



TRIBUNALS: CONTENT & PLACEMENT APPEAL

INTRODUCTION

The aim in developing this toolkit is to offer a better understanding, gaining confidence and have knowledge of tribunal procedures, when considering an appeal to First Tier Tribunal.

This toolkit is focused on content and placement appeals. The content of an Education Health and Care plan (EHCP) means the description of your child's or young person's special educational needs (Section B) and/or the special educational provision to meet these needs in Section F. Placement means the TYPE of educational setting in Section I and/or the NAME of the setting the child or young person attends or will attend.

1. WHEN CAN AN APPLICATION BE MADE FOR A CONTENT and PLACEMENT APPEAL AT TRIBUNAL?

- When an EHCP is finalised for the first time for a child or young person;
- When an assessment is completed but the LA decides not to issue a plan
- When notice to maintain without change, cease to maintain or to amend a plan is received. This will happen following an annual review or reassessment.
- When the LA refuses to reassess after being requested to do so.

If you are sure that you disagree with the content (whether Section B is incomplete or needs additional information from professionals' reports to be added, and/or Section F does not adequately set out the support that should be in place for your child or the young person) **and placement** (type of school and/or named educational setting) **then you will need to make an application to the Tribunal Services for a content and placement appeal.**

2. DEADLINES and IMPORTANT INFORMATION BEFORE STARTING AN APPLICATION:

A letter from the local authority accompanies a copy of a final education health and care plan. This letter's purpose is twofold:

- The **letter** should **inform** parents/carers and young people of their **right of appeal**; and
- This letter is dated and **starts the countdown** of the deadline of **2 months** within which an application for an appeal can be made.

Local authorities **must** inform parents and young people of their rights of appeal.

The SEND Code of Practice says:

9.126 ...the local authority **must** notify the child's parent or young person of their right to appeal to the Tribunal and the time for doing so, of the requirement for them to consider mediation , and the availability of information, advice and support and disagreement resolution services...

The letter **must** also be sent to the governing body, proprietor or principal of any school, college or other institution named in the EHCP.

You need to understand the **definition of special educational needs** as explained in the SEND code of practice: 0-25 years.

The SEND Code of Practice says the following about SEN on page 16:

xiii. **A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.**

xiv. A child of compulsory school age or a young person **has a learning difficulty or disability if he or she:**

- has a **significantly greater difficulty in learning** than the majority of others of the same age, or
- has a **disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others** of the same age in mainstream schools or mainstream post-16 institutions

xvi. A child under compulsory school age has special educational needs if he or she is **likely to fall within the definition in paragraph xiv. above when they reach compulsory school age or would do so if special educational provision was not made** for them (Section 20 Children and Families Act 2014).

If you did NOT receive a decision letter from the local authority, or the letter excludes information like giving you a right of appeal, or information about your SENDIAS service, the local area mediation service and/or the timescales and process for appealing the local authority decision, do not worry, you can still make an application for appeal. Be explicit about any of the excluded information in the application to tribunal.

3. CORRECT TRIBUNAL FORMS

An application for appeal for a **child** or **young person** should be made using form **SEND 35**.

The form can be used by parents, those with parental responsibility, or a young person aged 16 to 25.

(The web link is <https://www.gov.uk/government/publications/form-send35-special-educational-needs-and-disability-tribunal-appeal>)

If the **young person** is between **16 and 25 years** old, the applications can be made by the Young Person themselves or their representative (this is usually the young person's parent acting as the Alternative Person).

Tribunal services advise:

If a young person has the mental capacity to consent to a parent representing them at tribunal then parents need to complete the young person's appeals form (SEND 35) and put themselves down as the alternative person.

If a young person does not have mental capacity to consent to a parent appealing on their behalf, then the parent can fill in the form.

If ever in doubt, fill in the form and clearly state in the application form that the parent is the representative or 'alternative person'.

