

# Wargrave House

ON A JOURNEY TOGETHER, LEARNING ABOUT LIFE

## Wargrave House School

### The Autism Specialists

## Appendix 2 –

## Tribunals & Appeals Information

### October 2023

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<b>Reviewer:</b>	Student Admissions & Safeguarding Officer
<b>Co-Reviewer:</b>	SENCo
<b>Updated:</b>	October 2023
<b>Next Review:</b>	October 2024
<b>Committee:</b>	Personal Development, Behaviour and Attitudes
<b>Approved by the full Governing Body/Board of Trustees:</b>	

<b>This policy should be read in conjunction with the following policies:</b>	
1	Admissions and Placement Review Procedures September 2023
2	Partnership with Parents Policy
3	SEND Policy September 2022

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## Introduction

Wargrave House School is committed to providing outstanding education and care for lifelong learning and success for all learners regardless of their additional needs.

All learners at Wargrave House have a diagnosis of Autism. Many learners have additional learning difficulties and some will also present with co-existing diagnoses e.g. Sensory Processing Disorder (SPD), Attention Deficit Hyperactivity Disorder (ADHD), epilepsy, Pathological Demand Avoidance (PDA).

## Purpose

The purpose of this document is to:

- Explain how we support prospective families through the SEND Tribunal process
- Explain the procedures around how parent/carers make an appeal should they disagree with a decision made with the Wargrave House Admission panel regarding their child/ young person's placement within Wargrave House School.

## SEND Tribunal Process

At Wargrave House, we endeavour to support the Tribunals of all those families whose child/ young person we have deemed as 'suitable' during the Suitability Assessment process. Below, details the SEND Tribunal process and what it entails.

The Special Educational Needs and Disability (SEND) Tribunal is an independent national tribunal which hears parents' and young people's appeals against LA decisions regarding the special educational needs of children and young people.

Parents can appeal to the SEND Tribunal if they're unhappy with a decision made in relation to an EHC needs assessment or an EHC plan. There are no fees for parents or young people to pay. The SEND Tribunal has the power to order LAs to carry out EHC needs assessments, issue EHC plans, and amend existing EHC plans. LAs must comply with orders made by the SEND Tribunal.

The SEND Tribunal is governed by the law, and has to follow the interpretation of that law by higher courts in judgments about previous SEN disputes. The SEND Tribunal must have regard to the SEN and Disability Code of Practice (the "Code") which advises schools and LAs on identifying and making provision for children with SEN. The SEND Tribunal is not bound to follow the

Code to the letter but it generally accepts the Code's guidance in coming to its decisions.

The SEND Tribunal looks at the evidence put before it and decides whether the LA decision followed the law and the Code. It will make a decision based on what is right for the child or young person at the date of the hearing.

Parents must appeal to the SEND Tribunal within 2 months of the date on the letter telling them the Local Authorities final decision.

Parents are advised to seek support via 'mediation' e.g. support from a solicitor. Mediation support must be requested within 2 months of the date of the Local Authorities letter.

Parents then have 30 days after the date on the mediation letter to appeal to the SEND Tribunal.

## Roles and Responsibilities

Wargrave House School can offer parents/ carers support throughout the SEND Tribunal Process. We do this by offering support from a member of the **Senior Leadership Team** (SLT) who can attend the Tribunal hearing to discuss the Wargrave House School offer as well as provide advice and support where necessary.

The member of SLT who will usually attend Tribunal hearings are:

- Head Teacher
- SENCo
- Head of Therapy

## Parental Appeals

Following a decision made at the Wargrave House School Panel Meeting with regards to a placement of a child/ young person, Wargrave House will communicate their decision to the holding authority who will, in turn, communicate this decision to the family. Wargrave can refuse a placement for the following reasons:

- The attendance of the child/ young person would be incompatible with the efficient education of others
- Wargrave House would be unsuitable for the age, ability, aptitude or SEN of the child/ young person
- Wargrave House would be unable to effectively safeguard and support the child/ young person due to their child/ young person's Challenging Behaviour

- The child/ young person does not meet the minimum entry requirement of a diagnosis of Autism.

However, parents/carers may disagree with this decision and, as such, make the decision to appeal the panel outcome.

Parents can do so by submitting a letter in writing addressed to the Head of Education detailing their reasons why they disagree with the decision. This letter must be submitted within 28 calendar days from the date of the Local Authorities communication of the decision.

On receipt of the letter, the Head of Education must respond within 28 calendar days of receipt of the appeal letter in writing to explain the decision outcome.

On receipt of the Head Teacher's response, parents/ carers must then decide if they wish to request a further panel meeting of which they will be requested to submit further information that could possibly alter the original outcome. This information must be submitted within the 28 calendar days of the Head Teacher's decision letter.

Parental views will be taken into account, and if requested, a second panel meeting will convene with newly supplied parental information.

From this second panel meeting, a decision will be communicated to parents within 7 calendar days.

A second appeal cannot be submitted in the same calendar year unless the holding authority has submitted a second referral due to significant change in circumstances.

## Legal Context

This policy were written with reference to the following guidance and documents:

- Special Educational Needs and Disability (SEND) Code of Practice 0 to 25 years, January 2015
- How to appeal a special educational needs (SEN) decision (SEND37)', 01 April 2018
- School Admissions Appeals Code, February 2021

## Policy Impact

We have a rolling programme for reviewing our Company policies. We regularly review the impact of our policies on the needs, entitlements and outcomes for students, service users, staff and parents.

## References and Further Resources

**All references to be listed using the Harvard format in alphabetical order:**

Department for Education (2021) School Admissions Appeals Code. London: The Department for Education.

Department for Education (2015) Special educational needs and disability code of practice 0 to 25 years. London: The Department for Education.

Gov.uk 'How to appeal a special educational needs (SEN) decision (SEND37)'. <https://www.gov.uk/government/publications/how-to-appeal-a-special-educational-needs-sen-decision-send37> . London, HM Courts & Tribunal Service.

IPSEA – What is the SEND Tribunal <https://www.ipsea.org.uk/what-is-the-send-tribunal>