

**The Parent Partnership Service** exists to provide parents of children with Special Educational Needs impartial advice and support.

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 **The Parent Partnership Service**  
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Other information available from Parent Partnership:

The SEN Code of Practice  
Sources of Information  
Dictionary of Terms  
Choosing a Primary School  
Choosing a Secondary School  
Helping Your Child to Learn  
School Action & School Action +  
Annual Reviews and Other Meetings  
Statutory Assessment & Statements of SEN  
Your Child's Contribution  
Exams and Tests

This information is available in large print and in other languages, upon request.



# Your Right of Appeal

## The SEN & Disability Tribunal

## What if I Disagree With the School or Local Authority?

If you feel you have not been listened to or if you are not happy with decisions that have been made, ask to speak to the person you disagree with. That should be either your caseworker at the LA, or the teacher/SENCO at the school.

Usually disagreements can be resolved quickly just by taking some time to talk about the problem.

The Parent Partnership Service can help you communicate your concerns and attend any meetings that are arranged to discuss the disagreement.

In a small amount of cases it will not be possible for both parties to agree.

In this case, please contact the Parent Partnership Service who will be able to offer support and advice.

## Tribunal Helpline:

 01325 392 555

## Tribunal Website:

 [www.sendist.gov.uk](http://www.sendist.gov.uk)

A booklet called *Special Educational Needs & Disability Tribunal: How to Appeal* gives you all the details you need to know about how to appeal, and includes the form you will need to fill in and send back.

There is also a DVD to show you how the Tribunal operates.

## Parent Partnership Service:

 020 8547 6200

## Kingston Local Authority:

 020 8547 5757

## Disability Discrimination Appeals

SENDiST also has a role under the terms of the SEN & Disability Act 2001. The Tribunal will hear cases where it is felt that discrimination has occurred in school due to a child's disability in the areas of:

- ◇ admissions
- ◇ Exclusions (including fixed term or lunch time)
- ◇ other services, such as school trips and after school clubs.

## Will my child be involved in the Tribunal?

It is important to include the views of children and young people in making decisions about their future.

They have the right to attend any Tribunal hearing, but they do not have to be present if this is inappropriate.

The LA must ascertain the views of the child on the issues raised by the appeal or explain why they haven't done so.

## Mediation

Mediation services are specially trained to help you try and find a solution without going to Tribunal.

This service is completely independent from the school and the LA, and it is completely FREE.

Using this service will not affect your right of appeal to the Special Educational Needs & Disability Tribunal.

The Parent Partnership Service can refer you to a mediation service.

# Special Education Needs & Disability Tribunal (SENDiST)

**SENDiST** is completely independent of the school and the LA. SENDiST can:

- ◇ Uphold the LA's decision
- ◇ Tell the LA to think about it again
- ◇ Order the LA to carry out the parent's wishes within a specified time limit.

You must appeal to SENDiST **no later than two months** after the LA made the decision that you are unhappy with,

- ◇ In other words, if the letter from the LA is dated 12th April you have until 12th June to register your appeal with SENDiST.

**If you miss this deadline, you lose your right of appeal.**

There is a long waiting list, and your case might not be heard for several months.

It is therefore **vital** that you continue to talk to the school and the LA to see if you can resolve the difficulty.

## You can appeal to SENDiST if:

- The LA refuses to carry out a Statutory Assessment
- The LA refuses to issue a Statement after making a Statutory Assessment
- You disagree with part 2, 3 or 4 of the Statement of SEN
- The LA refuses to name a school in part 4
- The LA refuses to reassess your child's SEN
- The LA decides to cease to maintain your child's Statement
- The LA refuses to change the name of the school on the Statement of SEN.

## You cannot appeal to SENDiST if:

- You disagree about the way the LA carried out the Statutory Assessment, or the length of time it took — complaints of this nature should be heard by the **Local Government Ombudsman**.
- You disagree with the description in part 5 or 6 of the Statement of SEN.
- The LA will not change the Statement after an Annual Review.
- You disagree with how the school is meeting your child's needs.
- You disagree with the way the LA is arranging to provide the help set out in the Statement of SEN.