4. FILLING OUT THE APPLICATION TO APPEAL (TRIBUNAL FORM)

The application form has the following sections:

- 4.1. **Section 1: Who is the appeal about?** Your child or young person's details;
- 4.2. **Section 2: What are you appealing against?** You need to choose the correct options from
- The Local Authority secured an EHC assessment but refused to make an EHC plan
 - The Local Authority has issued an EHC plan following an EHC Needs Assessment
 - The Local Authority has refused to secure a Re-Assessment of EHC Needs
 - The Local Authority has carried out an annual review of the EHC plan
 - The Local Authority has refused to amend the EHC plan after an EHC Needs Re-Assessment
 - The Local Authority has decided that the EHC plan is no longer necessary and are going to 'Cease to Maintain' the plan

and

- disagree with what the EHC plan says about the child or young person's special educational needs (Section B)
- I disagree with what the EHC plan says about the educational help/provision the child or Young Person requires (Section F)
- I disagree with the school/college/institution named in the EHC plan (Section I)

or

- The Local Authority has not named a school/college/institution in the EHC plan (Section I)

And/or

If you are asking the tribunal to make a recommendation for Health or Social Care needs then indicate

- I disagree with what the EHC plan says about health
- I disagree with what the EHC plan says about social care

- 4.3. **Section 3: Reasons for your appeal.** This is the part in the application form reasons for the appeal must be stated in clearly. For further details on this part of the form, go to number 5, page 6 of this resource.
- 4.4. **Section 4: Reasons for asking for a recommendation for health and/or social care.** Give reasons for disagreeing with the health care needs and provision (Sections C and G). I want the tribunal to make recommendations about the health needs and health provision.
- 4.5. **Section 5: Making the appeal.** What local authority does your child live in? What is the date of the LA decision letter? What are you appealing against? You are appealing the content of the EHCP (this can be sections B and F but if also you disagree with any other parts you need to consider the single route of redress to include other sections in the EHC plan like section A, section E about outcomes, health or social care needs and health and social care provision), and placement (this means the type of school as well as the name of the educational setting). *Select point 4, which states: "The LA made an EHC plan for my child, reviewed the plan or reassessed and refused to replace it or stopped maintaining it".* You are also required to clarify which part of the EHCP you disagree with from a list provided. In the case of a content appeal you need to indicate that you:
- **Disagree with what the EHC plan says about my child's special educational needs,**
 - **Disagree with what the EHC plan says about the educational help/provision my child should receive, and**
 - **Disagree with the placement in the EHCP.**
- 4.6. **Section 6: Who is making this appeal?** Choose who is making the appeal by selecting one of the following
- Parent or other – on behalf of a child under 16 years old
 - Young Person – aged 16 and under 25 years old
 - Alternative Person – making an appeal in the 'best interests' of a young person who does not have the Mental Capacity to bring an appeal themselves
- First and second persons' contact details divided in 'Parent One', 'Parent Two' and 'Your representative'. Be clear on the form who should receive information about the appeal.
- 4.7. **Section 7: Who else is involved in the appeal?** Include the details of any other person who shares parental responsibility in this section.
- 4.8. **Section 8: The hearing** – your needs and requirements. The hearing – your needs and requirements. If you have any special needs, disabilities or additional arrangements that need to be made for you to access the hearing, this is the part of the form where the details of this needs to be included. Examples are: hearing loops, wheel chair access, etc. If you need assistance, like a signer, or interpreter, this must be added in this section.
- 4.9. **Section 9: Paper hearing.** The tribunal service can determine your appeal on written evidence without an oral hearing. An oral hearing is where the parties speak to the Tribunal panel either via a phone conference call or the parties go to court and give evidence before the Tribunal panel about the appeal.

If you want to have a paper hearing, select the 'Yes' option on the form. If you want an oral hearing, select 'Yes', and if not select 'No'.

A paper hearing happens when the court panel looks at the information they received about the appeal and make a decision based on the evidence both parties have submitted. With paper hearings you will not be offered an opportunity to participate in the hearing procedure unless you indicate you want an oral hearing.

The next question asks if you would like the final hearing to be at an earlier date if it becomes available. If you want this to be sooner than the usual time, select 'Yes', or choose 'No' if you don't want it sooner.

