

## EHCPs - Useful Information

**Local Offer** – [www.eastridinglocaloffer.org.uk](http://www.eastridinglocaloffer.org.uk)

For information about local and national services for young people at 0-25 years. The local offer aims to be a place where parent carers can visit to find information about all areas of SEND.



**SENDIASS** is a dedicated information, advice and support service for parent / carers of children and young people, children and young people (aged 0 – 25yrs) with special educational needs and disabilities (SEND). Information and advice can also be delivered to children 0-16yrs separately from their parents. For more information about what they offer contact SEND Information, Advice and Support Service (SENDIASS), County Hall, Beverley HU17 9BA. Tel: (01482) 396469 or email [sendiass@eastriding.gov.uk](mailto:sendiass@eastriding.gov.uk) or text: 07507310273. You can find more information on their website: [www.eastridingsendiass.org.uk](http://www.eastridingsendiass.org.uk)



**Families Information Service (FISH)** The Families Information Service Hub is known as FISH. The friendly, helpful FISH Team operates a helpline offering free, impartial information for young people, parents and carers, and professionals who have a role in supporting families.

FISH is a 'one-stop-shop' where you can get details of services in the East Riding for children and young people aged 0-20 years. For more information about what they offer contact FISH on (01482) 396469 or email [FISH@eastriding.gov.uk](mailto:FISH@eastriding.gov.uk).



**East Yorkshire Parent Carer Forum (EYPCF)** is a parent / carer forum through which you are able to share your views with the local authority about services your son / daughter with special educational needs and disabilities (SEND) may receive. This forum helps your views be heard to shape services for the future and can be accessed by telephone: 07813676941, or by email: [admin@eypcf.co.uk](mailto:admin@eypcf.co.uk)



**KIDS** can provide an impartial information, advice, support and advocacy service for children and young people up to 25 years. This service includes: signposting to alternative sources of advice, information and support that may be available locally and nationally, individual casework and representation, responding to electronic and telephone enquiries, support in meetings, contributing to assessments and reviews and participating in decisions about outcomes for the young person, support in arranging or attending disagreement resolution, mediation and tribunals. For further information, or to make a referral to this service:

KIDS Chanterlands Avenue, Hull, HU5 4DJ  
Telephone: 01482 467540  
Email: [enquiries.yorkshire@kids.org.uk](mailto:enquiries.yorkshire@kids.org.uk)

**The SEN Panel** make decisions in accordance with the Special Educational and Disability Needs Code of Practice (2015). A copy of this Code can be obtained free of charge by visiting the website at [www.dfe.gov.uk](http://www.dfe.gov.uk)

## What happens if I disagree with the decision made by the SEN Panel?

### Disagreement resolution/Mediation:

While 'disagreement resolution' and 'mediation' are often used interchangeably, under the Children and Families Act 2014 they refer to different processes. Disagreement resolution arrangements apply more widely and are distinct from the mediation arrangements which apply specifically to parents and young people who are considering appealing to the Tribunal about EHC needs assessments and the special educational element of an EHC plan, or who want mediation on the health and social care elements of an EHC plan. Whereas parents and young people must contact a mediation adviser before registering an appeal about EHC needs assessments or the SEN element of an EHC plan, they do not have to engage with the disagreement resolution services at any time, including before registering an appeal.

Local authorities have a statutory duty to commission an independent provider to deliver disagreement resolution and mediation services. These services will typically be between parent / carers, young people, the local authority and / or its schools on matters relating to education, health and care plans and their contents. It is anticipated that these disagreement resolution and mediation services would be required when informal discussions between parents / carers, young people, the local authority and school have failed to reach a satisfactory conclusion.

The provider for East Riding of Yorkshire Council is Collis Mediation Ltd. If you would like more information about the service and what they can provide, you can contact them on 07715 958290 or email on [info@collismediationltd.com](mailto:info@collismediationltd.com). Your EHC Officer will also be able to give you further information.

