



## SEND35

# Appeal a decision about an education, health and care (EHC) plan

Use this form to appeal a local authority's decision about a child or young person's education, health and care (EHC) plan. You can also use this appeal form if the local authority has refused to make an EHC plan or has refused to secure a reassessment of EHC needs.

You can complete this appeal form if you are:

- a parent
- someone who has parental responsibility or cares for a child
- a young person who is over compulsory school age and under 25 years old

Compulsory school age lasts until the end of the academic year in which a student turns 16 years old.

## What you can appeal

You can appeal if:

- the local authority refused to make an EHC plan
- the local authority refused to secure a reassessment of EHC needs
- you disagree with something written in Section B, F or I of the EHC plan
- the local authority decided a plan is no longer necessary

You can ask the tribunal to make health (Section C and G) and social care (Section D and H) recommendations with any reason you choose.

## Other appeals

If the child or young person has not been assessed, or the local authority has not agreed to assess them, you must complete the SEND35A appeal form.

## If you need help

Contact the tribunal office if you need help with this appeal form or how the tribunal works.

The tribunal cannot give legal advice.

### Email

[send@justice.gov.uk](mailto:send@justice.gov.uk)

### Telephone

0300 303 5857

## SEND guidance

For more information you can search 'Appeal an EHC plan decision' on GOV.UK or go to: [www.gov.uk/appeal-ehc-plan-decision](http://www.gov.uk/appeal-ehc-plan-decision)

You can also refer to the 'SEND37' detailed guide on GOV.UK.



## Appeal online

This appeal form is also available online, go to: [appeal-about-ehc-plan-decision.form.service.justice.gov.uk](http://appeal-about-ehc-plan-decision.form.service.justice.gov.uk)

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## When to appeal

You can submit this appeal form within **2 months** of the date on the local authority's decision letter, or within **one month** of the date on the mediation certificate if you have one.

If you think your appeal might be late, you can find out more about appealing on time in **Section 13** of this appeal form.

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## Mediation certificate

A mediation certificate is the document given to you after you contact a mediation organisation. In most cases, the tribunal requires that you have a mediation certificate to appeal.

You do not need to go to a mediation meeting but you need to contact a mediation organisation to get a certificate saying you've considered mediation.

The certificate will:

- say if a mediation meeting was attended or not
- be signed by a mediation advisor

You do not need the mediation certificate if your appeal is only about which school, college or education provider the child or young person should attend (Section I of the EHC plan).

If you do not have a mediation certificate you can tell us why in **Section 12** of this appeal form.



### Before you start

#### List of documents that you need to include with the appeal form:

- a copy of the local authority decision letter
- a copy of the final version of the EHC plan (if you have one) and all the documents listed in 'Section K'
- a copy of the mediation certificate (if your appeal requires one)

You can also add any evidence that supports your appeal.

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## Guidance on completing this appeal form

You can find notes to help you understand questions on the right side of the page.

Use another sheet of paper if there is not enough space for you to say everything. Add your name at the top of any additional pages.

Write clearly if you are completing this form by hand.

# Section 1 – Child or young person’s information

## 1.1 Details of the child or young person

First name

Last name

Gender

Date of birth

For example: 27 03 2007

Day

Month

Year

## Section 2 – Details of the person appealing

### 2.1 Who is making the appeal?

I'm appealing for myself as a **young person**

**A young person** appealing themselves must be over compulsory school age and under 25 years old.

Compulsory school age lasts until the end of the academic year in which a student turns 16 years old.

I'm appealing on behalf of the young person as a **alternative person**

You are referred to as an '**alternative person**' if you are appealing on behalf of a young person who cannot appeal on their own. This includes parents, a court of protection deputy, or someone with lasting power of attorney.

I'm appealing on behalf of the child (between 0 to 16 years old) as a **parent or carer**

### 2.2 Details of the person appealing

Title

First name

Last name

Phone number

Email address

Relationship to the child or young person

## Section 3 – Details of another parent or carer

### 3.1 Do you want to add an additional parent or carer?

Yes

Details of the additional parent or carer:

Title

First name

Last name

Phone number

Email address

Relationship to the child or young person

No

### 3.2 Do you want to add an additional parent or carer?

Yes

Details of the additional parent or carer:

Title

First name

Last name

Phone number

Email address

Relationship to the child or young person

No

### Note for Section 3

If you are appealing on behalf of the child or young person you can add another parent or carer.

If you are a young person appealing for yourself, you can tell the tribunal about one or more parents or carers.