Existing claims/appeals - Tribunal services want to be informed about additional claims to ensure they are able to continue with your application for appeal. You have to clarify if there is another appeal in relation to the child mentioned, or a sibling that is being dealt with currently. Select 'No' if not, and 'Yes' if there is, stating the appeal number.

If you have an existing Disability Discrimination claim for the child that you are making this application for appeal for, then you have to state this, with the date of claim and the claim number. You also have the option to indicate if you want the appeals heard at the same time.

4.10. **Section 10: The checklist.** This is an **important section**. **Without this documentation, your application for an appeal might be turned down.** You **must** enclose the listed documentation:

- A signed and dated letter from the Local Authority giving you the right of appeal to HM Courts & Tribunals Service (**Local Authority decision letter**)
- A copy of the **signed mediation certificate** or I confirm that my appeal is about the school/institution or type of school/institution only and no certificate is necessary
- Your reasons for making the appeal (**see section 2 of the appeal form**)
- A copy of your child's EHC plan and all the documents listed in **Part K (where a plan has been issued)**
- The appeal form has been **signed and dated** by parents/parental representative making the appeal

4.11. **Section 11: Please sign below.** Your signature is required in this section and if you have a representative that person must sign too. A representative is a qualified lawyer. A person from the SENDIAS service is not a representative for the purpose of the form. A SENDIAS adviser can accompany you to support and help during the hearing (First Tier Tribunal Rules 11(5)). Their details can be given later at a later stage.

4.12. **Section 12: Sending the appeal.** The address where you need to send your application for your appeal is stated in this section.

REMEMBER TO KEEP A COPY OF THE APPEAL FORM. We also suggest that you make a copy of the bundle you send for your own record.

5. REASONS FOR THE APPEAL

'Section 5' of the application form requires the specific reasons for making an application for a content appeal.

You will need to explain your reasons for disagreeing with the LA decision. This could be:

- The LA has failed to include some of the child's learning difficulties and this has an impact on Section F (which possibly lacks some provision);
- The LA has overestimated or underestimated the child's difficulties and this has an impact on the levels of provision needed to meet these needs;
- The LA or professionals misconstrues the child's difficulties. For example, where there is a difference in opinion or over-emphasis of one learning difficulty over another;
- Amendments need to be made to the EHC plan to include special educational needs and/or special educational provision as recommended by professionals.
- The placement is unsuitable to meet my child's needs because...(for example, give clear reasons based on your child's SEN profile, professionals advice and the type and kind of provision or support that would enable your child to meet outcomes and make progress).

You are asked to explain the reasons for disagreeing with the description of your child's difficulties. We advise to use the 'Broad areas of Need' in the SEND Code of Practice as a framework to explain your child's difficulties. Additionally, you may want to discuss personal independent needs, too, especially if you are representing a young person. Young people should have clear preparing for adulthood areas covered in their EHCP.

The SEND Code of Practice explains this as:

Broad areas of need

Communication and interaction

6.28 Children and young people with speech, language and communication needs (SLCN) have difficulty in communicating with others.

Cognition and learning

6.30 Support for learning difficulties may be required when children and young people learn at a slower pace than their peers, even with appropriate differentiation...

Social, emotional and mental health difficulties

6.32 Children and young people may experience a wide range of social and emotional difficulties which manifest themselves in many ways...

Sensory and/or physical need

6.34 Some children and young people require special educational provision because they have a disability which prevents or hinders them from making use of the educational facilities generally provided. These difficulties can be age related and may fluctuate over time

Then, you are asked to give an account of your child's difficulties. Tribunal services advise you to be specific about your child's needs. Use professionals' reports and letters to extract the identified needs. What amendments do you want to be made within Section B? Include the amendments of needs here.

Next, the section discusses special educational provision. You need to explain why you disagree with the LA description of your child's provision (SEP). Reasons for this could be that the SEP is non-specific, and/or lacks appropriate and identified support in Section F.