## **Disagreement resolution**

Disagreement resolution arrangements cover all children and young people with SEN, not just those who are being assessed for or have an EHC plan, and a range of disagreements. They are available to parents and young people to resolve disagreements about any aspect of SEN provision, and health and social care disagreements during the processes related to EHC needs assessments and EHC plans. They can provide a quick and non-adversarial way of resolving disagreements. Used early in the process of EHC needs assessment and EHC plan development they can prevent the need for mediation, once decisions have been taken in that process, and appeals to the Tribunal. The disagreement resolution service is to help resolve four types of disagreement or to prevent them from escalating further:

- The first is between parents or young people and local authorities, the governing bodies of maintained schools and maintained nursery schools, early years providers, further education institutions or the proprietors of academies (including free schools), about how these authorities, bodies or proprietors are carrying out their education, health and care duties for children and young people with SEN, whether they have EHC plans or not. These include duties on the local authority to keep their education and care provision under review, the duties to assess needs and draw up EHC plans and the duty on governing bodies and proprietors to use their best endeavors to meet children and young people's SEN
- The second is disagreements between parents or young people and early years providers, schools or post-16 institutions about the special educational provision made for a child or young person, whether they have EHC plans or not
- The third is disagreements between parents or young people and CCGs or local authorities about health or social care provision during EHC needs assessments, while EHC plans are being drawn up, reviewed or when children or young people are being reassessed. Disagreement resolution services can also be used to resolve disagreements over special educational provision throughout assessments, the drawing up of EHC plans, while waiting for Tribunal appeals and at review or during re-assessments
- The fourth is disagreements between local authorities and health commissioning bodies during EHC needs assessments or re-assessments, the drawing up of EHC plans or reviews of those plans for children and young people with SEN. In relation to EHC plans, this includes the description of the child or young person's education, health and care needs and any education, health and care provision set out in the plan. These disagreements do not involve parents and young people.

## **Mediation**

The Children and Families Act 2014 sets out two pathways for going to mediation depending on whether the parent or young person wants to go to mediation about the matters which can be appealed to the Tribunal or whether they want to go to mediation about the health and social care elements of EHC plans. If you are intending to appeal to the SEND Tribunal you will have needed to access the mediation service first (unless the appeal is about placement only). The provider will be able to issue you a certificate which will be required to enable you to lodge your appeal.

Please note, if you use the mediation service this does not affect your right to lodge an appeal with the Special Educational Needs and Disability (SEND) Tribunal service. Your mediation will be arranged within 30 days of being requested, and a certificate will be issued within 3 days of conclusions of your involvement with the service.

## **SEND Tribunal:**

If you disagree with the content of your son or daughter's final EHC plan you can appeal to the SEND Tribunal. The areas you can appeal to Tribunal are set out in the SEND Code of Practice 11.45. An information booklet giving guidance on how to appeal is available from the HM Courts and Tribunal Service, Special Educational Needs & Disability, 1st Floor, Darlington Magistrates' Court, Parkgate, Darlington, DL1 1RU. Telephone: 01325 289350, website address: [www.justice.gov.uk](http://www.justice.gov.uk). You will have two months from the date of the letter sent to you with the final EHC plan, or a month from the date of the mediation certificate following a mediation session, whichever is the latter, in which to lodge an appeal.

However, before you make a decision on a possible appeal, your EHC officer would welcome the opportunity to discuss this with you.

## **Single Route of Redress – National Trial. What is the National Trial?**

The Government have extended the powers of the First-tier Tribunal (SEND), sometimes referred to as the 'SEND Tribunal', to make non-binding recommendations about the health and social care aspects of Education, Health and Care (EHC) plans as part of a two-year trial. The trial will apply to decisions made or EHC plans issued/amended from 3 April 2018.

Previously there was only the option to appeal the educational aspects of EHC plans. The trial gives you new rights to request recommendations about the health and social care needs and provision specified in EHC plans, 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 where you are already making an appeal in relation to the education aspects of the EHC plan and the education aspect must remain live throughout the appeal.

## **What does this mean for parents and young people?**

If you are unhappy with a decision made not to issue an EHC plan, or with the special educational content or placement in the plan, you can make an appeal to the SEND Tribunal. This trial now gives you the opportunity to also request recommendations about the health and social care content of the plan at the same time. This will mean the Tribunal will take a more holistic, person-centered view of the needs of the child or young person.

