

## What to do if you disagree with decisions made during the EHCP process

If you don't agree with a decision made by us it is important to let us know about it so that it can be resolved as early as possible. You should contact your named SEN Officer in the first instance.

You can also contact the Impartial Information Advice and Support service known as [Support4SEND](#) who will be able to help.

In many situations it is possible to resolve things at an early stage

You have a right to contact one of the independent [mediation services](#) listed on the Local Offer. Mediation is where an independent third party endeavours to resolve a dispute between two opposing parties. You must consider mediation before appealing to the SEND Tribunal.

If your appeal is only about placement aspects, you do not have to seek mediation first

Mediation can take place following decisions by a local authority:

- not to carry out an EHC needs assessment,
- not to draw up an EHC plan,
- after they receive a final EHC plan or amended plan,
- a decision not to amend an EHC plan or
- a decision to cease to maintain an EHC plan.

You (the parent or young person) also have a right to appeal to the SEND tribunal if you are not satisfied with our decision not to carry out an EHC needs assessment or not to issue an EHCP after we have carried out an ECH needs assessment.

NB: if a parent is appealing on behalf of a 16+ year old they need to get written approval from that young person, if appropriate.

To appeal to the tribunal you have two months after the date on the letter we send you letting you know our decision. If you choose to go to mediation, this must be held within one month. If it is not successful in resolving the dispute you will then have 30 days from the date on the certificate or two months from the date of the original decision to appeal to SEND Tribunal, whichever is later. If you decide against mediation, the mediator will issue a certificate. You can register an appeal when you have a certificate from the mediator to say mediation has been considered or has taken place. Support4SEND can help with this.

You can also apply to the SEND tribunal if you have a final EHC plan and are not happy with the description of SEN, special education provision or the placement.

If at all possible, keep the lines of communications open. You can still reach an agreement that works for your family at any time up to the date of the tribunal.

If you do decide to go to tribunal, there are also free sources of legal advice to help such as IPSEA <http://bit.ly/ipsea-SEN> and Contact a Family SEN line <http://bit.ly/CAF-SEN>

For both health and social care complaints about provision in an EHCP (Sections c and/or d), you must use the relevant complaints process for that provider. Support4SEND or Parent Voice can help you with this. If you are still not satisfied, you can contact the health or social care ombudsman.