

Tribiwnlys Anghenion
Addysgol Arbennig Cymru



Special Educational
Needs Tribunal for Wales

Special Educational Needs Tribunal for Wales

Annual Report

2013 – 2014

April 2015

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Foreword

By the President Rhiannon Walker



I am pleased to submit my 11th Annual Report as President of the Special Educational Needs Tribunal for Wales. The Report details the Tribunal's activities for the year 1 September 2013 to 31 August 2014.

I am delighted that the right for children to appeal and/or bring a claim of disability discrimination to the Tribunal is being extended to all children in Wales and that it is being brought forward to January 2015. We are confident that, if this new right is embraced by all parties, it will bring a closer working relationship between Local Authorities (LA's) and their users, which will be to the benefit of all.

We have during the year completed our trial on paper hearings. This has proved successful and has been used by both local authorities and parents, who have all appreciated this alternative to an oral hearing. We have had 7 applications for appeals to be decided on the basis of the papers during the year. The main advantage, where the Appeal/Claim is suitable for a paper hearing, is the savings in time and cost for all parties. Of these 7 initial applications, 1 appeal proceeded to a paper hearing, of the remainder 5 were not opposed by the LA and 1 was withdrawn by the parent. In addition, the Tribunal held 2 additional paper hearings, 1 for a disability discrimination Claim and 1 strike out decision.

Following the successful pilot SENTW ran last year, in relation to completing Refusal to Assess appeals within 10 weeks instead of 20, I am pleased to report that administrative changes have made this process permanent for this type of appeal.

The coming year will again be challenging with the new rights for children. However, I am confident that with the support of the SENTW's excellent and dedicated chairs, lay members and secretariat that the Tribunal will deal with them in a professional and successful manner. We at the Tribunal are excited about these changes and will be looking at ways which we can further improve our services to our users.

Section I – About Us

In this section:

- **Background**
- **Overview**
- **Members of the Tribunal**
- **Contacting the Tribunal**

Background

The Special Educational Needs Tribunal for Wales (SENTW) hears and decides appeals relating to children with special educational needs. Appeals are made by parents and are against certain decisions made by the local authority (LA) about a child's education. The Tribunal also hears claims of alleged disability discrimination in Welsh schools.

SENTW, its tribunal members and decisions, are independent of the Welsh Government and LA's and our decisions are legally binding. Funding for the Tribunal and its administrative support is provided by the Welsh Government.

From spring 2012, children and young people living in Carmarthenshire and Wrexham, have been able to make their own appeal and claim. Following the successful pilot project, the Minister for Education and Skills has announced that children's rights to appeal/claim to SENTW will be extended to all children in Wales from 5 January 2015.

The procedural regulations for the Tribunal are The Special Educational Needs Tribunal for Wales Regulations 2012.

Overview

The Tribunal's overriding objective is to deal with cases fairly and justly. It is the Tribunal's expectation that parents, representatives, LA officers and Responsible Bodies will help further the overriding objective by co-operating with each other and the Tribunal for the purpose of progressing the appeal or claim.

At a Hearing the tribunal panel is composed of a legally qualified Chairperson and two Education Panel Members. Education Panel Members have been appointed for their general expertise and knowledge in the field of education.

Tribunal Hearings will normally be held in private and take place near to the applicant's home. Hearing arrangements may take account of special requirements of those attending, such as; wheelchair access etc.

The Tribunal offers an equitable service in Welsh and English Language.

Members of the Tribunal

The Lord Chancellor is responsible for the appointment and re appointment of the President and Chairpersons. Education Panel Members are appointed by the Welsh Ministers.

President	The President has responsibility for the overall judicial management of the Tribunal.
Chairpersons	Tribunal hearings are managed by a chairperson, who must have a legal qualification. They will write and sign decisions, advise of adjournments and set directions where necessary.
Education Panel Members	Education Panel Members have a wide range of relevant knowledge and experience which they bring to each Hearing. They sit on Special Educational Needs Appeals and on Disability Discrimination Claims.
Secretariat	The day-to-day administration is delegated to the Secretariat, who deals with all the preliminary paperwork and the processing of applications to the Tribunal. The Secretariat consults the President on any legal points arising during appeals or claims processes and passes on the President's Directions in writing to the parties. The Secretariat is a point of contact for the President, Members and parties and a clerk attends all Hearings in order to ensure that proceedings run smoothly.