## Section 4 – Representative's information

### 4.1 Do you have a representative?

Yes → go to question 4.2

No → go to Section 5

### 4.2 Details of the representative

Title

First name

Last name

Company name

### 4.3 Contact details

Phone number

Email address

### Note for Section 4

You do not need a representative to appeal.

A representative is someone you want to represent you in dealing with the tribunal.

If you name a representative, the tribunal will only communicate with your representative.

## Section 5 – Advocate information

### 5.1 Do you have an advocate?

Yes → go to question 5.2

No → go to Section 6

### 5.2 Details of the advocate

Title

First name

Last name

### 5.3 Contact details

Phone number

Email address

### Note for Section 5

You do not need an advocate to appeal.

An advocate can be anyone who can support a parent, child or young person.

They can support you to communicate on your behalf during your appeal process but cannot represent you at the hearing.

You need their permission to add them to your appeal.

## Section 6 – Communication during the appeal

The tribunal will only provide information during the appeal process to **one person**. This can be you or anyone representing you during the appeal.

### 6.1 Who do you want to receive information about the appeal?

Select one:

The young person the appeal is about

The named advocate

The named representative

The named parent or carer

The alternative person

#### Note 6.1

This must be someone you have named in this appeal form.

### 6.2 Details of the person who should receive information during the appeal

Title

First name

Last name

### 6.3 Contact details

Mobile phone number

Email address

#### Note 6.3

The tribunal may use this number to call or text you about your appeal.

### 6.4 Address

First line of address

Second line of address (optional)

Town or city

County (optional)

Postcode

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## Section 7 – Anyone else with parental responsibility

**7.1** Is there any other person or organisation with parental responsibility?

Yes → go to question 7.2

No → go to Section 8

**7.2** Name of the other person or organisation

**7.3** Have you told them about this appeal?

Yes

No

Tell us the reasons why you have not told them about this appeal:

### Note for Section 7

If the child or young person is under 18 years old we need to ask if there is anyone else who has parental responsibility.

Other people could be:

- a social worker
- a foster parent
- someone from an organisation, such as the local authority
- a parent (who may not be present but still has parental responsibility)
- another family member

## Section 8 – Type of appeal

### 8.1 What are you appealing about?

Choose all that apply:

The local authority refused to make an EHC plan  
→ go to Section 10

The local authority refused to secure a reassessment of EHC needs  
→ go to Section 10

I disagree with something written in Section B, F or I of the EHC plan  
→ go to question 8.2

The local authority decided a plan is no longer necessary  
→ go to question 8.2

### 8.2 Is the appeal following an annual review of an EHC plan?

Yes

No

### 8.3 What section or sections of the EHC plan do you disagree with?

Choose all that apply:

#### **Section B of the plan**

I disagree with what the EHC plan says about the child or young person's special educational needs  
→ go to Section 10

#### **Section F of the plan**

I disagree with what the EHC plan says about the educational help or provision the child or young person requires  
→ go to Section 10

#### **Section I of the plan**

I disagree with the school, college or education provider named in the plan or the type of education provider  
→ go to Section 9

### Note for Section 8

Check what is written in the decision letter from the local authority if you're not sure.

You can also make health (Section C and G) and social care (Section D and H) recommendations with any reason you choose.

## Section 9 – School, college or education provider

### 9.1 What about Section I do you disagree with?

Choose one:

I disagree with the school, college or education provider named in the EHC plan (Section I)

The local authority has not named a school, college or education provider in the EHC plan (Section I)

### 9.2 Have you asked for a specific school, college or education provider?

Yes → go to question 9.4

No → go to question 9.3

### 9.3 Which type of school, college or education provider do you want to ask for?

Describe the type of school, college or education provider you want to ask for:

#### Note for Section 9

Complete this section only if you disagree with what the EHC plan says about the choice of school, college or education provider. This is Section I of the EHC plan.

#### Note 9.3

You may want to mention features you would like from the school, college or education provider, such as:

- the main type of support they provide
- the size of the school, college or education provider
- the size of the classes
- the access to facilities for disabled people

**9.4** Which school, college or education provider did you ask for?

**Name of school, college or education provider**

**Address of school, college or education provider**

First line of address

Second line of address (optional)

Town or city

County (optional)

Postcode

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**9.5** When did you contact the school, college or education provider?

**Date you contacted them**

Day                  Month                  Year

**9.6** What was their response? (Optional)

Include which provider and as much of their response as you want.  
Do not include your reasons for appealing here.

**Note 9.4**

Tell us your first choice.

**Note 9.5 and 9.6**

You or the local authority should have told the school, college, or education provider that you asked them to be named in your EHC Plan.

