

Secondary Transfer Appeal Notes:

At the end of the summer term in Year 5 you are asked for your preference of secondary schools.

- The current final EHCP is then used to legally consult with your chosen schools.
- Local authorities are legally able to consult with schools they feel would meet needs as well as parental preference.
- Parental preference will always be top on the naming of the school unless:
 - there are not suitable for it would be unsuitable for the age, ability, aptitude or SEN of the child or young person,
 - or the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources
- Once responses are received from the consulted schools the current EHCP is amended in Section I naming the secondary school.
- The EHCP must be amended and a new final one naming the school issued by 15th February.
- If there has been a review of an EHCP between the consultations and the final being given on 15th February this will include the new school

If you are only appealing Section I of the EHC plan on the placement named or the type of provision named, you can go straight to tribunal, and you do not legally have to hold mediation or obtain a mediation certificate, but you have the right to request mediation if you feel this would resolve concerns.

If you are challenging other parts of the EHC Plan Sections B & F, you will be required to contact the mediation service for a certificate or to arrange a mediation meeting.

Mediation can be a quicker option to try and resolve the concerns.

Nearly all cases for transfer placement appeals do not get heard by the tribunal until October of the year which would mean the young person or child would have to legally start the school being named on the EHC Plan whilst the appeal is taking place.

The main argument is on why the current school named is not suitable to meet needs. This would be the argument that the tribunal will want to see.

The second argument is why the school you have chosen can meet the needs. However, the judge will not be able to name the schools direct but can instruct the local authority to find a more suitable school then current school being named.

The local authority is legally responsible for the content of an EHCP.

- It is their decisions on what goes in to the EHCP. The tribunal/appeal is against the local authority.
- You can appeal to the tribunal for Sections B, F and Section I of the EHCP
- If you feel that the EHCP is a true reflection of support needs and the correct provisions are stated on the EHCP to meet these needs then you do not need to appeal these
- If you are only unhappy with the naming of the school, then you just appeal Section I.

Please note when appealing for a school (Section I) it is not about the best provision to meet needs but about the provision necessary to meet needs

The tribunal judge will focus on the facts and professional reports when looking at Sections B & F

- The content of the support needs and provision to meet these needs are captured by the professional reports used to complete the EHC Plan and those at review
- Private reports can be presented as evidence, but these will need to be backed up by Local Authority professionals to be included
- Local authority must acknowledge the private reports but do not have to include
- You can argue a private report against a local authority report however the majority of these would have to be presented to a tribunal so the arguments from the local authority on why they will not include these can be give and the tribunal will have decided on what is best to be included

The tribunal judge will focus on the facts of the naming of the school.

- They will want to know why you are appealing
- What has the local authority not considered whilst making their decision
- Why the school being named cannot met needs

- Why the school you want to be named can meet needs

If you are appealing Sections B or F, the judge will focus on:

- The evidence that has been gathered from professionals on support needs – Section B
- The evidence that has been gathered from the professionals on provision needed – Section F
- Other evidence that you have or your challenging of the information from professionals

There are 5 parts to the appeal form to complete:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/961345/send35-eng.pdf

1. **The LA have not considered**
2. **I disagree with the description of special educational needs (Section B of the EHCP) because:**
3. **I disagree with the specification of special educational provision (Section F of the EHCP) because:**
4. **I disagree with the LA's choice of school because**
5. **I prefer my choice of school**

Part 1

The LA have not considered

The current plan is not a true reflection of support needs.

The list of support needs has change significantly and are highlighted in the below table

Add the cross-referencing table here

Part 2

I disagree with the special education needs identified in Section B

List the incorrect ones

Part 3

I disagree with the special education provisions in Section F

Part 4

I disagree with my child attending xxxx school because.....

List on why current schools cannot meet needs (burden of proof is on the parent)

Refer to their prospective

Part 5

I prefer xxxx school

List here the reason on why other school can meet needs

Refer to their prospective

Cross referencing of the current EHCP for naming of school - please note that the information already in this table are examples

Identified provision needs set in EHCP Communication and Interaction	Delivering Provision	Your notes on current school	Your notes on school you want
<p><i>A speech, language and communication programme, to be addressed within the school setting with the identified speech, language and communication aims</i></p>	<p><i>Programme designed by a Speech & Language Therapist</i></p> <p><i>Reviewed half termly by SALT</i></p> <p><i>Delivered daily by LSA and teaching staff</i></p>	<p><i>School has very limit number of students with SEN.</i></p>	<p><i>Xxx schools have more advanced LSA that can delivery the SALT.</i></p> <p><i>School has more provision for this with SEN (refer to perspective for supporting evidence)</i></p>
Identified provision needs set in EHCP	Delivering Provision	Your notes on current school named	Your notes on school you want

Cognition and Learning			
<p><i>A TEACCH based structured environment, with a clear start and finish to tasks to enable understand the expectations.</i></p> <p><i>Individual and small group reading sessions.</i></p>	<p><i>Class Teacher/Learning Support Assistant</i></p> <p><i>Daily</i></p> <p><i>Class Teacher/Learning Support Assistant</i></p> <p><i>Daily</i></p> <p><i>Class Teacher/Learning Support Assistant</i></p>		
<p>Identified provision needs set in EHCP</p> <p>Emotional and Mental Health</p>	<p>Delivering Provision</p>	<p>Your notes on current school named</p>	<p>Your notes on school you want</p>
<p><i>Opportunities to develop appropriate play and social skills in both structured and unstructured activities alongside his peers, in order</i></p>	<p><i>Class Teacher/Learning Support Assistant</i></p> <p><i>All staff</i></p> <p><i>Daily</i></p>		

<p><i>to continue to develop peer relationships.</i></p> <p><i>Access to symbols and Makaton signs for all the emotions.</i></p>			
<p>Identified provision needs set in EHCP</p> <p>Physical and Sensory</p>	<p>Delivering Provision</p>	<p>Your notes on current school named</p>	<p>Your notes on school you want</p>
<p><i>Implementation of strategies to help with his pre-writing and writing skills.</i></p> <p><i>Programme set and reviewed termly by an Occupational Therapist.</i></p>	<p><i>Programme to be devised by an occupational therapist and delivered daily by a Teachers and Learning Support Assistant (LSA).</i></p> <p><i>The programme will be delivered daily by Teacher and Learning Support Assistant (LSA).</i></p>		
		<p>Your notes on current school named</p>	<p>Your notes on school you choose</p>

Summary of resources to meet the above outcomes	<i>Number of support hours</i> <i>Advice and review once per term by an Occupational Therapist.</i> <i>Advice and review half termly by a Speech and Language Therapist</i>		
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