



Courts and Tribunals Judiciary

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**PRACTICE DIRECTION ON PROCEDURE FOR THE PREPARATION
OF BUNDLES IN THE SPECIAL EDUCATIONAL NEEDS AND
DISABILITY AND DISABILITY DISCRIMINATION IN SCHOOLS
JURISDICTIONS OF THE HEALTH, EDUCATION AND SOCIAL CARE
CHAMBER**

PRACTICE DIRECTION NO. 1 OF 2025

This Practice Direction shall have effect for bundles being used in any Special Educational Needs or Disability Discrimination in Schools final hearings listed to take place after 15 July 2025

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Note: Some of the external links in this document may become out of date. The Health, Education and Social Care Chamber (HESC) will endeavour to update this Guidance periodically. Parties may either contact the tribunal or search on the internet for links that may become broken.

Overview

1. This Practice Direction sets out certain ground rules for the preparation of hearing bundles. It is directed towards judicial office holders, professional advisers, representatives, local authority and responsible body staff, and other interested persons.
2. It will be supplemented by SEND user guides publicly available on these sites:

[First-tier Tribunal \(Special Educational Needs and Disability\) - GOV.UK](#)
and

[Special Educational Needs and Disability - Courts and Tribunals Judiciary](#)

3. It is produced to achieve consistency in the preparation of hearing bundles in **Special Educational Needs and Disability (SEND) appeals** and **Disability Discrimination (DD) in schools' claims**.
4. It re-establishes and underlines that the Respondent Local Authority or Responsible Body must prepare bundles for tribunal hearings that comply with this Practice Direction and its accompanying Schedules (**Schedule One for SEND appeals or Schedule Two for DD claims**).
5. This Practice Direction accompanies HESC Practice Guidance No 2 of 2024, which deals more generally with how parties should prepare for hearings in SEND and DD.

Application of this Practice Direction and Interpretation

The Tribunal

6. The following applies to all hearings in the **SEND** and **DD** jurisdictions ("the Tribunal").

The Parties

7. A “party” means a person who is an appellant/claimant or respondent in proceedings before the Tribunal or a person who was an appellant/claimant or respondent when the Tribunal concluded their case.

The Rules

8. Unless stated otherwise, any reference to “the Rules” in this document is a reference to the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008 (as amended), and any reference to a numbered rule is to the rules so numbered in the Rules.
9. This Practice Direction supplements the Rules. In the event of a conflict between the Rules and this Practice Direction, the Rules take precedence.
10. Parties have the option to apply to the Tribunal, in accordance with rule 6, for further Directions if circumstances arise that suggest an exception should be made to this Practice Direction.

Commencement of the Practice Direction

11. This Practice Direction shall have effect for bundles being used in any SEND or DD final hearings listed to take place after 15 July 2025.

Sanctions for failure to comply with this Practice Direction

12. All parties have an obligation to cooperate with the Tribunal (rule 2). Parties must equally cooperate with each other in order to comply with this Practice Direction.
13. The Tribunal will expect this Practice Direction to be followed and will look to enforce the same. Parties may apply to the Tribunal if the other party has not complied.

14. Any bundle that fails to comply with this Practice Direction may be rejected by HMCTS, a Judge or a Legal Officer in advance of the hearing UNLESS there is an accompanying note explaining why non-compliance is necessary.

15. Further, a failure to comply with any part of this Practice Direction may result in the listed hearing date for the case being vacated at short notice. It may also result in the Tribunal striking out a case (rule 8) or barring a party from participating further in the appeal or claim. Further, it may result in certain limited circumstances in a costs order.

Practice and Procedure: All appeals and claims

16. This Practice Direction will apply to all bundles being used in all final hearings listed to take place after 15 July 2025.