Tell us when you have contacted a school, college or education provider by phone, letter, email or another way. If you are speaking to several options, tell us the date and the response (if any) from your first choice.

## Section 10 – Reasons for the appeal

### 10.1 What are the reasons for your appeal?

#### Note for Section 10

For each issue you disagree with, tell us:

- what the issue is
- why you disagree
- what evidence you have
- what action you want the tribunal to take

If you are asking the tribunal to make health and social care recommendations you will be able to explain them in Section 11 of this appeal form.

Send any evidence you have along with this appeal form. You should also list the evidence you are sending in the 'Supporting evidence' table at the end of this appeal form.

Use another sheet of paper if there is not enough space for you to say everything.

Add your name at the top of any additional pages.

## Section 11 – Health and social care (optional)

You may also ask that a recommendation is made about health, social care, or both.

The local authority will send a copy of this appeal to the local health or social care provider.

**11.1** Do you want to ask the tribunal to make a recommendation about health or social care?

Yes → go to question 11.2

No → go to Section 12

**11.2** What do you want the tribunal to make recommendations about?

You can choose both options:

### **Health**

If you have an EHC plan, health details are in Section C and G  
→ go to question 11.3

### **Social care**

If you have an EHC plan, social care details are in Section D and H  
→ go to question 11.5

**11.3** What issues do you want the tribunal to consider and decide about **health**?

**Note 11.3**

If you have an EHC plan, health details are in Section C and G.

Send any evidence you have along with this appeal form. You should also list the evidence you are sending in the 'Supporting evidence' table at the end of this appeal form.

Use another sheet of paper if there is not enough space for you to say everything.

Add your name at the top of any additional pages.

**11.4** What recommendations do you want the tribunal to make about **health**?

**11.5** What issues do you want the tribunal to consider and decide about **social care?**

**Note 11.5**

If you have an EHC plan, social care details are in Section D and H.

Send any evidence you have along with this appeal form. You should also list the evidence you are sending in the 'Supporting evidence' table at the end of this appeal form.

Use another sheet of paper if there is not enough space for you to say everything.

Add your name at the top of any additional pages.

**11.6** What recommendations do you want the tribunal to make about **social care?**



## Section 12 – Mediation certificate

Before submitting the appeal, you need a mediation certificate unless there is a valid reason why you do not have one.

You do not need to have a mediation meeting if you choose not to, but you still need to contact a mediation organisation to show you have considered mediation. They will give you a certificate which you'll need to submit an appeal to the tribunal.

For more information on the mediation process and who to contact, read our mediation guidance:

<https://www.gov.uk/appeal-ehc-plan-decision/before-you-appeal>

### 12.1 Do you have a mediation certificate?

Yes → go to question Section 13

No → go to question 12.2

### 12.2 I do not have a mediation certificate because:

My appeal is only about which school, college or education provider the child or young person should attend (Section I of the EHC plan)

Another reason

Tell us why you do not have a mediation certificate:

### Note 12.2

Make sure to explain in full why you think you do not need a mediation certificate or it may cause a delay in your appeal. The tribunal will decide if they can accept your reason.

Send any evidence you have along with this appeal form. You should also list the evidence you are sending in the 'Supporting evidence' table at the end of this appeal form.

## Section 13 – Appealing on time

You must submit this appeal **within 2 months** of the date on the local authority's decision letter, or **within one month** of the date on the mediation certificate if you have one.

### 13.1 What is the date printed on the local authority decision letter?

For example: 27 03 2007

Day                      Month                      Year

### 13.2 If you have a mediation certificate, what is the date printed on it? (optional)

For example: 27 03 2007

Day                      Month                      Year

### 13.3 If you are appealing after the time limits, or you are not sure if your appeal will be received in time, explain why:

#### Note 13.3

Tell us why you are appealing after the time limits. A tribunal judge will review this.

You must explain why:

- the appeal is late giving full reasons for the delay
- you think the appeal will be successful and should go ahead even if late
- you should not have to wait for an annual review or ask for another assessment

Send any evidence you have along with this appeal form. You should also list the evidence you are sending in the 'Supporting evidence' table at the end of this appeal form.

## Section 14 – Other SEND appeals

**14.1** Is the child, young person or any of their siblings involved in any other SEND appeals?

Yes

Appeal reference numbers

If there are multiple cases, separate reference numbers with commas. For example EH123/23/00001, EH456/56/00002

No

## Section 15 – Other court or tribunal cases

**15.1** Is the child or young person involved in any other cases in another court or tribunal, including the family court?