Special Educational Needs Tribunal for Wales

President
Rhiannon Walker

Legal
4 Members

Lay
9 Members

Appointments

There were no new appointments to the Special Educational Needs Tribunal for Wales during the reporting period. However the appointments of the President and a further 8 members were renewed within the Tribunal year and 1 member resigned.

Training and Appraisal

A full members' training conference was held in October 2013. All but 2 members of the tribunal were appraised during the reporting period. The remaining 2 members will be appraised during the next reporting period.

Contacting the Tribunal

Contact details for the SENTW are as follows:

Tribunal Address: Special Educational Needs Tribunal for Wales
Government Buildings
Spa Road East
Llandrindod Wells
Powys
LD1 5HA

Tribunal Helpline: 01597 829800

Tribunal Fax: 01597 829801

Tribunal E-mail: tribunalenquiries@wales.gsi.gov.uk

Section 2 – Performance and Progress

In this section:

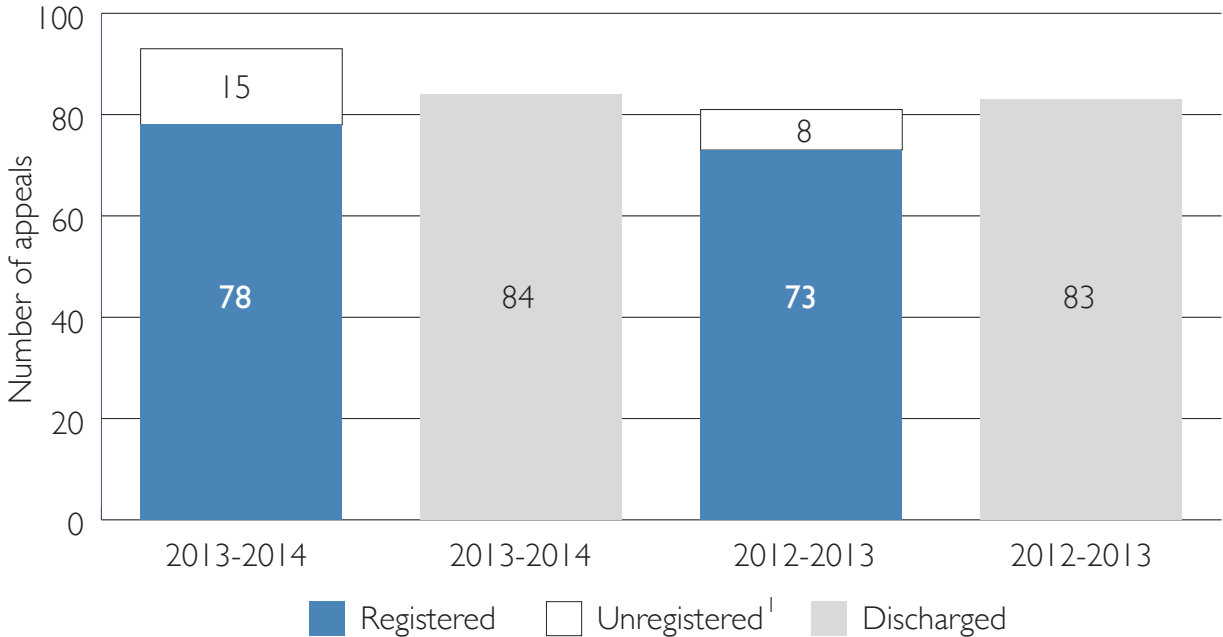
- **Numbers and statistics**
- **Onward appeals**
- **Achievement against key performance indicators**
- **Complaints**

Numbers and Statistics

A Tribunal year runs from September to August. The following statistics are collated:

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Chart 2.1 Appeals received and discharged by year



During the 2013-2014 reporting period 15 appeals were received but not registered. In relation to those unregistered appeals, 8 appeals were struck out and 7 appeals were withdrawn prior to registration.

Of the 84 appeals discharged during the 2013-2014 reporting period, 19 of those appeals were carried over from the previous reporting period.

¹ Unregistered is when a case is received by the tribunal but is withdrawn or struck out prior to registration, this may be because the case is outside of the tribunal's jurisdiction.

Table 2.2 Appeals registered during 2013-2014 by type of appeal

The table below shows the number and type of appeals that have been registered by the tribunal during 2013-2014 in comparison to 2012-2013.