REMEMBER – Section 21 (5) of the Children and Families' Act 2014 states that

Health care provision or social care provision which educates or trains a child or young person is to be treated as special educational provision (instead of health care provision or social care provision)

You will need to **check Sections G and H** to see if there is any provision in your child's EHCP which has been identified as health care provision or social care provision which should be treated as special educational provision because of section 21 (5).

If you want amendments to be made in Section F, include these amendments here.

Lastly, you are asked about the help your child requires to learn. This means anything that '**educates or trains**' should be in the educational sections of an EHCP (these are sections B and F). Examples are: 1 to 1 support, small group work and the times this will occur per week, section F of the EHCP needs updating as per my child's SEN in section B of the EHCP, professional input to develop a program to support my child's speech and language/communication needs and adults working with my child to use specific aids or equipment or software packages.

6. EVIDENCE

Your appeal is based on the evidence you send the tribunal service. You may wish to rely on **reports**, for example from:

- Health service professionals such as speech and language therapists, occupational therapists or community paediatricians;
- Teachers or Support staff from current or previous settings;
- Voluntary organisations may have been involved and be willing to offer information;
- Private professionals', especially those who specialise in the difficulties experienced by the child or young person.

Additionally, the following is also **evidence** that can be of good use:

- Written statements from individuals who know the child or young person and are involved with them;
- Home-School communication books or diaries;
- Video or audio evidence – you must send five copies of any recordings to the tribunal, with a clear explanation who made the recording, the length of the recording and the nature of the recording and the reasons for including this;

- Published information from voluntary groups addressing and relating to the child's learning difficulty;
- IEP's and IEP review reports;
- School reports;
- Annual review reports;
- Examples of the child's work over time (like their homework book);
- Parent's views and experience of the parent or carer because the parent knows the child or young person best;
- The child or young person's views, gathered independently.

Only use evidence that is relevant to the issues in the appeal.

Placement Appeal Evidence

Disagreement with the LA's decision of placement/school/educational setting/type of setting will be determined on the evidence you provide. This means you have to prove the LA's decision about the type of school and/or placement is incorrect with the evidence you present to tribunal.

YOU have to present the information and evidence that the decision is not right for your child. You can only refer to any other section in the EHCP if your original appeal covered other sections of the EHCP. If not, you will need to ask the Tribunal for permission to extend your appeal to include the content of the EHCP as well.

Your rights in **Placement appeals** that could help:

The right to a mainstream education carries weight within the Law and this will help if you would like your child or young person to be educated in a mainstream setting.

Evidence about school or other educational settings that you should include, if possible:

- OFSTED report
- School Prospectus
- Details of the cost of the placement

Evidence should deal with your child's special educational provision and this may include:

- A description of the child and young person's need and the support in place at the setting to meet these needs, by whom, how often;
- The arrangements in place of the delivery of the programme or activity, to monitor or supervise this;
- The arrangements of reporting, liaising, preparation and attendance of meetings, including the time this takes,
- Any necessary equipment to be provided.

For an **independent educational setting**, you must have a **letter from the setting** confirming a place offer for your child, in writing. This letter will confirm that the setting has given consent for the Tribunal to make an order that the placement can be named in the EHCP.

Take a look at the evidence for a content appeal, like your child or young person's identified special educational needs, or anything else about the setting that may help you explain the reasons for

making the appeal that may help your case and explain how the setting and environment can make a difference. Make sure you include this.

7. PROCEDURES AND TIMESCALES IF YOUR CASE IS ACCEPTED

Step 1: Before making an application for a content appeal

A SEN appeal has to be received by the Tribunal within

- **2 months** from when the written letter of the decision of the LA was sent to the parent/carer or young person **OR**
- **1 month** from the date of the mediation certificate.

A parent or carer or young person might qualify for **LEGAL AID**. This excludes being a representative at the hearing. You can check if you qualify for this help here: <https://www.gov.uk/check-legal-aid>

Step 2: Completing the application form to make an appeal or a claim

Use the correct forms to make an application to appeal the contents of the EHCP.

