

## What to do if you are unhappy with any decisions made in relation to a request for an EHC Needs Assessment or Education, Health and Care (EHC) Plan

### 1. Contact the SEND Service

If you are unhappy with any decision made, you should contact the SEND Service in the first instance. We will do our best to discuss and resolve any concerns you may have.

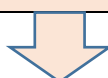
**Tel: 020 8379 5667**  
**Email: [sen@enfield.gov.uk](mailto:sen@enfield.gov.uk)**



### 2. Contact SENDIASS at Every Parent and Child

You can also contact SEND IASS (Independent Advice and Support Service) at Every Parent and Child who will be able to provide independent support, advice and guidance.

**Tel: 020 8373 6273**  
**Email: [enquiries@epandc.org.uk](mailto:enquiries@epandc.org.uk)**



### 3. Right to Request Mediation

If you are still unhappy or have chosen not to contact the SEND IASS team, you have the right to request and have independent mediation.<sup>1</sup>

This means that an independent organisation will arrange a meeting between yourself and whoever your concern is with, eg, the Local Authority, Health and/or Social Care or Educational setting to discuss your concerns and agree a way forward, within 30 days of you contacting them to request this service.

Note you must obtain a mediation certificate<sup>1</sup> from KIDS\* even if you do not wish to have mediation, or if you have had mediation<sup>1</sup>, and are still unhappy and want to go to Tribunal about the Educational element of the decision.

You do not have to have to have mediation if you only want to appeal about the school or other educational establishment named in the Plan.

Note you cannot make an appeal to the SEND Tribunal regarding any other educational aspect, other than the educational placement above, unless you have a Mediation Certificate.

The organisation dealing with Mediations for Enfield and where you will get the Mediation Certificate from is KIDS and they can be contacted on

**Tel: 03330 062835**  
**[www.kids.org.uk/mediation](http://www.kids.org.uk/mediation)**



### 4. Right of appeal to a First Tier (Special Educational Needs and Disabilities/SEND) Tribunal <sup>1</sup>

If you are remain unhappy with a decision made by the Local Authority, and wish to make a formal appeal to SENDIST, the Tribunal must receive your appeal within 2 months of the date on the Local Authority's decision letter, or a month from the date of the mediation certificate - whichever is later.

You can contact SENDIST on:

**Tel: 01325 289350**  
**Email: [sendistqueries@hmcts.gsi.gov.uk](mailto:sendistqueries@hmcts.gsi.gov.uk)**

<sup>1</sup> the First-tier Tribunal's power to make recommendations under the Special Educational Needs and Disability (First-tier Tribunal Recommendations Power) Regulations 2017.

## **SEND Tribunal Two Year Trial**

The Government are running a two year trial for the SEND Tribunal to make non-binding recommendations about health and social care aspects of the EHC Plans. The trial will apply to decisions made or EHC plans issued/amended from 3 April 2018.

To date, you have only been able to appeal the educational aspects of EHC plans. The trial gives you new rights to request recommendations about the health and/or social care needs and provision specified in EHC plans. This will be in addition to the educational aspects, when making a SEND appeal. This gives you the opportunity to raise all your concerns about an EHC plan in one place.

It is only possible for the Tribunal to consider the health and/or social care aspects of the EHC plan, **if you are already making an appeal about the education aspects of the EHC plan** and the education aspect must remain live/valid throughout the appeal. You cannot appeal to Tribunal if you only have concerns about health and/or social care aspects.

If you are appealing on Educational grounds, you can ask the Tribunal to make non-binding recommendations on health and/or social care aspects of EHC plans **as part of an appeal** relating to:

### **Section 1**

- a decision by the local authority not to issue an EHC plan
- a decision by the local authority not to carry out a re-assessment for a child/young person who has an EHC plan
- a decision by the local authority not to amend an EHC plan following a review or re-assessment
- a decision by the local authority to stop an EHC plan
- the description of the child/young person's special educational needs in an EHC plan
- the special educational provision specified in an EHC plan
- the school or other educational institution named in an EHC plan

If you want to make an appeal relating to any of the above issues you should do so within 2 months of the decision or within one month of issue of the mediation certificate, if later.

You should **follow the normal process for bringing an appeal to the Tribunal and tick the box on the form relating to a health and/or social care appeal.**

Advice on making SEND appeals to the Tribunal is available from the [GOV.UK website](https://www.gov.uk).

If the SEND Tribunal agree with your reasons for your appeal, they will make recommendations to Education, Health and/or Social Care, depending on what your concerns are. Following the Tribunal, whoever has to deliver those recommendations must write to you within 5 weeks explaining the actions they have decided to take, or give reasons why they are not going to follow the recommendation(s). They must also inform the Department for Education through the Evaluators.

## **What I can I do if the Health or Social Care do not follow any recommendations made by the Tribunal?**

If the recommendations are not followed, you can complain to the Local Government and Social Care Ombudsman (LGSCO) or Parliamentary and Health Service Ombudsman (PHSO) or seek to have the decision judicially reviewed. Further information on the roles of these bodies can be found on their websites.

The independent evaluators of the Trial are strongly encouraging participation from parents and young people through telephone or online interviews.

Parents and young people that take part in the trial will receive a letter from the Tribunal explaining more about the evaluation and how their personal data will be stored confidentially and how it will be protected.

Should you have any questions or want to discuss this further, please contact:

<b>Service/Organisation</b>	<b>Telephone and Email</b>
SEND Service	020 8379 5667 <a href="mailto:sen@enfield.gov.uk">sen@enfield.gov.uk</a>
Every Parent and Child	020 8373 6273 <a href="mailto:enquiries@epandc.org.uk">enquiries@epandc.org.uk</a>
Our Voice Parent/Carer Forum	07516662315 <a href="mailto:info@ourvoiceenfield.org.uk">info@ourvoiceenfield.org.uk</a>