Type of Appeal	2013-2014		2012-2013	
	Total Appeals 78		Total Appeals 73	
Refusal to Assess	26	33%	21	29%
Refusal to Statement	10	13%	10	14%
Refusal to Re-assess	1	1%	0	0%
Cease Statement	2	3%	1	1%
Contents of Statement Parts 2 & 3	10	13%	16	22%
Contents of Statement Parts 2, 3 & 4	18	23%	16	22%
Contents of Statement Part 3 only	4	5%	3	4%
Contents of Statement Part 4 only	5	6%	4	5%
Contents of Statement Parts 3 & 4	2	3%	2	3%

Table 2.3 Appeals registered during 2013-2014 by local authority

The table below shows the number of appeals registered over the last two tribunal years by local authority.

	2013-2014		2012-2013	
	Number of Appeals	Percentage of Appeals	Number of Appeals	Percentage of Appeals
Blaenau Gwent	2	3	1	1
Bridgend	1	1	3	4
Caerphilly	3	4	1	1
Cardiff	7	9	8	11
Carmarthenshire	0	0	2	3
Ceredigion	4	5	1	1
Conwy	4	5	3	4
Denbighshire	0	0	2	3
Flintshire	1	1	2	3
Gwynedd	1	1	0	0
Merthyr Tydfil	1	1	0	0
Monmouthshire	4	5	2	3
Neath Port Talbot	3	4	7	10
Newport	11	14	20	27
Pembrokeshire	3	4	1	1
Powys	4	5	1	1
Rhondda Cynon Taf	8	10	3	4
Swansea	10	13	13	18
Torfaen	4	5	0	0
Vale of Glamorgan	5	6	2	3
Wrexham	0	0	0	0
Ynys Mon	2	3	1	1
Totals	78	100	73	100

Table 2.4 Appeals registered during 2013-2014 by local authority and type (Part 1)

	Refusal to Assess	Refusal to Statement	Refusal to Re-Assess	Cease to Maintain
Blaenau Gwent	2	0	0	0
Bridgend	0	0	0	0
Caerphilly	1	0	1	0
Cardiff	0	1	0	0
Carmarthenshire	0	0	0	0
Ceredigion	0	0	0	0
Conwy	1	1	0	1
Denbighshire	0	0	0	0
Flintshire	0	0	0	0
Gwynedd	0	1	0	0
Merthyr Tydfil	1	0	0	0
Monmouthshire	1	2	0	0
Neath Port Talbot	0	1	0	0
Newport	5	1	0	0
Pembrokeshire	3	0	0	0
Powys	1	1	0	0
Rhondda Cynon Taf	3	0	0	0
Swansea	4	1	0	0
Torfaen	3	0	0	0
Vale of Glamorgan	1	0	0	0
Wrexham	0	0	0	0
Ynys Mon	0	1	0	1
Totals	26	10	1	2

Table 2.4 Appeals registered during 2013-2014 by local authority and type (Part 2)

	Contents of Statement Parts 2 & 3	Contents of Statement Parts 2, 3 & 4	Contents of Statement Part 3	Contents of Statement Parts 3 & 4	Contents of Statement Part 4
Blaenau Gwent	0	0	0	0	0
Bridgend	1	0	0	0	0
Caerphilly	0	1	0	0	0
Cardiff	4	2	0	0	0
Carmarthenshire	0	0	0	0	0
Ceredigion	0	3	1	0	0
Conwy	0	0	0	1	0
Denbighshire	0	0	0	0	0
Flintshire	0	0	0	0	1
Gwynedd	0	0	0	0	0
Merthyr Tydfil	0	0	0	0	0
Monmouthshire	0	1	0	0	0
Neath Port Talbot	0	2	0	0	0
Newport	1	0	3	1	0
Pembrokeshire	0	0	0	0	0
Powys	1	0	0	0	1
Rhondda Cynon Taf	2	3	0	0	0
Swansea	0	2	0	0	3
Torfaen	0	1	0	0	0
Vale of Glamorgan	1	3	0	0	0
Wrexham	0	0	0	0	0
Ynys Mon	0	0	0	0	0
Totals	10	18	4	2	5

Chart 2.5 Appeals registered during 2013-2014 by local authority and school population

