

National Trial – SEND Tribunal Single Route of Redress

As you may be aware there are changes planned in relation to the SEND Tribunals. We will provide further details as soon as they become available.

In summary the Government are trialling extending powers of the First-tier Tribunal (SEND) to make non-binding recommendations about the health and social care aspects of Local Authority decisions regarding Education, Health and Care (EHC) plans as part of a special educational appeal. The trial will apply to decisions made from 3 April 2018 and will run for two years.

Currently appeals can only be made to the Tribunal over the educational aspects of Local Authority decisions regarding EHC plans. In the trial appeals over the educational aspects are broadened and will give parents and young people the ability to also appeal associated health and social care issues at the same time. Appeals to the Tribunal cannot be made just on health and social care issues.

An evaluation process will run alongside the trial, looking at implementation, outcomes for families and commissioners and costs and will inform a decision on its continuation.

Roles and Responsibilities

SEND Tribunal will have powers to: Recommend that health or social care needs or provision are specified or amended in plans and must send a copy of the recommendation to health commissioners as well as the Local Authority.

LA SEND teams must: Inform parents/young people of their new rights including through decision letters and the local offer, provide evidence to the Tribunal from the health and social care bodies in response to the issues raised within the timeframe set by the Tribunal, bringing additional witnesses to the hearing if necessary, and send the health and/or social care response to recommendation letter to the evaluators following any recommendation.

Health and social care commissioners must: Respond to any request for information and evidence within the timeframe set by the Tribunal, send a representative to the hearing if required and respond to the family and the LA within 5 weeks of a recommendation being made setting out the steps they have decided to take or why they are not going to follow the recommendation.

Families may wish to: consider whether there is a health or social care issue, receive support through IASS and other organisations in preparation and engage with the evaluation.

IASS and VCS organisations should: Disseminate information on the trial, communicate the new rights to parents and young people and provide support.

DfE Guidance

The DfE are in the process of producing the following to support the implementation of the trial.

Guidance for local areas – Guidance will be produced for LAs, health and social care professionals outlining their duties, how the trial will work and the support available.

Guidance for parents and young people – Guidance will also be produced for parents and young people, which can be used by support organisations too.

Tool Kit – To help with implementation, a tool kit will be provided with template wording and a FAQ document to answer all the common questions that are received.