17. This Practice Direction applies whether a bundle is being issued for the first time or is being re-issued.

18. This Practice Direction applies whether the bundle is prepared in electronic or paper form.

19. A failure to comply with the deadline imposed for production of the hearing Bundle may lead to the automatic barring of the Local Authority (LA) or Responsible Body (RB) from further participation in the proceedings and may lead to the LA or RB response to the appeal being struck out. Reinstatement to the proceedings will be at a Judge's discretion.

General Principles

20. In all SEND or DD cases, it will be for the Local Authority ('LA') or Responsible Body ('RB') to prepare a Tribunal Bundle comprising the written evidence to be considered.

21. Parties must ensure that relevant evidence deadlines are met or their written evidence will not be included in the bundle.

22. It is the responsibility of the party seeking to rely on a document in evidence to provide a complete and legible document.
23. The LA or RB must ensure that no document is included more than once.
24. The bundle must contain copies and not original documents.
25. Documents in the bundle must be reproduced so that they are complete and legible. It is the LA's or RB's responsibility to ensure all documents in the bundle are complete and legible.

Preparing the Tribunal Bundle in a SEND appeal or DD claim

Format of the bundle

26. Bundles must be produced electronically by the LA or RB in PDF format.
27. The file name of the electronic bundle must include the appeal number and the child or young person's name and state that it is the final bundle with date of the hearing (e.g. EH123.23.00123 Jane Smith FINAL BUNDLE 21.1.2024).
28. All bundles must, where the character of the documents permits, be the subject of OCR (optical character recognition). This is the process which turns the document from a mere picture of a document to one in which the text can be read as text so the document becomes word-searchable and words can be highlighted in the process of marking them up. Where an individual document is not susceptible to the process, they do not have to be subject to OCR (e.g. handwritten notes).
29. The default view for all pages must be 100%.
30. All documents must be prepared using 12-point font, preferably in Arial.
31. All documents must be orientated correctly so they can be read on screen without having to be rotated.

Index

32. The LA or RB **must** provide a comprehensive index to the bundle.

33. All significant documents and all sections in the bundle must be bookmarked for ease of navigation, with an appropriate description, including date and author. Ideally there should be hyperlinks inserted into the index.

34. Each individual document submitted as evidence must be stated in the following format:

Page number	Author + position	Type of document	Date of document
15	Maria Brent-Wood, SENCO	SEN Support Plan	30 September 2024
21	Claire Sunderland Chair of Governors	Minutes of Meeting	21 January 2024

Contents of the Tribunal Bundle

35. The bundle must contain one copy of the evidence sent by the parties to each other by the final evidence deadline ordered by the Tribunal.

36. The documents in the bundle must be arranged in chronological order within the different sections.

37. All pages in the bundle must be paginated sequentially (starting with page 1 and numbered consecutively throughout). Sections must not be individually paginated.

What the bundle must not contain

38. Copies of the following classes of documents **must not** be included in the bundle unless specifically directed by the Tribunal:

- × correspondence and email threads between the parties unless relevant to a specific issue in the case;
- × blank forms and pages;
- × multiple copies of the same document;
- × duplicates of documents already appended to the Education, Health and Care (EHC) plan;
- × professional reports and school reports more than 3 years old at the time the appeal or claim is made, unless they are appendices to the EHC Plan;
- × **versions of the working document or EHC plan that are not the final agreed version;**
- × proposed amended EHC plans preceding the final version under appeal.

Number of pages of evidence

39. Schedules 1 and 2 set out the maximum number of pages automatically allowed as evidence in the appeal or claim. Most cases will require fewer pages of evidence.

What happens if a party submits more pages than the limit?

40. If a party wants to submit more evidence than the page limit set, they must make a 'request for change' application (SEND7), found here:

41. The party should explain why the additional pages are necessary.
42. Where an objection to the number of pages submitted is raised after the bundle is produced, then the issue will be considered by the Tribunal at the hearing.
43. The party exceeding the limit will need to explain why the additional pages are required and the party objecting should be prepared to explain why they are objecting to additional evidence being submitted and specifically which documents are not necessary.

