

## Disability Discrimination Appeals

### What is SEND Tribunal?

The Special Educational Needs and Disability Tribunal is an independent body set up by Act of parliament. They hear and decide parents' appeals against the decisions of Local Authorities (LAs) about claims for disability discrimination involving special educational needs, where parents cannot reach agreement with the LA.



It is always better to sort out disagreements with the Local Authority without having to resort to a formal appeals process whenever possible and SENDIASS can try to help you do this.

Sometimes, despite everyone's best efforts, this is not possible however and then an independent view can be useful. This leaflet explains how the process works and how we can help.

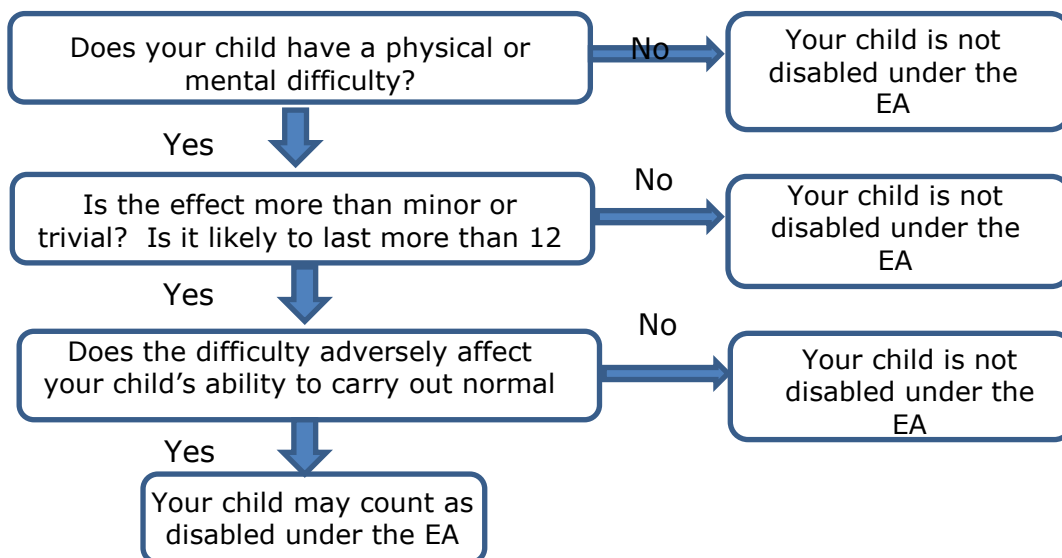
### Definition of Disability under the Equality Act

A disabled person is someone who has a physical or mental impairment (difficulty) which has a substantial, long term and harmful effect on their ability to carry out normal day to day activities.

Before deciding whether there may have been disability discrimination you will need to check that your child would count as being disabled under the Equality Act.

Not all children or young people with special educational needs will be disabled and not all disabled children or young people will have special educational needs.

### Is my Child Disabled?



## What can I appeal about?

### Admissions

You **can** appeal to the SEND Tribunal if your claim is related to admission to a private school. The SEND Tribunal **cannot** hear a claim for a refusal to admit a pupil to any local authority or state funded school such as an academy.

### Provision of education and access to a benefit, facility or service

A school **must not** discriminate in the education and services it provides for disabled pupils. This includes the teaching provided to pupils, what happens at lunchtime and breaks, activities such as after-school clubs and school trips.

### Reasonable adjustments

All schools have a duty to make **reasonable** adjustments which include provision of auxiliary aids and services such as specialised computer equipment, adapted desks or speech and language therapy.

### Exclusions

A school **must not** exclude a pupil from the school because of a disability. The SEND Tribunal **can** hear claims involving permanent exclusion.

### Harassment or victimisation

### Will SENDIASS represent me at the Tribunal Hearing?

**No** – We are always here to give you unbiased advice, information and practical support but we cannot act as your formal representative. **We will** however put you in touch with the Independent Panel for Special Educational Advice (IPSEA) – this is an organisation which provides free advice, support and representation to parents going through an appeal (there is an IPSEA information sheet included with this leaflet).

### Will SENDIASS support me through the appeal?

**Yes** – we will be with you all the way and can provide someone to go along to the hearing with you as a support.

### The paperwork seems very complicated – can you help me with it?

**Yes** – we can give you advice on preparing your case and filling in the forms.

**If you would like to talk about anything to do with this leaflet, please contact us on [01472 355365](tel:01472355365)**

**[nelincs@barnardos.org.uk](mailto:nelincs@barnardos.org.uk) [www.barnardossendiass.org.uk/north-east-lincolnshire-sendiass/](http://www.barnardossendiass.org.uk/north-east-lincolnshire-sendiass/)**