

## **Appendix: Evidence required in the LA's response to an appeal**

### **Where the appeal is against:**

**A refusal to secure an EHC assessment under the Children and Families Act 2014 s. 36(8)**

**A refusal to secure an EHC reassessment under the Children and Families Act 2014 s. 44**

**A refusal to issue an EHC plan under the Children and Families Act 2014 s. 37(1);**

The LA must provide with its response, the following information:

1. all the information it considered when making its original decision (if not already provided when the appeal was registered)
2. a copy of the reasons for the decision made by any relevant LA panel or decision-making body
3. a copy of the child/ young person's attendance record at their educational placement for the last complete year
4. details of the provision, progress and outcomes at SEN support as recorded in the child/ young person's SEN Support Plan or equivalent (if applicable)
5. a signed and dated witness statement from a member of the leadership team or SENCo at the educational placement they currently attend addressing the issues raised in the appeal
6. a short chronology of events which lead to the appeal (one side of A4 maximum)

**Where the appeal is against the wording of the EHC plan about the child or young person's special educational needs (Section B) or special educational provision (Section F) following the issue of a final EHC Plan or an Annual Review;**

The LA must provide with its response, the following information:

1. Full copies of all the EHC plan appendices (listed in Section K of the EHC Plan) if not already provided when the appeal was registered
2. A copy of the latest Annual Review documents (if the right of appeal is triggered following an Annual Review)
3. A copy of the reasons for the decision made by any relevant LA panel or decision-making body
4. A copy of the child/ young person's attendance record at their educational placement for the last complete academic year
5. Details of the provision, progress and outcomes at SEN support as recorded in the child/ young person's SEN Support Plan or equivalent
6. A signed and dated witness statement from a member of the leadership team or SENCo at the educational placement they currently attend addressing the issues raised in the appeal
7. A short chronology of events which lead to the appeal (one side of A4)

**Where the appeal is against the Educational Placement specified in (Section I) of the EHC Plan**

The LA must provide with its response, the following information:

1. Full copies of all the EHC plan appendices (listed in Section K of the EHC Plan) if they do not form part of the Notice of Appeal documentation
2. A copy of the latest Annual Review documents (if the EHC Plan has been issued for more than 12 months)
3. A copy of the reasons for the decision made by any relevant LA panel or decision-making body
4. A copy of the child/ young person's attendance record at their educational placement for the last complete year
5. Details of the provision, progress and outcomes at SEN support as recorded in the child/ young person's SEN Support Plan or equivalent
6. A signed and dated witness statement from a member of the leadership team or SENCo at the educational placement they currently attend addressing the issues raised in the appeal
7. Confirmation of the name and type of educational placement that parent(s), young person or alternative person have requested named in the EHC Plan and what law the LA applied in making its original decision
8. If the Children and Families Act 2014 s. 38 applies, specify which of the exceptions under s. 39(4) they rely on in not naming the parent(s), young person or alternative person's requested educational placement and the supporting evidence:
  - a. it is unsuitable
  - b. it would result in the inefficient education of other pupils
  - c. it would result in the inefficient use of resources
9. If the Education Act 1996 s.9 applies, whether the LA;
  - a. accept that parents preferred placement is suitable and can meet the child's needs,
  - b. whether they have evidence that to place the child at that school would result in unreasonable public expenditure
10. The name and type of the LA's proposed educational placement
11. For all educational placements proposed by parent(s), young person, alternative person or the LA;
  - a. The latest OFSTED report / Independent School Inspectorate report
  - b. School/ College prospectus
  - c. SEN Information Report
  - d. The response received from the School/ College to the LA's statutory consultation
  - e. A signed and dated witness statement from a member of the senior leadership team setting out any evidence concerning the child/ young person's placement at the School/ College
  - f. Details of the comparative costs of the educational placements proposed and supporting evidence from the educational placement of those costs. This must include any relevant transport costs.

**Where an appeal is against a LA's decision to Cease to Maintain the EHC plan under the Children and Families Act 2014 s. 45:**

The LA must provide with its response, the following information:

1. Full copies of all the EHC plan appendices (listed in Section K of the EHC Plan) if they do not form part of the Notice of Appeal documentation
2. A copy of the latest Annual Review documents (if the EHC Plan has been issued for more than 12 months)
3. A copy of the reasons for the decision made by any relevant LA panel or decision-making body
4. A copy of the child/ young person's attendance record at their educational placement for the last complete year
5. Details of the provision, progress and outcomes at SEN support as recorded in the child/ young person's SEN Support Plan or equivalent
6. A signed and dated witness statement from a member of the leadership team or SENCo at the educational placement they currently attend addressing the issues raised in the appeal
7. Any evidence on which the LA are relying in deciding that it is no longer necessary for the EHC Plan to be maintained and specially no longer requires the special educational provision specified in the EHC Plan
8. If the young person is over 18 years old, confirmation that the educational or training outcomes in the EHC Plan have been achieved
9. A short chronology of events which lead to the appeal (one side of A4 maximum)
10. Confirmation as to whether parent(s), young person or alternative person are requesting amendments to the wording of the EHC Plan (Sections B, Section F or Section I) if the Tribunal were to decide that the EHC must be maintained and the views of the LA on these amendments.