the relevant reference numbers.

Section 14 – Other SEND appeals

14.1 Is the child, young person or any of their siblings involved in any other SEND appeals?

Yes

Appeal reference numbers

If there are multiple cases, separate reference numbers with commas. For example EH123/23/00001, EH456/56/00002

No

Section 15: Other court or tribunal cases

Section 15.1:

Tick whether or not the child, young person or any of their siblings involved in another court or tribunal, including the family court. Please included a short description of the case and any orders.

Section 15 – Other court or tribunal cases

15.1 Is the child or young person involved in any other cases in another court or tribunal, including the family court?

Yes

Give the name and a short description of the case and any orders:

Section 16: Hearing preferences

Section 16.1, 16.2 & 16.3:

You need to tick what type of hearing you would prefer, and if you would be open to having an earlier hearing date if one becomes available.

You will also be asked if you want to take part by video - Most hearings are held remotely by video. You will be given guidance on how to access the hearing closer to your hearing date.

Section 16 – Hearing preferences

You can tell the tribunal how you'd like to have your appeal decided. It could be decided:

- as a **'paper hearing'**- this type of hearing can be quicker as the tribunal looks at the documents and evidence and makes a decision without you attending a hearing in person or by video
- as a **hearing you can attend** - most hearings are held remotely by video but in a small number of cases they can be in person at a tribunal building

You will only have a paper hearing if you and the local authority agree to one. The tribunal will review your preference and decide on the hearing format.

This appeal form is not the last opportunity to submit documents. The tribunal will tell you how long you have to give further evidence before the hearing.

16.1 What type of hearing would you prefer?

- I prefer a paper hearing, just with documents and evidence provided
- I prefer a hearing I can attend by video or in person

16.2 Do you want an earlier hearing if one becomes available?

- Yes
- No

16.3 Are you able to take part in hearings by video?

- Yes
- No

Tell us why you cannot attend a hearing by video:

Section 17: Support during your case

This section ensures that you can be fully supported throughout the case by taking down any barriers you may face.

Section 17.1:

Gives you to opportunity to request an interpreter or someone else present to support you.

Section 17.2:

You must note any reasonable adjustments or support that you think need to be made to assist your attendance.

Section 17 – Support during your case

Some people need support to access information and use our services. You can ask for a spoken language interpreter and any reasonable adjustments for people with a health condition or disability. Some reasonable adjustments need to be agreed by the tribunal. You can discuss with the tribunal if your needs change.

Reasonable adjustments can include:

- a sign language interpreter
- documents in alternative formats, colours and fonts
- help with communication, sight, hearing, speaking
- help with managing your mental health
- access and mobility support if a hearing takes place in person

Think about all communication with the tribunal, as well as what you might need at a video or in-person hearing.

17.1 Do you, or anyone else supporting you, need a spoken language interpreter?

- Yes

Include all languages and dialects you need:

- No

17.2 Do you, or anyone else supporting you, need any reasonable adjustments or support?

Tell us what support you want to ask for: