SEND Tribunal National Trial – Single Route of Redress

*Key elements of the Single Route of Redress National Trial*

The Government are trialling extending the powers of the First-tier Tribunal (SEND) to make non-binding recommendations about the health and social care aspects of Education, Health and Care (EHC) plans as part of a special educational appeal. The trial will apply to LA decisions made and EHC plans issued/amended from 3 April 2018 and will run until August 2021, when a decision will be made on its continuation.

Parents and young people have only been able to appeal the educational aspects of EHC plans until now. The national trial will give parents and young people the right to appeal about health and social care issues relating to SEN decisions or contents of a EHC plan via a single route.

Although the recommendations are non-binding, they are made by a specialist Tribunal and should not be ignored or rejected without careful consideration. Any reasons for not following them must be set out in detail in writing and sent to the parent/young person and the evaluators. Parents and young people will be able to complain to the Ombudsman or seek to have the decision judicially reviewed.

An evaluation process will run alongside the trial, looking at implementation, outcomes for families and commissioners and costsand will inform a decision on the continuation of the powers. IFF Research and Belmana will be in contact with LAs, health commissioning bodies, parents and young people to ask them about their experiences of the trial.

# Roles and Responsibilities

**SEND Tribunal will have powers to:** Recommend that health and social care needs and provision are specified or amended in EHC plans. The Tribunal must send a copy of the recommendation to health commissioners as well as the LA.

**Health and social care commissioners must:** Respond to any request for information and evidence within the timeframe set by the Tribunal; send a witness to the hearing if required; and respond to the parent/young person and the LA within 5 weeks of a recommendation being made setting out the steps they have decided to take or giving reasons why they are not going to follow the recommendation.

**LA SEND teams must:** Inform parents/young people of their new rights through decision letters and the Local Offer; provide evidence to the Tribunal from the health and social care bodies in response to any issues raised within the timeframe set by the Tribunal; seek permission to bring additional witnesses to the hearing as necessary; and send the health and/or social care response letter to the evaluators at [SENDletters@IFFResearch.com](mailto:SENDletters@IFFResearch.com) following any recommendation.

**Information, Advice and Support Services should:** Disseminate information on the trial; communicate the new rights to parents and young people; provide support to parents and young people with managing appeals, which can include support with preparing cases and attendance at hearings; and signpost to further support.

# Support package for local areas

The resources referred to below can all be found in the [toolkit.](https://www.sendpathfinder.co.uk/events-materials-and-resources)

1. **SEND National Trial Stakeholder** **Briefing Events –** 6 regional events will be held in January-March 2021 for education, health and social care managers who are expected to disseminate the information to their teams and networks.

2. **Guidance –** Guidance has been produced for SEND, health and social care professionals, parents and young people outlining the duties, how the trial will work and the support available.

3. **Toolkit –** To help with implementation, a toolkit has been produced with templates for Local Offer and decision letter wording, expense forms, further guidance and a FAQ document.

4. **Ongoing support –** Ongoing support will be provided through a helpdesk [SENDDeliverySupport@mottmac.com](mailto:SENDDeliverySupport@mottmac.com) and from the DfE SEND regional adviser team and NHS England.

5. **Funding** – LAs and CCGs will be reimbursed for reasonable costs incurred in taking part in the trial up to the total value of £4,000 per case. Further information is available online.