A young person will have to make the application themselves using the SEND35 form. If they are unable to do this under the Mental Capacity Act, then they will have a representative, which usually is their parent/s or a deputy will be appointed.

Step 3: Submitting the appeal/claim form

You can submit your application for an appeal electronically to: send@hmcts.gsi.gov.uk

If you are over the deadlines mentioned in Step 1, you are able to submit your application with clearly stated reasons for doing so. A tribunal judge will decide whether the appeal will be allowed to go ahead despite being made out of time.

Grounds of appeal: SEND Practice Directions 5(e) If the appeal includes Sections B and F of an EHC plan (the special educational needs of a child/young person and the provision to meet those needs), this must be made clear and the detail of the amendments requested, clearly set out.

When enclosing a copy of an EHCP the appendices should also be included.

Step 4: SEND Appeal registered and acknowledged

If your **appeal is registered** you will be notified within **10 days of your application**.

The registration letter will inform the parent or young person of:

- **The hearing date;**
- **Standard directions that apply to the type of appeal registered;**
- **Their right to request their appeal be actively case managed by a member of the judicial team.**

You should also receive copies of:

- **An Attendance Form to return to Tribunal;**
- **A Request for Changes Form.**

The LA will receive:

- copy of notice of appeal;
- date of appeal hearing;
- case management process & any co-ordination dates;
- An Attendance Form;
- Request for Changes.

Case management process: If the case is complex and needs case management, this can be requested at this stage, or the court may direct.

Request for Changes Form: This is a very useful form, and is the way to make a request to Tribunal on a range of areas. This form should only be used in exceptional circumstances. Examples of this are

- Requesting a direction to make the LA provide information,
- require any additional action that has not previously been included,
- Change of your grounds of appeal,
- Call of witnesses or experts to give telephone evidence, and so on.

Both parties must be clear with the points of agreement or disagreement.

The **attendance form** should be filled out by both parties. If you are unsure who will be in attendance, it is best to fill out the form with the title/s of the professional/s or individual/s you want to attend the hearing as your witness/s. Then you can inform Tribunal at a later time by email of the name/s of who will be in attendance.

Step 5: LA does not oppose appeal

Where the LA notifies the First-tier Tribunal that it will not oppose the appeal before it submits a response, the appeal is to be treated as if it was determined in favour of the appellant (the parent, young person, representative) and the First-tier Tribunal is not required to make an order (SEND Regs 45 (1) and (2)). The local authority is required to proceed as set out in SEND Regulations 45, as if the case was heard.

Step 6: Respondent (LA or Responsible Body) sends response

Within **30 working days** after the respondent (LA) received the application notice the LA **must** send or deliver a copy of their response and any accompanying documents to each other party at the same time as it provides the response to the Tribunal.

The LA response **must** include:

- details of what parts of the application are agreed;
- details of what parts of the application are resisted;
- details of any legal points that will be relied on at a final hearing.

Step 7: After the LA response/ Case Management

Parent/young person sends in completed attendance form to indicate who will attend from their side, including representatives/helpers and witnesses.

Witnesses

Tribunal practice is to limit the number of witnesses in an SEN appeal to **three**.

A **witness** is someone you feel may help your case by giving spoken evidence about your child or young person's SEND and the support (special educational provision) they need. This is usually a professional who works with your child like a support worker at the setting or someone who offers support outside of the education setting like a mentor. The witness may also be a professional who took part in the process of assessing your child and wrote about your child's needs within a specific area like communication, or sensory difficulties.

The parent or young person can apply (using a Request for Changes Form) to the Tribunal for a witness summons where the witness is willing but feels constrained unless ordered to attend. A witness summons should be requested well in advance of the hearing (it should be at least 10 working days).

If someone is called as a witness, it may be useful for them to read about being a witness on the government website. This will help them to become familiar with what to expect, claiming expenses and so on. Here is the link: <https://www.gov.uk/guidance/send-tribunal-if-youre-asked-to-be-a-witness>

Reviewing the LA response and issues of evidence

It is important to review the LA's response because this may lead to the parent or young person having to include more evidence or another witness to respond to a point which has been made.