This does not prevent you also complaining about other aspects of your disagreement through other complaint procedures. You should seek advice about the different routes available, including from your local SEND Information Advice and Support Service on (01482) 396469.

If the SEND Tribunal makes a recommendation about health or social care elements of an EHC plan, this is non-binding. The local authority and / or health commissioner is generally expected to follow such recommendations, but they are not legally binding. Where they are not followed, the reasons for not following them must be explained and set-out in writing to you and to the Department for Education through the evaluators. If they 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.

## **When can a parent or young person request recommendations about the health and social care elements of an EHC plan?**

You can request the Tribunal makes recommendations about the health and / or social care aspects of EHC plans **as part of an appeal** relating to:

- 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
- 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 cease to maintain an EHC plan

## **What does this mean for local areas?**

### **The Trial places responsibility on local authority SEND teams to:**

1. Inform parents and young people of their new rights through decision letters and the local offer
2. Provide evidence to the Tribunal from the health and social care bodies in response to any issues raised within the timeframe set by the Tribunal, seeking permission to bring additional witnesses to the hearing as necessary
3. If a recommendation has been made, send the health and social care response letters to the evaluators at [SENDletters@IFFResearch.com](mailto:SENDletters@IFFResearch.com).

### **It also places responsibility on health and social care commissioners to:**

1. Respond to any request for information and evidence within the timeframe set by the Tribunal
2. Send a witness to attend the hearing as required
3. Respond to the parent/young person and the LA SEND team within 5 weeks of a recommendation being made, setting out the steps they have decided to take or giving reasons why they are not going to follow the recommendation

## **How can a parent or young person request a health or social care recommendation?**

If you wish to appeal against a local authority decision on any of the grounds above and want to request that the Tribunal considers your concerns about the health and / or social care aspects of the EHC plan, 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 and the appeal form is available on the [GOV.UK website](https://www.gov.uk) and further guidance can be found in the trial [toolkit](#) of support.

## **Taking part in the evaluation**

There will be an independent evaluation of the Trial to inform a decision on whether the new Tribunal recommendation powers should be continued after the Trial. The evaluation will run alongside the Trial, from January 2018 to March 2021.

It is important that the evaluation is based on robust evidence, and the evaluators are therefore strongly encouraging participation from parents and young people. This could include taking part in a telephone or online interview just after the appeal hearing (or when the appeal process has been completed, if earlier), and then a follow-up interview 6 months later. These interviews will help the evaluators to gather the views of parents and young people on the appeal process, as well as identify how recommendations have been implemented and what the (early) impact has been.

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.

### **As a parent or young person, do I have to consider mediation as part of the Trial?**

Before you can register an appeal with the Tribunal, you must contact a mediation adviser within two months of the LA decision you wish to appeal and consider whether mediation might be a way to resolve your disagreement with the LA. If you want to appeal only about the school or other institution named in the EHC plan you do not have to contact a mediation adviser.

You can go to mediation about the health and social care elements of an EHC plan, but this is not compulsory. You can request recommendations about health and social care issues without having to receive mediation advice or attend mediation about those issues, provided there is also an education issue about which you are appealing.

Once a mediation adviser has been contacted, or once you have taken part in mediation, you will be issued with a certificate. This will be necessary if you are still unhappy and wish to progress to an appeal with the Tribunal. An appeal to the Tribunal must usually be made within two months of the decision about which the appeal is being made or one month following the issuing of the mediation certificate, whichever is the later.

If mediation resolves the educational issues, you will not be able to appeal to the Tribunal on any health and / or social care aspects of the EHC plan. However, mediation provides an opportunity for us to resolve disagreements and it can be completed more quickly than an appeal. It does not affect your right to make an educational appeal, and some aspects of the disagreement can go to appeal even when other aspects are resolved.

### **Help and further information is available through:**

- A guidance document on the national Trial is published as part of a [toolkit](#) of support
- SENDIASS on (01482) 396469 or email [SENDIASS@eastriding.gov.uk](mailto:SENDIASS@eastriding.gov.uk)
- The evaluation of the Trial is led by IFF Research working with Belmana. For any questions or to get involved please get in touch with them at [SENDtrial@IFFResearch.com](mailto:SENDtrial@IFFResearch.com), freephone: 0800 035 6051