Late evidence

44. If either party seeks to submit late evidence **after the final evidence deadline**, the application must be made electronically and a copy of the evidence must be sent electronically to the other party and to the Tribunal. The Tribunal will consider the application at the start of the hearing and may decide NOT to accept the late evidence.
45. **Any application to submit late evidence made within 5 working days of the hearing will be sent back to the parties.** The relevant party will need to explain at the hearing why it was not provided earlier and why it should now be admitted. Any application will be considered by the Tribunal at the start of the hearing.
46. If further evidence is admitted at the hearing, this will be recorded in the Tribunal's decision or adjournment notice and the LA or RB must add this to the bundle following the hearing.

Missing or disputed evidence

47. Parties should use the bundle index to check that the bundle they receive contains all the documents that have been submitted to the Tribunal.

48. It is the LA's or RB's responsibility to resolve any issues relating to missing or disputed evidence not included in the Tribunal Bundle and brought to their attention by the other party or the Tribunal.

49. As a last resort, the LA or RB may be required to prepare a revised Bundle containing the missing evidence and send it to the other party and the Tribunal.

Submitting the Tribunal Bundle

50. By the Tribunal Bundle deadline, the LA must send the tribunal bundle electronically to HMCTS' Document Upload Centre (details of which can be obtained from the Tribunal).

51. The appellant must be copied into the email and receive the bundle at the same time.

52. Tribunal Bundles must not be password protected.

53. Paper bundles need only be supplied by the LA or RB to the appellant/claimant if one is specifically and reasonably requested. **The Tribunal's default position is electronic.**

Adjourned hearings

54. If the hearing is adjourned to be completed on another day, and if required, the LA or RB will be ordered to provide an updated bundle which will contain any additional documentary evidence ordered in the adjournment notice and any evidence not already contained in the original Tribunal Bundle.

55. The bundle should be updated as appropriate and all outdated documents (and in particular, all outdated placement information, policies and consultation responses and similar documents) must be removed from the bundle by the LA or RB.

SIR KEITH LINDBLOM

SENIOR PRESIDENT OF TRIBUNALS

22 APRIL 2025

SCHEDULE ONE

PRODUCING A TRIBUNAL BUNDLE IN SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) APPEALS

Page limits

1. **Subject to any application, the core bundle shall be limited to 100 pages.**
2. **Both parties will be automatically entitled to submit supplementary evidence in addition to the documents in the core bundle in the appeal.** This Schedule sets out that procedure and the expectations of the Tribunal.
3. Note: The page limits given are not a target number of expected pages. Smaller bundles are to be encouraged: that is the purpose of this Practice Direction.

Parts One and Two of the SEND Bundle – What to Include

Part One: The Core Tribunal Bundle (100 page limit applies)

This must include:

- ✓ The parents/young person's notice of appeal form and any reasons for appeal or amended grounds of appeal
- ✓ The LA decision letter
- ✓ The LA response to the appeal and any supplementary or amended response
- ✓ Any requests for change made with other side's views
- ✓ All Tribunal orders
- ✓ Any further written submissions made by the parties by order of the Tribunal
- ✓ Case Review Form

Part Two: EHC plan (150 page limit applies)

If relevant to the appeal;

- ✓ a copy of the EHC plan under appeal
- ✓ all appendices listed in Section K which are relevant to the issues in the appeal
- × **Where the total number of pages of the EHC plan and appendices are more than 150 pages in total, the LA must make an application to the Tribunal requesting permission for the additional relevant appendices to be included as evidence.**

3. In addition to the core Tribunal Bundle (Part One) which is limited to 100 pages in total and the EHC plan plus appendices if applicable in a SEND appeal (Part Two) (limited to 150 pages), both parties will be automatically entitled to submit evidence depending on the type of appeal or claim registered by the Tribunal. This will be taken from the information on the registration form.

4. In all cases, if further pages are required that exceed the limit, parties are invited to make application to the Tribunal, setting out why and what the additional evidence or material will be.

