



3 April 2018

Dear Directors of Children's Services, Directors of Adult Social Services and Chief Nurses or equivalent in Clinical Commissioning Groups

SEND TRIBUNAL: SINGLE ROUTE OF REDRESS NATIONAL TRIAL

We know you are all working hard to transform the lives of children and young people with the most complex needs and committed to ensuring that the SEND system is joined up across education, health and social care.

To help achieve this, we are delighted to announce the launch today of a two-year national trial extending the powers of the First-tier Tribunal (SEND) to make non-binding recommendations on the health and social care aspects of Education, Health and Care (EHC) plans. The Tribunal will be able to do this for LA decisions made and EHC plans issued or amended from today, as part of a SEND appeal.

The [Special Educational Needs and Disability \(First-tier Tribunal Recommendations Power\) Regulations 2017](#) place new duties on local authorities and health commissioners. Local authorities must now amend their EHC decision letters and Local Offers to inform parents and young people of their new rights; and, when cases arise, local authorities and health commissioners will have new responsibilities to provide evidence, attend hearings and respond to recommendations.

Although the recommendations are non-binding, they are made by a specialist Tribunal and we would generally expect them to be taken forward. Where recommendations are not taken forward, parents and young people will be able to complain to the Ombudsman or seek to have the decision judicially reviewed. Ofsted and the Care Quality Commission will be incorporating the national trial into their judgements on the effectiveness of services as part of local area SEND inspections.

A wide range of support is available, including [guidance](#) for commissioners and parents and young people plus a [toolkit](#) of practical materials. Ongoing support will be provided through a [helpdesk](#), newsletter updates and from Department for Education (DfE) SEND advisers and NHS England Regional and Local SEND Leads. We will be training Information, Advice and Support Services to enable them to inform families of their new rights and support them through the new process.

The DfE will be providing funding of up to £4,000 per case to cover certain types of expenses incurred by local authorities and health commissioners as a result of the trial. The funding is to cover the additional costs on SEND, social care and health commissioners to gather evidence, attend extended hearings and respond to recommendations. Local authorities' legal costs are not included. More information, as well as the grant funding letters, can be found in the toolkit

We have commissioned IFF Research and Belmana to carry out an independent evaluation of the trial, which will be used to inform a decision on the continuation of the powers after the trial has ended. They will be in contact with local authorities, health commissioning bodies, parents and young people to ask them about their experiences.

We would welcome your support in promoting the national trial in your area and would be grateful if you could cascade this letter to relevant people in your organisation and through your local networks.

In order to ensure the information in this letter is widely communicated, we are copying it to people and organisations interested and affected by these changes, including parents and young people's groups and organisations that represent them, and to a range of voluntary and community sector organisations.

Yours sincerely,



Nadhim Zahawi
Parliamentary Under Secretary of State
for Children and Families



Caroline Dinenage
Minister of State for
Care