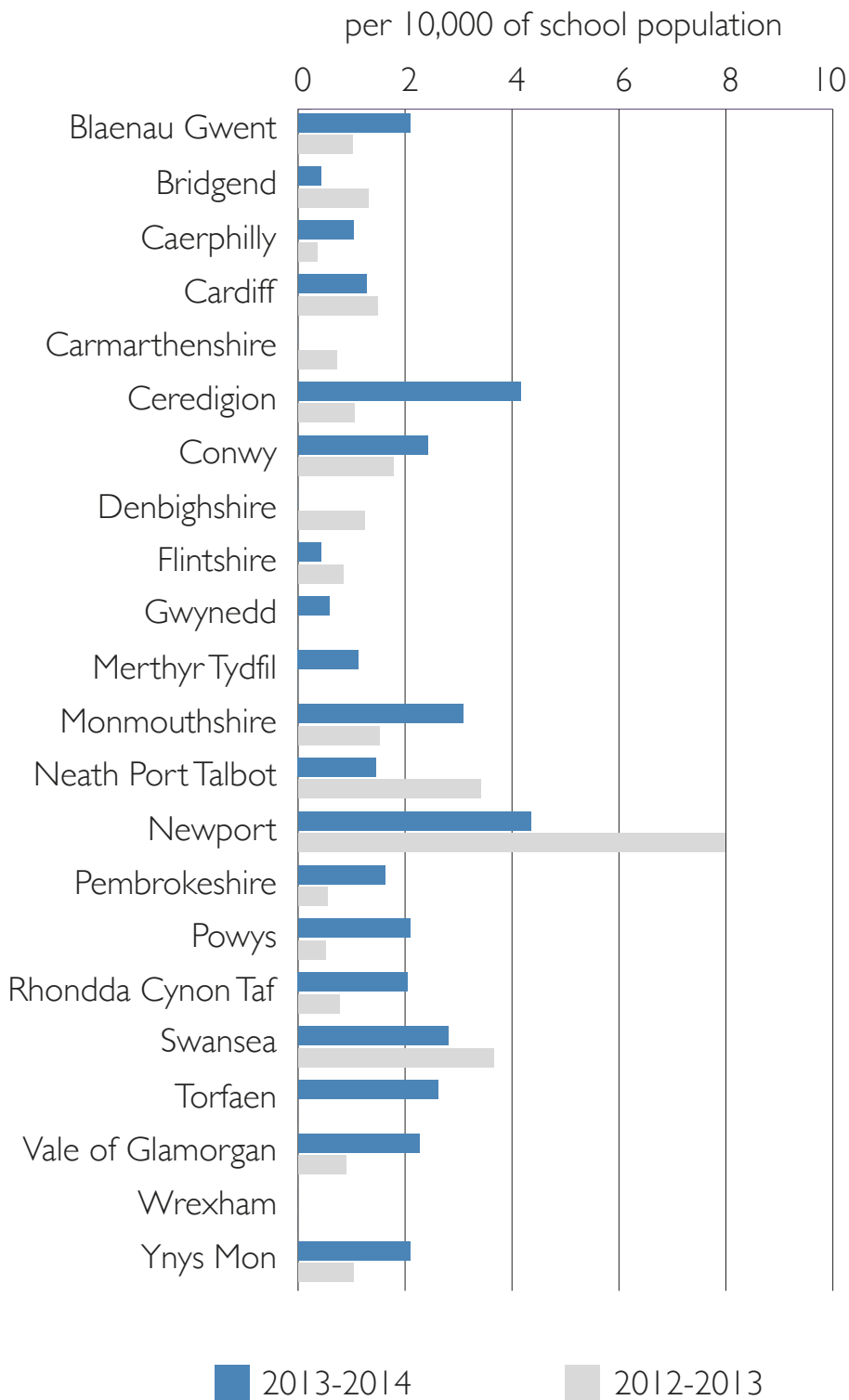


Table 2.6 Appeals registered during 2013-2014 by school age and type of appeal

	Number of appeals			
	Nursery	Primary	Primary Transition	Secondary
Refusal to Assess	1	18	0	7
Refusal to Statement	0	7	0	3
Contents of Statement Parts 2 & 3	0	7	0	3
Contents of Statement Parts 2, 3 & 4	0	7	2	9
Contents of Statement Part 3	0	3	0	1
Contents of Statement Parts 3 & 4	0	1	0	1
Contents of Statement Part 4	1	1	1	2
Refusal to Re-assess	0	1	0	0
Cease Statement	0	2	0	0