The parent or young person can ask the Tribunal to **direct** that the LA provides more information (using the Request for Changes Form) at this point or later.

Step 8: Deadline for evidence

The shortened timetable of **12 weeks** for all SEN appeals registered after 1st August 2016 means that the Tribunal has not yet issued a 'standard' timetable, and so parties are advised to check directions issued by the Tribunal carefully, to ensure that they are complying with the dates given in those directions.

Now is the time to start on the working document!!

Step 9: Pre-hearing preparations

At least **10 working days** before the hearing the parent or young person will be informed of the venue and exact time.

Step 10: Working documents and Pre hearing settlement

Finalise the working document by the date specified in the directions (usually 10 days before the hearing) and the directions will usually require the LA to file the latest version with the Tribunal by that date.

A working document is just that – the sections of the EHC plan under dispute worked on by both parties so as to indicate requests by a parent or young person for amendments outstanding and where agreed, like this:

Normal type	Original EHC plan
<u>Underlined type</u>	Amendments agreed by both parties
Bold type	Parents' proposed amendments
Bold struck through	Parents' proposed deletions
<i>Italic type</i>	LA's proposed amendments
<i>Italic struck through</i>	LA's proposed deletions

Tribunal allows for parties to keep working on the working document right up to the hearing date, and after the final working document has been submitted.

Withdrawing your Case (HESC Rule 17(1) and (2))

A party can withdraw its case at **any time before the hearing** by writing to the Tribunal using a **withdrawal form, BUT** the withdrawal will take effect ONLY if the Tribunal consents and the Tribunal is unlikely to consent if the hearing is within two weeks of the withdrawal taking place.

A parent/young person who wishes to withdraw their appeal because they have reached agreement with the LA should request a **consent order from** the Tribunal that the LA proceeds as if the relevant regulations applied – power to issue a consent order – HESC Rule 29.

Step 11: Hearing

All Tribunal panels will now consist of a judge and a specialist member with substantial experience of SEN / disabilities, both of whom must have sat in 25 previous hearings.

Entitlement to attend hearing (HESC Rule 24)

Each party to the proceedings is entitled to attend the hearing;

In the case of an appeal about a child being brought by a parent, the child is entitled to attend the hearing and the Tribunal may permit the child to give evidence and to address the Tribunal. The parent **must** inform the Tribunal in advance that they intend to bring their child.

When you speak to the Tribunal panel, address them as 'Sir' or 'Madam'. Don't interrupt anyone but make notes of important points so you can mention this as part of your summary.

Representatives (HESC Rule 11 (1))

A party may appoint a representative (whether a legal representative or not).

The Tribunal may give a decision orally at a hearing but the LA is under no duty to comply until it receives written notice (HESC Rule 30).

Step 12: If you disagree with a decision made at the tribunal hearing

See the next point 8.

8. AFTER THE HEARING

An order from Tribunal will usually be provided no longer than 10 working days of the hearing date. If you won your appeal, the LA has to act within specific set times.

In the case of a **content appeal**, if changes or amendments have been ordered, the LA has to act within **5 weeks of the date of the order**.

In the case of a **placement appeal**, if a type of placement and a named setting was ordered, the LA has **2 weeks** to put this in place. These time scaled implementations of orders by tribunal can be read in SEND Regulations 2014 44 <https://www.legislation.gov.uk/uksi/2014/1530/regulation/44/made> You can complain to the **Local Government Ombudsman** if the local authority does not follow the decision. It is wise to get in touch with the Tribunal clerk, explain what has gone wrong and clarify what the next steps should be.

If your case has been unsuccessful, you have the option to challenge the decision of the Tribunal judge by a **Judicial Review**. It is advised to seek legal advice on the merits of such a review. A decision can only be challenged via a judicial review if it is unlawful, irrational, unreasonable and disproportionate.

9. APPENDICES

List of Evidence to be considered in content and placement appeals.