Parts Three to Seven of the SEND Bundle

5. The information below sets out the page limits for evidence **from each party** depending on the type of appeal.

Refusal to conduct an EHC Needs Assessment/reassessment appeals 75 pages each party
Refusal to issue an EHC Plan 100 pages each party
Appeal against Section B and/or Section F of an EHC Plan – specification of special educational needs and/or special educational provision 100 pages in total each party
Appeal against Section I of an EHC Plan – educational placement 75 pages each party
Decision to Cease to Maintain an EHC Plan 75 pages each party Plus, if also appealing sections of the EHC plan: Sections B and/or F = 100 pages each party Section I = 75 pages each party

Appeal following Annual Review decision = page limits applicable for the Sections of the EHC Plan under appeal (as above)

i.e. Section B, F & I = $100 + 75 = 175$ pages each per party or

Section B and/or F = 100 pages each per party

Request for the Tribunal to make a Recommendation concerning health issues and/or social care issues as an Extended Appeal

75 pages each party

Parts Three to Seven of the SEND Bundle – What to Include

5. Depending on the type of appeal, the evidence should be divided into relevant parts so that related information is found together.
6. Where relevant to the appeal, the documents below should be included within the above page limits. If they are not relevant or do not exist, they will not be included.
7. There is no need for repetition of documents i.e. both parties do not need to produce the most recent annual review. The LA compiling the bundle should endeavour to combine the relevant documents into a single bundle, using (where relevant), the check list below.

Part Three: Educational information must include (where relevant):

- ✓ The most recent annual review report.
- ✓ Assessment/Expert reports, grouped per specialism (e.g. Educational Psychiatrist reports together, Speech and Language Therapist reports together) in chronological order.
- ✓ The most recent school/college assessment report regarding progress, attendance etc (e.g. the end of year report).
- ✓ Witness statements concerning educational needs or provision.

Expert Reports

a. Expert reports must comply with the Tribunal's expert witness guidance found here: <https://www.gov.uk/guidance/send-tribunal-if-youre-asked-to-be-a-witness>

and:

- I. include an executive summary of no more than 2 pages of A4,
- II. have numbered paragraphs, and
- III. not exceed 15 pages of A4 including the executive summary,
- IV. not be more than 3 years old, unless required in exceptional circumstances.

b. Experts' reports and professional witness statements must be grouped by specialism (i.e. Educational Psychologist reports together, Speech and Language Therapy reports together) and in chronological order.

c. Professional and expert evidence must be divided into numbered paragraphs and be typed or printed in a font no smaller than 12-point print and legible.

Witness statements

d. Witness statements must be provided by any person who will give oral evidence as a witness at the hearing who has not provided a written report.

- e. **Witness statements** should be grouped together. The number of pages in a witness statement (exclusive of exhibits) must not exceed 10 pages of A4, unless there is good reason for doing so, in which case an accompanying note must explain why the statement exceeds 10 pages. All statements included in the bundle must be copies of originals that have been signed and dated.
- f. Witness statements shall be divided into numbered paragraphs and be typed or printed in a font no smaller than 12-point print and legible.

Part Four: Educational placement information (where relevant) must include for each school/college or other placement proposed by a party:

- ✓ Consultation response.
- ✓ Confirmation of the offer of a place or provision of place form (for an independent school).
- ✓ Ofsted report.
- ✓ School/ College prospectus.
- ✓ Any SEN Information report.
- ✓ SEND Policy.
- ✓ Witnesses statement from the Head Teacher or member of the senior leadership team concerning the child or young person's proposed placement and setting out the provision delivery proposed.
- ✓ Placement cost evidence from school, college or provider.
- ✓ Transport cost evidence to/from placement.

Part Five: Health Information (where relevant as part of an extended appeal)

This must include:

- ✓ Assessment/ Expert reports, grouped by specialism.
- ✓ Expert reports and statements must comply with the guidance referred to under Part 3.