Yes

Give the name and a short description of the case and any orders:

No

## Section 16 – Hearing preferences

You can tell the tribunal how you'd like to have your appeal decided.  
It could be decided:

- as a **'paper hearing'**- this type of hearing can be quicker as the tribunal looks at the documents and evidence and makes a decision without you attending a hearing in person or by video
- as a **hearing you can attend** - most hearings are held remotely by video but in a small number of cases they can be in person at a tribunal building

You will only have a paper hearing if you and the local authority agree to one. The tribunal will review your preference and decide on the hearing format.

This appeal form is not the last opportunity to submit documents. The tribunal will tell you how long you have to give further evidence before the hearing.

### 16.1 What type of hearing would you prefer?

I prefer a paper hearing, just with documents and evidence provided

I prefer a hearing I can attend by video or in person

### 16.2 Do you want an earlier hearing if one becomes available?

Yes

No

### 16.3 Are you able to take part in hearings by video?

Yes

No

Tell us why you cannot attend a hearing by video:

#### Note 16.2

After your appeal is registered, the tribunal will give you a date for a hearing. The tribunal may be able to offer you an earlier hearing if one becomes available.

If you agree, you will be listed as available to be contacted for an earlier date.

#### Note 16.3

Most hearings are held remotely by video. You will be given guidance on how to access the hearing closer to your hearing date.

## Section 17 – Support during your case

Some people need support to access information and use our services. You can ask for a spoken language interpreter and any reasonable adjustments for people with a health condition or disability. Some reasonable adjustments need to be agreed by the tribunal. You can discuss with the tribunal if your needs change.

Reasonable adjustments can include:

- a sign language interpreter
- documents in alternative formats, colours and fonts
- help with communication, sight, hearing, speaking
- help with managing your mental health
- access and mobility support if a hearing takes place in person

Think about all communication with the tribunal, as well as what you might need at a video or in-person hearing.

**17.1** Do you, or anyone else supporting you, need a spoken language interpreter?

Yes

Include all languages and dialects you need:

No

**17.2** Do you, or anyone else supporting you, need any reasonable adjustments or support?

Tell us what support you want to ask for:

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## Declaration

Only the person completing this appeal form on behalf of the child or young person, or the young person appealing themselves can confirm this declaration.

I confirm as **the person completing this form on behalf of the child or young person** that the facts stated in this appeal form are true

or

I confirm as **the young person applying alone** that the facts stated in this appeal form are true

### Note for Declaration

You must tell the SEND tribunal in writing if you decide to stop using your representative or if the details of your representative change.

## Signature

### Note for Signature

Sign or type your name in the signature box.

Parent, carer

or

Young person

or

Representative

## Date

Day                      Month                      Year

## Name

Full name



## Checklist

### List of documents that need to be included with the appeal form:

a copy of local authority decision letter

a copy of the final version of the EHC plan (if you have one) and all the documents listed in 'Section K'

a copy of mediation certificate (if your appeal requires one)

List all evidence that supports your appeal in the table on a next page.

## Supporting evidence

You can add evidence to support your appeal such as letters, photos and documents. Use this table to tell the tribunal about your evidence:

[illegible]

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## What to do next

You can either **email, fax or post** your appeal.

Send the completed and signed appeal form, documents from the Checklist and any supporting evidence using the details shown below:

### Email address

[send@justice.gov.uk](mailto:send@justice.gov.uk)

Include 'New appeal' in the subject line of your email to ensure it is dealt with quickly.

### Address

HM Courts & Tribunals Service  
Special Educational Needs and Disability Tribunal  
1st Floor  
Darlington Magistrates Court  
Parkgate  
Darlington  
DL1 1RU

### For use by legal professionals:

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## Next steps

If you gave a mobile phone number, the SEND tribunal will send you a text message to confirm it is reviewing your appeal. You will receive a confirmation letter once your appeal has been registered.

The tribunal aims to tell you if they have registered your appeal or if they need more information from you **within 10 working days**. In busy periods it will take longer. Contact the tribunal if you have not heard within 25 working days.

The tribunal will then notify the local authority.

Further information on what to expect next, including what will happen during your case can be found at 'Appeal an education, health and care (EHC) plan decision' pages: [www.gov.uk/appeal-ehc-plan-decision](http://www.gov.uk/appeal-ehc-plan-decision)

and in the 'SEND37' detailed guide on GOV.UK.

For information on how HM Courts and Tribunals Service processes and stores your data visit:

[www.gov.uk/hmcts/privacy-policy](http://www.gov.uk/hmcts/privacy-policy)