If you are unhappy with a decision made by the local authority about your request for an EHC Plan, or the content of your son or daughter’s EHC Plan, you have the option to go to First Tier Tribunal (SEND) for an independent review of the decision.

- Before going to Tribunal, you must consider Mediation. If it concerns the health or social care elements of an EHC Plan the tribunal is unable to deal with these as their remit currently only covers education.

- If you have had a request for an EHC Plan assessment turned down you should be offered a ‘Next Steps meeting’. This should help everyone to understand your child’s needs, why the request was refused and what needs to be done to ensure their needs are met. Attending this meeting does not stop you going to mediation or tribunal if you are unhappy with the result.

Mediation is a less formal way of working out a solution to a problem. It involves the use of a completely independent person who is trained in resolving disputes to help the people involved agree on a way to resolve the problem. Mediation works best if the people involved are able to compromise as in these circumstances the mediator is able to use this to try and obtain an agreement that all involved are happy with. The cost of mediation is paid for by the local authority.

- If after speaking to the Mediation provider you wish to go straight to tribunal, you will be issued with a Mediation Certificate within three working days.

- If you do decide to try mediation and it is not successful or only partly successful the mediator must issue you a Mediation Certificate within three days of the process finishing so you can go to tribunal.

- You must speak to the mediation provider within two months of the decision that you are unhappy about otherwise you will lose the right to go to tribunal as the law only allows you to appeal within two months of the decision OR one month from the date of the Mediation Certificate, whichever is longer.

For information about mediation, details of the authority’s mediation provider or advice about tribunal please contact the SEND Information, Advice and Support Service (SENDIASS).