



Tribunal Support Service Level Agreement

As stated in the IASS National Minimal Standards (3.5)

SENDIAS Services: “... provide Information, Advice and Support (IAS) before, during and following a SEND Tribunal appeal in a range of different ways, dependent on the needs of the parent or young person. This will include representation during the hearing if the parent or young person is unable to do so”.

The role of Wirral SEND Partnership is to encourage joint working between parents, children, young people, the Local Authority (LA), educational settings and voluntary bodies in identifying, assessing and making provision for pupils with SEND. Working together at an early stage to explain and clarify issues can often prevent misunderstandings or disagreements and so stop matters escalating. Where such intervention does not resolve a disagreement, it may be necessary to consider a more formal route such as disagreement resolution, Mediation or appealing to SEND Tribunal.

Where a parent or a young person wishes to make a formal appeal to SEND Tribunal, SENDIAS will make every effort to advise and support them through the process by:

- providing information about the SEND Tribunal Process
- giving advice about how to make an appeal
- providing support and guidance on how to prepare for the appeal hearing
- support parents and young people to be empowered to advocate for themselves during the process and at the hearing • managing the expectations of those we are supporting and
- signpost to other agencies for support if appropriate.

Chapter 2 of the Code of Practice gives advice on the scope of the role of the IASS (2:19): Individual casework and representation for those who need it Help when things go wrong, which should include;

- Support children, young people and parents in arranging or attending early disagreement resolution meetings
- Support children, young people and parents in managing mediation, appeals to the First-tier Tribunal (Special Educational Needs and Disability), exclusions and complaints on matters related to SEN and Disability.
- Making children, young people and parents aware of the LA services for resolving disagreements and for mediation and on the routes of appeals and complaint on matters related to SEN and Disability (COP chapter 11).

The SEND Code of Practice states “**individual casework and representation for those who need it**”.

Therefore, Wirral SEND Partnership will provide **representation** at First-Tier Tribunal only in limited cases, where this is absolutely necessary and where it is clear that a parent/carer or young person would not be able to access justice without a high level of intervention and/or representation from the SENDIAS service (Wirral SEND Partnership). Each case is assessed on an individual basis of need and we would need to be involved from the start of the process or as soon as possible.

In these cases where there are reasons why you may be unable to fully represent yourself, but you cannot access legal representation or appropriate representation from any other source, we are, subject to availability, able to offer further casework support. This might include:

- Help to complete paperwork and provide evidence to the Tribunal
- Making enquiries about your specific case and emailing paperwork to the Tribunal if you are unable to do so (with written consent)
- Liaise with the Local Authority legal team on your behalf (with written consent)
- Support at the Tribunal hearing and if you are unable to do so, speaking at the Tribunal on your behalf.

Our involvement can include support during the hearing if the parent or young person would not be able to access justice without the support. (Each case is assessed on an individual basis of need and we would have to be involved from the start of the process): We would:

- offer information and advice about your rights to appeal to the First Tier Tribunal
- give impartial information, advice and support throughout the process of making an appeal to the Tribunal
- support you to complete appeal paperwork yourself whenever possible
- help with understanding the Tribunal procedures, deadlines and other requirements as ordered by the Tribunal.

If you do not have other support and subject to availability, attendance with you at the Tribunal hearing. This would not usually involve speaking on your behalf, but we would sit with you and may offer prompts to ensure you cover everything that you wish to cover.

We can only support where parents engage and take action when needed, e.g. parents may need to write opening statements and closing statements or gathering information. SEND IASS do not know your child or young person whereas you do.

When parents do not engage we will not be able to continue to support, help or represent. What else you need to know / the important bit (!) :

- SEND IASS staff have had some legal training appropriate to our role, but we are not legally qualified in SEND to the same degree as a Solicitor, Barrister or legal executive.
- Where we act as 'representative' for you, we are not acting as a legal representative (such as a Solicitor, Barrister or Legal Executive)
- When completing paperwork, if you wish to name a SENDIAS Advisor as a representative **please speak to us before doing so**. This is to ensure that we are able to provide the right level of support for those who need it most and to check that the service has capacity for an Advisor to act as a representative
- **Other professionals are not permitted to name Wirral SEND Partnership as an advocate or representative in an Appeal Application form without written consent from Wirral SEND Partnership**
- Unless stated please always tick the box for paperwork from the tribunal to be sent to you rather than to our service as we may not receive paperwork in time for deadlines, i.e. we have a reduced team in the holidays
- We are employed by WIRED as part of a contract but they do not place any restrictions on our ability to carry out this type of work. This is in accordance with our Impartiality Policy

If you instruct legal representation or a private/independent advocate, then SEND IASS will step back from active involvement.