

West Sussex SEND Information,  
Advice and Support Service (SENDIAS)

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# Lodging an appeal with the SEN & Disability Tribunal



If you are thinking of lodging an appeal with the SEN & Disability Tribunal (SENDIST) and would like some support, we can help by:

- listening to your concerns
- helping you sort out the issues
- identifying other sources of support
- helping you decide what to do next
- explaining the appeal process, the law and your rights.

We can give impartial help and advice such as completing the SENDIST appeal form with you, and collating papers/reports for evidence in preparing your case. We can also support you at mediation meetings. If you would like us to be with you at the tribunal hearing, our role is that of a non-legal representative rather than a legal representative/lawyer.

## What can I appeal?

The SEND Code of Practice 2015 says that parents and young people can appeal to SENDIST about:

- a decision by the local authority not to carry out an Education, Health and Care needs assessment or re-assessment,
- a decision by a local authority that it is not necessary to issue an Education, Health and Care plan (EHCP) following an assessment,
- the description of a child or young person's SEN specified in an EHCP (Section B),
- the special educational provision specified in the EHCP (Section F),
- the school or other setting named in the EHCP, or the fact that no such setting has been named (Section I),
- any amendment to sections B, F or I of the EHCP,
- a decision by the local authority not to amend an EHCP following an annual review or re-assessment, or
- a decision by the local authority to cease to maintain an EHCP.

## Mediation

Before bringing an appeal to SENDIST, you need to have considered mediation. The purpose of mediation is to look for a way forward that all parties agree with. It is not compulsory, but must be considered. You will need to have a mediation certificate to submit with your appeal. This certificate proves that you have considered mediation.

If you are appealing **only** on Section I of the EHCP (placement) – a mediation certificate is not needed to lodge the appeal.

In West Sussex, mediation services are provided by Global Mediation (see back page for contact details).

Parents/carers who want to lodge an appeal should contact Global Mediation who will help them decide whether to take up the option of mediation before appealing. If you choose mediation, a meeting will be arranged within 30 days. If you decide against mediation, the mediation certificate will be issued within three days.

We would always suggest a parent/carer considers mediation. It does not prevent an appeal from being lodged but it gives an opportunity for you and the local authority to re-consider the situation and possibly reach an agreement locally. Keep talking to the local authority throughout this process, as it does not affect your appeal in any way. Our 'Communicating with Professionals' leaflet may help:

<https://www.westsussex.gov.uk/professionals>

## Timescales for lodging an appeal

You have **two calendar months** from the date on the letter from the local authority giving the decision, in which to lodge your appeal with SENDIST. Or a month from the mediation certificate, whichever is the later.

All SEN appeals should have a **12 week** timetable. (Appeals about disability discrimination will have longer timetables).

If the matter is urgent, or you would like your case to be listed in less than 12 weeks, you can ask for that to happen. If you ask for a shorter timetable it will be helpful to let the local authority know, as both you and the local authority need to agree with your request for the appeal to be listed more quickly.

## Paper hearings

For 'refusal to assess' appeals, SENDIST will consider the appeal based on papers submitted, without the need for you or the local authority to attend a hearing. If you would like an oral hearing instead, you can ask for this in writing, explaining your reasons, and your request will be considered by a registrar or judge.

## Useful Contacts

- West Sussex SENDIAS **0330 222 8555**  
[www.local-offer.org/services/7](http://www.local-offer.org/services/7)
- West Sussex Local Offer [www.local-offer.org](http://www.local-offer.org)
- Contact [www.cafamily.org.uk](http://www.cafamily.org.uk)
- Global Mediation **0800 064 4488**  
[www.globalmediation.co.uk](http://www.globalmediation.co.uk)
- SEN & Disability Tribunal (SENDIST) **01325 289350**  
[www.westsussex.gov.uk/sendtribunal](http://www.westsussex.gov.uk/sendtribunal)
- SEN Assessment Team (SENAT)
- North Team **0330 222 2722** covers Crawley  
[SENAT.North@westsussex.gov.uk](mailto:SENAT.North@westsussex.gov.uk)
- South Team **0330 222 3120** covers the coast - including Worthing, Steyning, Littlehampton, Angmering, Shoreham, Portslade and Hove  
[SENAT.South@westsussex.gov.uk](mailto:SENAT.South@westsussex.gov.uk)
- Mid Team **0330 222 3121** covers the mid of the county - including Horsham, Burgess Hill, Cuckfield, East Grinstead and Haywards Heath  
[SENAT.Mid@westsussex.gov.uk](mailto:SENAT.Mid@westsussex.gov.uk)
- West Team **0330 222 2516** covers all areas West of Littlehampton, including Chichester, Bognor Regis, Midhurst and Petworth  
[SENAT.West@westsussex.gov.uk](mailto:SENAT.West@westsussex.gov.uk)
- IPSEA Tribunal Helpline [www.ipsea.org.uk/tribunal-helpline](http://www.ipsea.org.uk/tribunal-helpline)  
(call-back bookable online)

This leaflet is also available in the top 5 most spoken community languages in West Sussex and can be found at [www.westsussex.gov.uk/translations](http://www.westsussex.gov.uk/translations)



## How to contact us

Helpline: **0330 222 8555**

By Post: **SEND Information, Advice and Support Service  
St James Campus  
St James Road  
Chichester  
West Sussex  
PO19 7HA**

Email: **[send.ias@westsussex.gov.uk](mailto:send.ias@westsussex.gov.uk)**

Website: **[www.local-offer.org/services/7](http://www.local-offer.org/services/7)**

**SEND** = Special Educational Needs and/or Disabilities



The role of the SENDIAS service is to ensure that all parents, children and young people have access to impartial information, advice and support so they can make informed decisions related to their SEND. Any information that is shared with the service is in confidence unless permission has been obtained to share this with other individuals, services and agencies that may be able to help the family with their circumstances. To view our policies, and our privacy notice, please look at the SENDIAS pages on the Local Offer: **[www.local-offer.org](http://www.local-offer.org)**