For Further Information

Enquiries for further information, contact Supportive Parents via one of the methods below and our trained advisers will be happy to help:

- **Contact Form on our website:**
www.sendandyou.org.uk/contact-us/
- **Email:**
Support@sendandyou.org.uk
- **Information, Advice and Support Line:**
0117 989 7725
9:30am – 4:30pm
Monday, to Friday all year round
Answer phone available

Our Postal Address:

3rd Floor, Royal Oak House
Royal Oak Avenue
Bristol
BS1 4GB

APPENDICES

Introduction to Tribunal Workshop Evidence

Source: 'Special educational needs and disability discrimination in schools' a legal handbook by Sarah Hannett, Aileen McColgan and Elizabeth Prochaska

Checklist of evidence that may be needed to be included (consider only what is appropriate to your own case):

- EHCP & appendixes
- recent annual review meeting reports
- evidence of CYP's educational record like, national curriculum levels, individual education plans or similar, reports or advice from LA services/professionals, school reports, attendance record, exclusion records or disciplinary notes
- Health reports (NHS) like SaLT, OT, paediatrician, etc.
- Other experts advice or reports
- Other relevant information like family support worker or social worker.

Where the appeal is against the school, evidence has to refer to the SEN provision at the preferred setting. Think about the following:

- Description
- How SEP is to be delivered
- How long and how often will SEP be delivered
- Who will deliver the support (experience & qualifications?)
- Arrangements for supervision & monitoring of the delivery of the programme in place
- Equipment (aids)

Specific issues to think about:

1. Issues about your preferred education setting –
 - The type of setting
 - How many pupils and their ages, SEN pupils enrolled, pupils with EHCP's enrolled, primary diagnosis for these pupils, do they have a suitable peer group?
 - How many classes per year group? Ratio of staff in each class
 - What does the curriculum being taught look like? Are the pupils achieving specific qualifications?
 - School prospectus/brochure, Ofsted reports, SEN policies
 - What about the physical environment (setting appearance & accessibility)
 - Any specific or unique facilities the setting has that will support your CYP
2. Staffing in the School. Issues to think about:
 - Total number of teaching staff
 - What specific qualifications / SEN experience do the teaching staff have?
 - What specific qualifications / SEN experience do the support staff have? How many dedicated hours will he / she provide?
 - Are there any other specific members of staff that they might come into contact with (e.g. a specialist teacher or a school counsellor?)
 - What relevant training has been recently given to staff?
3. About the child or young person's peers. Things to consider?
 - How many children are in the class?

- What are the range and nature of the difficulties of the other pupils who would be in the child or young person's class? In particular, their primary diagnosis, range in cognitive ability and curriculum levels
 - It may be necessary to provide specific information to the particular appeal (e.g in the case of a hearing impaired child, how many are using BSL).
4. Considering the curriculum:
- How would they spend their time in school? A timetable is often a good way of showing this.
 - What strategies will the school use for working with the child? (e.g a visual timetable or individual workstation for a child with ASD)
 - Where appropriate, identify what subjects they will study and what qualifications they will be working towards
 - What arrangements are in place for communication between you and the school?
5. Therapies at school:
- Is there a speech and language therapist, occupational therapist or physiotherapist employed by the school? How many hours a week do they work, how many children do they see?
 - If therapists visit the school, how many children do they see? How often do they visit? For how long?
 - How is therapy delivered at the school? (e.g. alongside teaching staff or withdrawal only)

Specific types of schools and provision:

- Units in mainstream school (where school is a unit in a mainstream school. How long will the child spend in the unit? How will they be supported in mainstream school?)
- Education at home (or a combination of home and school) why is it not appropriate for the child to be educated in school? Is this a short term or long term arrangement?
- Residential school

Transport - This is not for the FTT to determine but the cost of transport may affect the decision. The application should set out:

- What is proposed by way of transport?
- How long is the journey?
- Will it be by taxi, LA bus or public transport?
- Is an escort required?
- An estimated cost
- Is there an existing service?

How much will it cost?

(With help from LA to gather this information if necessary):

- How much is a place at the school
- Any additional support
- Boarding costs
- Transport (including the cost of any escort required)