



Lord Agnew Kt DL

Parliamentary Under-Secretary of State for the School System
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Lord Geddes
House of Lords
London
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Dear Lord Geddes,

25/2

February 2019

During the OPQ on the cost of education health and care plans on 14th February, you asked me whether the costs were always reimbursed if appeals to the SEND Tribunal were successful. I promised to write to you to deal with this specific point.

The SEND Tribunal process is designed to be accessible and it should not be necessary for parents or local authorities to have recourse to legal or other professional representation. Indeed, many cases are heard without legal representation. There is also access to free help and advice in preparing for Tribunals – from the SEND Tribunal itself, from local SEND Information Advice and Support Services, which exist in every local area, and from the charity IPSEA - Independent Parental Special Education Advice.

There is a route for parents to submit a request for a reimbursement of costs. However, the costs of appeal at the SEND Tribunal are not routinely reimbursed to either party. The only exception to this rule is where there is clear evidence of negligence on the part of the Local Authority.

I hope this answer has been useful and will place a copy in the house libraries.

THEODORE AGNEW