Part Six: Social Care Information (where relevant as part of an extended appeal)

This must include:

- ✓ Assessment/ Expert reports, grouped by specialism.
- ✓ Expert reports and statements must comply with the guidance referred to under Part 3.

Part Seven: Any Final working document

A working document is **the final statement written by the local authority and the parents or young person before they go to a special educational needs (SEN) appeal hearing**. It shows changes to the wording of an SEN statement or education, health and care plan that each side wants or can agree and any issues that the tribunal must decide at the hearing.

A working document can be used by parties to clarify areas of agreement and narrow outstanding issues. It must set out the amendments proposed to the EHC Plan with reference to the written evidence. It should record any agreements reached. If a working document is used, it is to comply with the latest guidance issued by the Tribunal - SEND 23:

<https://assets.publishing.service.gov.uk/media/5b23d8d0e5274a18f738e073/send23-eng.pdf>

The working document will be appended to the Tribunal's decision to inform the order of the agreed amendments between the parties.

The working document must not exceed 25 pages of A4.

The parties must each provide a list of their additions/deletions that are not agreed, with a list of the documentary evidence relied upon.

The Tribunal will not be obliged to deal with any other issue that has not been identified in the working document or Case Review Form.

Important

The final document to be submitted with the SEND Tribunal bundle shall be the completed case review form.

This will identify the issues remaining for determination by the Tribunal. The issues listed in the Case Review Form will help inform the agenda for the hearing.

The Tribunal will consider the case on an issue by issue basis and will not be focussing on the parties' working document, unless required to inform the Tribunal of the amendments agreed or required by the parties.

Any bundle that fails to comply with the provisions of this Practice Direction on the maximum number of pages included in the bundle may be rejected by HMCTS UNLESS there is an accompanying note explaining why non-compliance is necessary.

SCHEDULE TWO

PRODUCING A TRIBUNAL BUNDLE IN DISABILITY DISCRIMINATION CLAIMS

Page limits

- 1. Subject to any application, the core bundle shall be limited to 100 pages.**
- 2. Both parties shall automatically be entitled to submit up to 200 pages of evidence in addition to the documents in the core bundle in the claim.**
5. Note: The page limits given are not a target number of expected pages. Smaller bundles are to be encouraged: that is the purpose of this Practice Direction.
6. In all cases, if further pages are required that exceed the limit, parties are invited to make application to the Tribunal, setting out why and what the additional evidence will be.

Preparing the Bundle for a Disability Discrimination claim

7. The documents must be divided into the following parts:

Part A: The Core Tribunal Bundle (100 page limit applies)

This should include:

- ✓ The parents or young person's notice of claim form and any reasons for appeal or amended grounds of claim. This will include identifying:
 - i. the specific failure or unfavourable treatment being alleged;
 - ii. the date or date range when the failure/treatment arose;
 - iii. how the claimants say that failure arises from the claimed disability; and
 - iv. the disadvantage that has been suffered as a result.
- ✓ The RB's response to the claim and any supplementary or amended response
- ✓ Relevant correspondence between the parties and the Tribunal
- ✓ Any requests for changes made
- ✓ All Tribunal orders
- ✓ Any further written submissions made by the parties by order of the Tribunal
- ✓ Attendance forms

Part B: Parent's or YP's documentary evidence submitted by the final evidence deadline (200 page limit applies)

Part C: RB's documentary evidence submitted by the final evidence deadline (200 page limit applies)

Part D: Supplementary Tribunal Bundle (100 page limit applies)

This will include:

- ✓ Any documents admitted in the appeal after the final evidence deadline in compliance with a Tribunal order
- ✓ Adjournment order
- ✓ Additional evidence submitted or admitted after an adjournment
- ✓ Additional documentation following an Upper Tribunal appeal

Any bundle that fails to comply with the provisions of this Practice Direction on the maximum number of pages included in the bundle may be rejected by HMCTS UNLESS there is an accompanying note explaining why non-compliance is necessary.