

Completed July 2022  
Reviewed  
Next review

## **Redbridge Information, Advice and Support (RIASS) Tribunal Support**

### **Tribunal**

When you receive the Local Authority (LA) decision letter, you will be given information about your legal right to appeal.

The LA decisions you can appeal against are:

- Refusal to carry out an EHC assessment or reassessment
- Refusal to give your child/YP an EHC plan after carrying out an assessment or failing to amend the EHC plan following a reassessment
- The content of Sections B, F and I of the Final Plan issued by the LA
- LA refusal to amend the EHC plan (sections B, F and I) following Annual Review
- LA decides your child/YP does not need an EHC plan any more (Ceasing an EHC Plan)

**Following on from the SEND National Trail you can also appeal against the health and social elements within the EHC Plan if you are appealing against section B and/or section F. However, the Tribunal can only make recommendations on health and social care provision, not legally binding orders as with education**

### **Mediation**

You will be offered the chance to have a mediation meeting with the Local Authority before you appeal to the SEND Tribunal unless you are only appealing against Section I of the EHCP in which case Mediation is not required but you can still request to hold this.

Mediation is a way of helping those in disagreement to resolve their disputes. Going to mediation is voluntary for parents and Young People, but if you agree to go to a mediation meeting the Local Authority must attend.

Trained mediators run the meeting and make sure that all views are heard, and that the needs of the child or young person are at the centre of the meeting. Any decisions made in the mediation session by the LA are legally binding, i.e., if the LA agrees in mediation to carry out an EHC Needs Assessment then they have a legal duty to do the assessments.

If you agree to have a Mediation session, the Mediation Service will explain what your new appeal deadline is – make sure you are clear about the timeline so that you do not lose your right to appeal if you are not satisfied with the outcome of the mediation session.

Completed July 2022  
Reviewed  
Next review

Even if you don't want to have a mediation session, you need to contact the Mediation Service and request a Mediation Certificate to prove that you have considered Mediation and that you received information about the process. You need this certificate for your appeal, and it must be sent to the SEND Tribunal with your appeal submission.

Contact details for the mediation service are in the letter that you receive from the local authority informing you of their decision.

### **Appeal deadlines**

The deadline for submitting your appeal is –  
two months (60 days) from the date of the LA decision letter, or  
one month (30 days) from the date of the Mediation Certificate, whichever is the later.

Whether or not you decide to accept a mediation meeting, if you don't receive your Mediation Certificate before the deadline (2 months from the date on the LA decision letter) you will lose your right to appeal.

### **Requesting IASS support for Mediation, Appeals & Tribunal**

Parents/YP need to contact the Mediation Service themselves. Because we are an impartial service RIASS are unable to contact Mediation on behalf of parents/YP and we do not arrange Mediation meetings.

RIASS can help parents prepare for Mediation sessions. We do not usually attend Mediation meetings, but this can be discussed on a case-by-case basis, depending on individual circumstances and on our case load and availability.

RIASS can give you advice on how to complete your appeal form and how to draft your grounds for appeal as well as signpost you to helpful resources.

Parents/YP are responsible for submitting their appeal paperwork directly to the Tribunal.

Parents/YP are responsible for meeting their appeal deadlines and for submitting the forms in time.

RIASS staff will be required to log circumstances relating to attendance at mediation and should be prepared to justify their decision to the steering Group

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Reviewed  
Next review

### **Representation at Tribunal Hearings**

RIASS are not legally qualified so we cannot act as your **legal representative** in hearings, but we can assist you to prepare for your hearing and support you to put forward your views and wishes during the hearing.

RIASS can represent a young person or parent at a hearing and assist in the presentation of their case in accordance with rule 11(5) of The Tribunal Procedure (First-Tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008.

<https://www.gov.uk/government/publications/health-educationand-social-care-chamber-tribunal-rules>

This means that we can assist you with the presentation of your case to make sure your views are being heard and you understand the hearing. We would not be able to legally challenge witnesses or the local authority during the tribunal.

In situations where parents/young people choose to pay for private SEN legal / SEN advocacy support, it is RIASS policy that we will withdraw from your case, to avoid conflicting advice being given and so that we can prioritise parents and young people who most need our support.

When you are notified of your hearing date, please inform RIASS as soon as you can so that we can check availability. Please note that we prioritise cases where ongoing support has been provided by the RIASS.

If RIASS agree to represent you at the hearing, we will give you consent to name us on the Attendance Forms which will be sent to you by Tribunal when they register your appeal. At that time, we will provide you with the correct wording to be added to the form to explain our role at the hearing. Our attendance needs to be approved by the Tribunal.

### **Legal aid eligibility clients**

Parents and Young people who do not qualify for legal aid will get priority for tribunal support from RIASS. This is due to limited availability of caseworkers and service capacity issues.

If you think that you may qualify for Legal Aid, RIASS advise you to seek help from a solicitor at your earliest opportunity as we may not be able to support you, but we may be able to assist with registering the appeal until a solicitor is found. We need at least 14 working days of your appeal deadline date to support you.

Completed July 2022

Reviewed

Next review

Legal aid does not cover representation on the day of the hearing, if you need support, you may contact us to check availability and we may be able to provide support to you on the day of the hearing.

### **Other support**

You may be able to get help preparing your appeal from the following charities who give advice on SEN law:

- IPSEA's Tribunal Helpline. You can book an appointment with one of their trained volunteers [here](#).
- SOS SEN. National Autistic Society and the National Deaf Children's Society both have helplines for parents.

### **RIASS impartiality and confidentiality**

By requesting RIASS support for your appeal you need to confirm on your contact form that you have read and understood the below policies:

- Data Protection
- Impartiality
- Confidentiality
- Empowerment

If the appeal has occurred during RIASS support a copy of this policy will be shared with you.