

Appealing to the SEND Tribunal Section I (Placement)

Information pack for parents/carers

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What is Section I?

Section I says which school, college, or setting your child will go to.

It could be:

- a mainstream school
- a special school, or
- a general type of setting (if no school is named)

What if I don't agree with the school that has been named?

You can appeal Section I if:

- you disagree with the school named
- no school is named, but you want one
- you want a different type of school

Important:

If you're appealing Section I, **you may also need to appeal:**

- **Section B** – description of your child's needs
- **Section F** – special help (provision) to meet those needs

These sections often need changing if you want a different school.

When can I appeal?

You can appeal:

- after the **final EHCP is issued**
- after an **amendment notice**

You must appeal:

- **within 2 months** of the decision letter, or
- **within 1 month of getting your mediation certificate** (whichever is later)

What can I say in my appeal?

You might say:

- The school **cannot meet your child's needs**
- The school is **too far away** or not suitable

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- A different school or type of setting is better
- You want a special school or mainstream school instead

You can name the school you want.

Choosing a school: Your rights

You can ask for these to be named in Section I:

- Maintained nursery
- Maintained or academy/free school (mainstream or special)
- Non-maintained special school
- Further education college
- Section 41 approved independent school or college

The council **must agree, unless:**

- the school is unsuitable,
- it would affect the learning of other children, or
- it would cost too much money

If you want an independent school not on the Section 41 list, you must prove it:

- meets your child's needs, and
- costs the same or less than the council's school.

Extra things to think about

Want a special school?

If your current mainstream school isn't working, **appeal Sections B and F too.**

- **Add evidence:** school reports, expert opinions, therapy needs.
- **Explain why** your child needs small classes, trained staff, or therapies.

Want a mainstream school but the council named a special school?

The LA might say your child will affect others' learning, but they must try to **fix the problem first – like extra support or training.**

You can argue your child can be included in mainstream with support.

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How to appeal – step-by-step guide

Decide what you're appealing

- Section I: School or setting
- Section B: Child's needs
- Section F: Support/provision

(You might need to appeal all three!)

Fill in the SEND 35 Appeal Form

Access the form here: [SEND35 – Application for appeal – Child or young person](#)

In the relevant boxes of the form, include:

- **Child's details:**
 - Full name
 - Date of birth(Or your own, if you are a young person appealing on your own behalf)
- **Your details:**
 - Full name
 - Address
- **Parental Responsibility:**
 - Names of anyone else with parental responsibility (if applicable)
- **Local Authority (LA) Info:**
 - Name of your Local Authority
 - Date of decision being appealed or date of the final EHC Plan
- **Accessibility Requirements (if needed):**
 - E.g., translated documents, wheelchair access, reader, signer, difficulty using phone

Your reasons for appeal

This is a crucial section. Be clear, structured, and supported by evidence:

- **State your reasons clearly**
- **Use paragraphs, headings, or numbered points** for clarity
- Be concise and **stay focused on facts**
- **Back up with evidence:**
 - Refer to school reports, assessments, review records, etc.
 - Mention any evidence you don't yet have but plan to submit later

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Documents to send with the form

Include the following:

- Completed and signed appeal form
- Copy of the **LA's decision letter**
- Your **mediation certificate**
- A copy of your child's EHC plan and all the documents listed in Part K
- **All supporting evidence** (photocopies or scans only)
- **List of documents enclosed** (preferably in chronological order)

Keep copies of everything you send.

After submission

The tribunal will review your appeal and respond to you **within 25 working days**.

When they respond, they'll tell you:

- **if** there will be a hearing
- **more details about the hearing**, if you'll have one, and
- **the deadline** for sending in more information about your appeal.

The tribunal will send your appeal to the local authority who will have 30 working days to respond to you.

Costs

It is free to appeal. There are no tribunal fees for parents or young people.

Lawyer fees are your responsibility unless you qualify for legal aid.

Further information and support:

[Find your local IAS service](#)

[Appealing against the school or other setting named in your EHC plan | \(IPSEA\) Independent Provider of Special Education Advice](#)