

EHCP Appeals Process and Mediation

Session 3: Understanding Your Rights and How to Navigate Disputes

Top Reasons to Appeal

- **You know your child best.** If you believe their needs are not being met, it's your right to challenge decisions that affect their education and future.
- **Local authorities can get it wrong.** Sometimes decisions are made based on cost or limited information, not what's best for the child.
- **The appeals process exists to protect children's rights.** It's a legal safeguard to ensure decisions are fair and based on evidence.
- **Appealing can lead to better outcomes.** Like an assessment, a revised EHCP, or a change in school placement.

Mediation: What is it and Why Does it Matter?

Before you can **appeal**, you usually have to **consider mediation**. This is a free, informal, and voluntary process where you meet with the local authority (LA) and an independent mediator to try to resolve disagreements without going to tribunal.

You MUST get a mediation certificate:

- Even if you don't want to go through mediation.
- You'll need this certificate to lodge an appeal (except when only appealing Section I - placement).

Step	What Happens	Timeframe
1	LA sends decision letter (e.g. refusal to assess/issue EHCP)	Day 0
2	Parent contacts a Mediation Adviser (details will be in the letter)	Within 2 months
3	Adviser explains mediation option	No pressure to agree
4	If you agree to mediation	LA must arrange meeting within 30 days
5	If you decline mediation	Mediation adviser sends certificate immediately
6	You can then appeal to tribunal	Within 1 month of certificate , or 2 months of decision letter , whichever is later

Dear PACS Mediation Service,
We received a letter from the Local Authority on 20/10/2025 refusing to carry out an Education, Health and Care Needs Assessment for our daughter, Maya.
We would like to request a mediation certificate so that we may appeal this decision to the SEND Tribunal.
Please let us know the next steps.
Kind regards,
L. Elgar

"IF YOU DON'T CHALLENGE IT, THE ANSWER WILL ALWAYS BE NO."

SEND Tribunal Appeal Process

If mediation doesn't resolve the issue or if you choose not to go to mediation, you can **appeal to the SEND Tribunal**.

How to Appeal:

- Complete **SEND35** appeal form (available online)
- Attach mediation certificate
- Include evidence (reports, letters, etc.)
- Send to **HM Courts & Tribunals Service**

From the Ministry of Justice Tribunal Statistics 2023/24:

- **11,000+** appeals were registered in a single year about EHCPs.
- **96%** of appeals were won or resolved in favour of the parent or young person, either by the tribunal ruling or the LA changing its decision before the hearing.
- The most common reason for appeals was refusal to assess.

APPEALING IS NOT ABOUT CONFLICT - IT'S ABOUT ADVOCACY.

When Can You Appeal?

Parents (or young people over 16) can **appeal to the First-tier Tribunal (SEND)** about:

- **Refusal to assess** your child's needs for an EHCP.
- **Refusal to issue an EHCP** after assessment.
- The **contents of an EHCP**, including:
 - Section B: Special educational needs
 - Section F: Special educational provision
 - Section I: School/placement
- **Refusal to amend** an EHCP after review or reassessment.
- **Decision to cease** the EHCP.

Be Organised

Stay Calm

Ask for help

Mediation

Faster
Informal
Voluntary
Less stressful
Doesn't cost anything
May not resolve issue

Tribunal

Takes longer
Legal hearing
Legally binding
Can be stressful
Free, but legal advice may cost
Clear ruling at end