

## **FACT SHEET FOR PARENTS AND YOUNG PEOPLE ON THE SEND TRIBUNAL PILOT**

Your local authority is taking part in a pilot with DfE, MOJ and the SEND Tribunal which enables parents and young people to ask the Tribunal to make non-binding recommendations on health and social care aspects of an Education, Health or Care (EHC) plan.

Where a health and/or social care need or provision is not included in an EHC plan, the Tribunal can recommend that it should be specified in the plan. Where a health and/or social care need or provision is already included in an EHC plan, the Tribunal can recommend that the need or provision should be amended.

The Tribunal pilot gives young people and parents the opportunity to raise all the concerns about an EHC plan in one place. It is part of a wider review of arrangements for resolving disagreements between parents/young people and local authorities or health bodies.

Things you need to know about this pilot:

- The following local authorities are taking part in the pilot: Barking and Dagenham, Bedford Borough, Blackpool, Cheshire West and Chester, Ealing, East Riding of Yorkshire, Hackney, Kent, Lambeth, Liverpool, Sandwell, Stockport and Wokingham. More authorities may join the pilot in 2016.
- You can only ask for recommendations on health and social care if you are also appealing about the educational content of the plan – the description of special educational needs, the educational provision specified or the educational institution named.
- You can't ask for recommendations on health and social care if your appeal is about a local authority's decision not to carry out an initial EHC needs assessment.
- Recommendations are non-binding, which means that there is no legal obligation on the local authority or health body to comply with them.
- There is a separate Tribunal appeal form to complete for appeals in pilot areas – your local authority will be able to tell you where to find it.
- If you ask the Tribunal to make recommendations on health and/or social care and there is a case hearing, you will be able to bring an additional witness to support you at that hearing, ie four, rather than the usual three.
- The Tribunal must send its recommendations to you. It must also send the recommendations it makes on health aspects of an EHC plan to the relevant health commissioning body, and recommendations on social care aspects to the responsible local authority. The local authority and health body will then have five weeks to respond to the recommendations, unless the Tribunal decides a different timescale would be appropriate.

- The Tribunal may make a recommendation in response to a request from you, but it may also decide to make recommendations about the health and/or social care aspects of an EHC plan when no such request has been made.
- So that DfE can learn as much as possible about the effectiveness of the pilot, it would be very helpful if you would agree to be interviewed by our appointed researchers from the University of Warwick once the appeal process has been completed. The interview would be completely confidential – nobody who participates in the research will be identified in the findings. You will be given the opportunity to opt out of this research though and this would not affect your right to participate in the pilot.

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