Table 2.7 Appeals registered during 2013-2014 by school age and local authority

	Number of appeals			
	Nursery	Primary	Primary Transition	Secondary
Blaenau Gwent	0	1	0	1
Bridgend	0	1	0	0
Caerphilly	0	3	0	0
Cardiff	0	4	1	2
Carmarthenshire	0	0	0	0
Ceredigion	0	2	0	2
Conwy	0	1	0	3
Denbighshire	0	0	0	0
Flintshire	0	0	1	0
Gwynedd	0	1	0	0
Merthyr Tydfil	0	0	0	1
Monmouthshire	0	3	0	1
Neath Port Talbot	0	2	0	1
Newport	0	9	0	2
Pembrokeshire	1	1	0	1
Powys	0	3	0	1
Rhondda Cynon Taf	0	4	0	4
Swansea	1	6	0	3
Torfaen	0	3	1	0
Vale of Glamorgan	0	2	0	3
Wreham	0	0	0	0
Ynys Mon	0	2	0	0

Chart 2.8 Appeals registered during 2013-2014 by special educational need

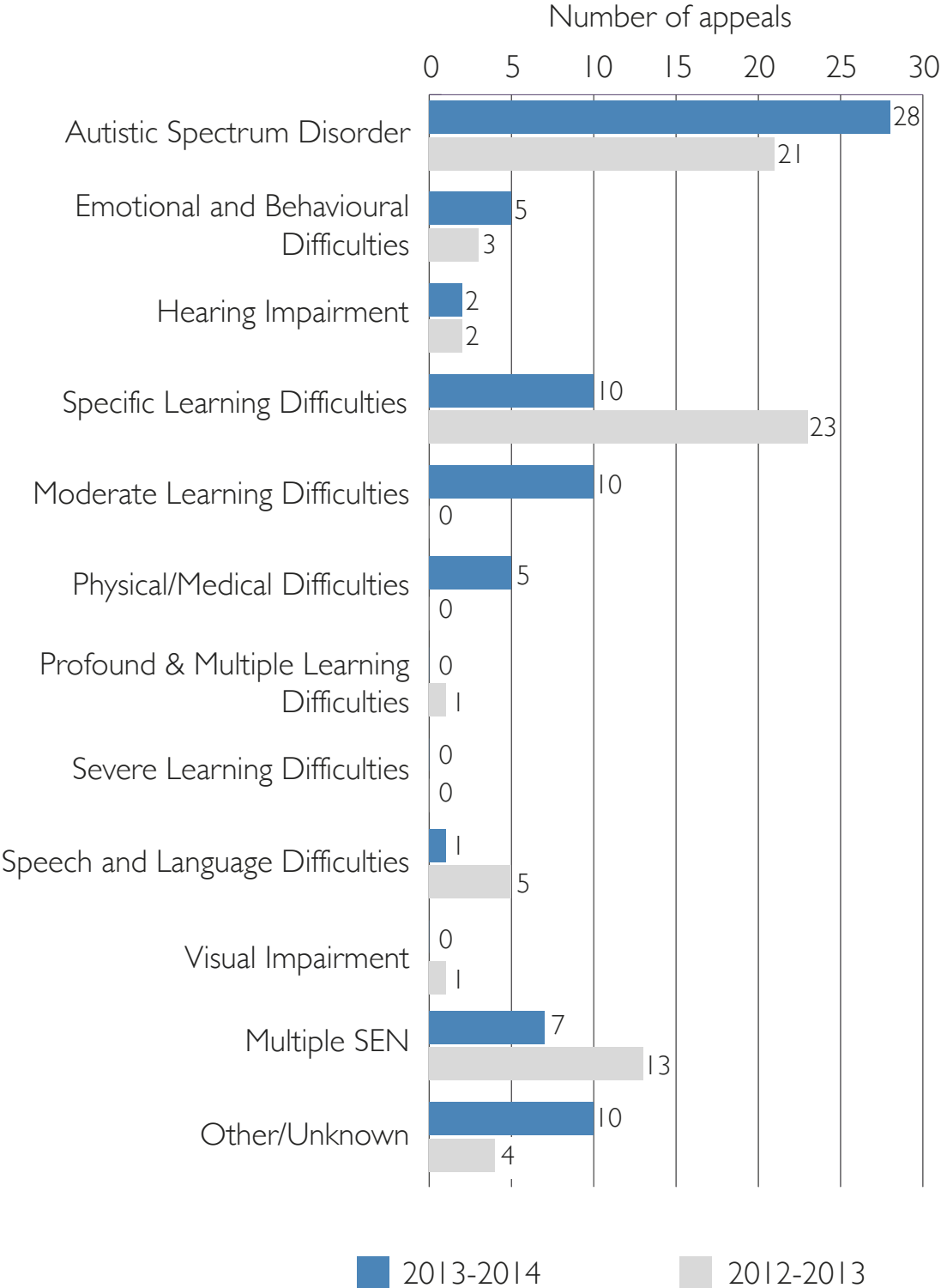


Chart 2.9 Appeals registered during 2013-2014 by gender

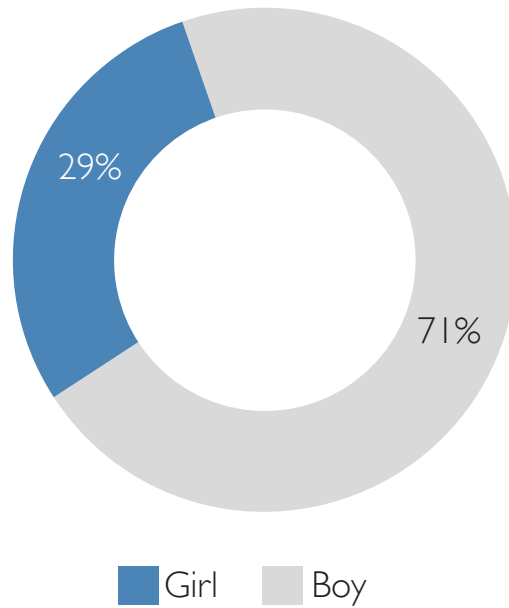


