

EHCP Appeals: Contents

Information pack

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Appealing an EHC Plan: What you can and can't appeal

An Education, Health and Care (EHC) plan is divided into several sections. You can only appeal some of them. Here's a simple breakdown:

You CAN appeal:

- Sections B, F and I (Educational parts). These are the main sections you can appeal to the SEND Tribunal:
 - Section B – Your child's special educational needs (SEN)
E.g. if some needs are missing or not described clearly.
 - Section F – The support (special educational provision) to meet those needs
E.g. if support is vague, too little, or not specific enough.
 - Section I – The school or setting named in the plan (or if none is named)
E.g. if the wrong school is named or no school is named at all.]

Tip: These sections are linked. If you're unhappy with Section F, it's best to also appeal Section B. If you're appealing the school (Section I), it often helps to appeal Sections B and F too.

- Health or Social Care that educates or trains (should be in Section F). Some health or social care services help with learning (like speech therapy, CBT, or OT). These should be included in Section F, not just in the health (G) or social care (H) sections. If this happens:
 - Appeal Sections B and F.

Ask that these training-based services be added to the special educational provision.

- Sections C, D, G and H (Health & Social Care)
You can't appeal these alone, but you can ask the Tribunal to make recommendations on them if you are also appealing about education (B, F or I).
 - C – Health needs
 - D – Social care needs
 - G – Health provision
 - H – Social care provision

These are called extended appeals. The SEND Tribunal's recommendations aren't legally binding, but they are usually followed.

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You CANNOT appeal:

- Section A – Your child's views, interests and aspirations
- Section E – Outcomes the plan aims to achieve
- Section J – Direct payments

These sections are not appealable, but sometimes they may change automatically if Sections B or F are changed.

What are Sections B and F?

- Section B: This section says what special educational needs (SEN) the child or young person has.
Example: "Sophie finds it hard to understand long instructions."
- Section F: This section says what support (provision) the child or young person must get.
Example: "Sophie will get help from a teaching assistant for 3 hours a day."

What if Sections B or F are wrong?

You can appeal if:

- Something important is missing.
- The needs are not written clearly.
- The support is not enough or not right.

What if want to appeal section I?

You can find out more about appealing section I here: [Appealing Section I](#)

How to appeal

- Ask for mediation (unless only appealing placement – Section I).
 - You call a mediation service.
 - You can choose to go to mediation or skip it.

You can find out more about mediation on our website: [Mediation](#)

- Get a mediation certificate. You need this to appeal.

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- **Send your appeal to the SEND Tribunal.**
 - You fill out a form (called SEND35).
 - Say which sections (B and/or F) you are appealing.
 - Include evidence if you can (reports, letters, etc.).

You can find the SEND35 form here: [SEND35 – Application for appeal – Child or young person.](#)

Time limits

You must appeal:

- within 2 months of the EHCP decision, OR
- 1 month after getting the mediation certificate (whichever is later).

Tips for appealing:

If you want to change or fix parts of your child's EHC plan, you'll need to show evidence to support your case.

There is a page limit, so choose your evidence carefully.

What counts as good evidence?

The SEND Tribunal wants clear, helpful information — not everything you've got.

Best types of evidence:

- **Reports from professionals**

These are the most important! They show:

- What your child needs
- What support is required

You might already have reports, for example

- From an EHC needs assessment (if it was recent)
- From professionals you already gave to the council

If not, you may need new reports.

Who can write helpful reports?

- NHS health professionals (e.g. speech therapists, paediatricians)
- School staff (teachers, SENCOs)

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- Private specialists (e.g. educational psychologists, occupational therapists)

Private reports can be expensive, but:

- You may get Legal Aid
- Some charities help with free or low-cost assessments
- Make sure any expert reports follow SEND Tribunal rules (they will carry more weight if they do).

Other helpful evidence:

- Teacher letters or school reports
- Parent statement – you can write what you've seen and experienced
- Child's views – either written by them or passed on by someone they trust
- Home-school diary entries
- Examples of your child's work
- Reports from annual reviews
- Statements from other people (e.g. youth worker, carer)
- Short videos or audio clips (must be under 10 mins and clearly explained)
- Fact sheets or research about your child's condition (but don't rely only on this)

Tip: Match your evidence to the changes you want.

Ask yourself:

- What am I trying to change in the plan?
- What will help prove that this change is needed?

The Working Document in a Contents Appeal

When you appeal the contents of an EHC plan, a special Word document is used called a **Working Document**.

This document helps you and your Local Authority (LA) agree changes before the Tribunal hearing.

What is the Working Document?

- It's a Word version of your child's EHC plan.
- You and the LA **can edit** it to suggest and agree changes.
- You should be given this Word version — **ask the LA if they don't send it to you.**
- **You will get a deadline** from the SEND Tribunal to send in the version with all changes so far.

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You can still keep working on it after that deadline – just send the latest version to the SEND Tribunal a week before the hearing.

What's the point?

The idea is to:

- **Focus only on the things you and the LA disagree about**
- **Save time** at the hearing
- **Show clearly what changes are being asked for**, and why

What do I do?

- **Wait until all the evidence has been sent in.**
- Read through everything.
- Decide what changes should be made to the EHC plan.
- Use the Working Document to show those changes.

How do I show changes?

Use the SEND Tribunal's special format (key – **Text Type** – What it Means):

- **Normal type** – Original EHC plan
- **Underlined / Underlined strikethrough** – Agreed changes (both sides agree)
- **Bold** – Changes YOU want to add
- **Bold strikethrough** – Parts YOU want to remove
- **Italics** – Changes the LA wants to add
- **Italic strikethrough** – Parts the LA wants to remove

Tips for using the Working Document:

- Don't copy full reports – just the important bits that explain your child's needs.
- Be clear and specific.
- For each suggested change, add a footnote saying where the idea comes from (e.g. "Speech and Language Report, p. 3, by Dr Smith").
- If you want a certain school or placement, show how your child's needs require that setting (e.g. extended day, therapy, specialist staff).

Note: Page limit: 25 pages (from 15 July 2025)

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Try to keep the working document under 25 pages. But don't worry — during the transition period, it's okay if it's longer.

Not everyone finds the key easy to use...

If you are **dyslexic** or find the format difficult:

- Tell your LA
- You can **make a list of issues** instead of using the Working Document
- The SEND Tribunal is happy with either option

List of Issues Tips:

- Don't use colours (Tribunal prints in black & white)
- Clearly say what changes you want
- Use evidence and quotes to back up your points
- Say what LA has said that you disagree with

Who should get the Working Document?

- **You and the LA** will send it back and forth.
- **Send the final version to the SEND Tribunal before the hearing** (check your registration letter for the deadline)

Also send it to:

- Your witnesses
- Any supporters or representatives helping you at the hearing

What happens if you can't agree?

The Tribunal will **still hold a hearing**. The Tribunal will use the Working Document (or List of Issues) to focus on what needs deciding, but it won't go line-by-line — **only the key disagreements**

Important: The Tribunal will not deal with any issues not mentioned in:

- Your appeal paperwork
- The Case Review Form
- The Working Document or List of Issues

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So make sure everything you want to raise is clearly listed!

Further information and support:

[Find your local IAS service](#)

[Appeals about the contents of an EHC plan | \(IPSEA\) Independent Provider of Special Education Advice](#)