Chart 2.10 Appeals registered during 2013-2014 by ethnic origin

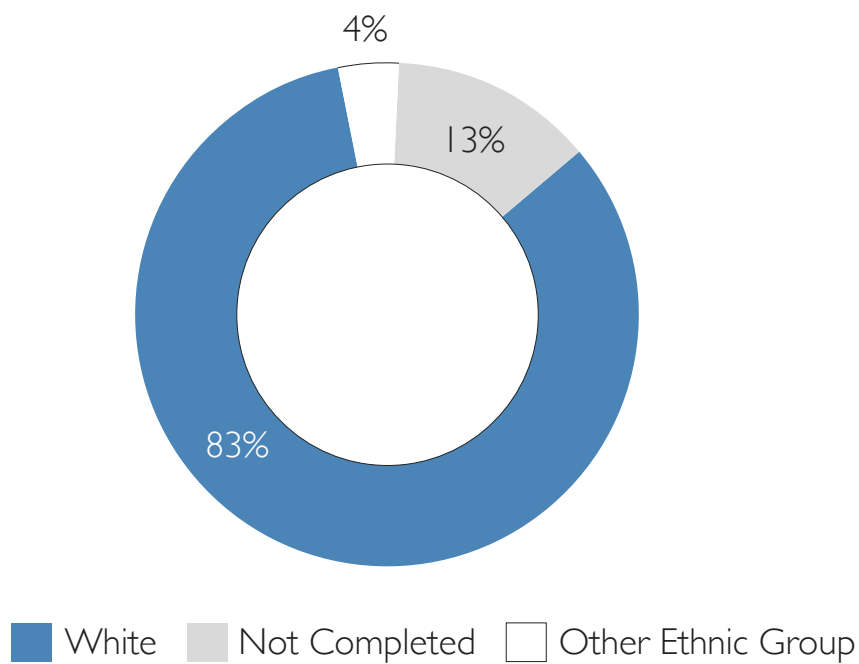


Table 2.11 Appeals by outcome

	2013-2014		2012-2013	
	Actual	Percentage	Actual	Percentage
Conceded	29	30	27	26
Withdrawn	35	37	31	30
Upheld in Full	7	7	15	15
Upheld in Part	11	11	6	6
Dismissed	1	1	3	3
Remitted ²	1	1	0	0
Struck Out	0	0	1	1
Pending	13	13	19	19
Total	97	100	102	100

² A case is remitted when a tribunal panel decides that the case should be sent back to the Local Authority to reconsider its original decision on the matter.

Table 2.12 Appeals by outcome and type (Part 1)

	Refusal to Assess	Refusal to Statement	Refusal to Re-Assess	Cease to Maintain
Conceded	20	6	1	0
Withdrawn	5	3	0	1
Upheld in Full	1	0	0	0
Upheld in Part	0	0	0	0
Dismissed	0	1	0	0
Remitted	0	1	0	0
Struck Out	0	0	0	0
Pending	1	3	0	1
Total	27	14	1	2

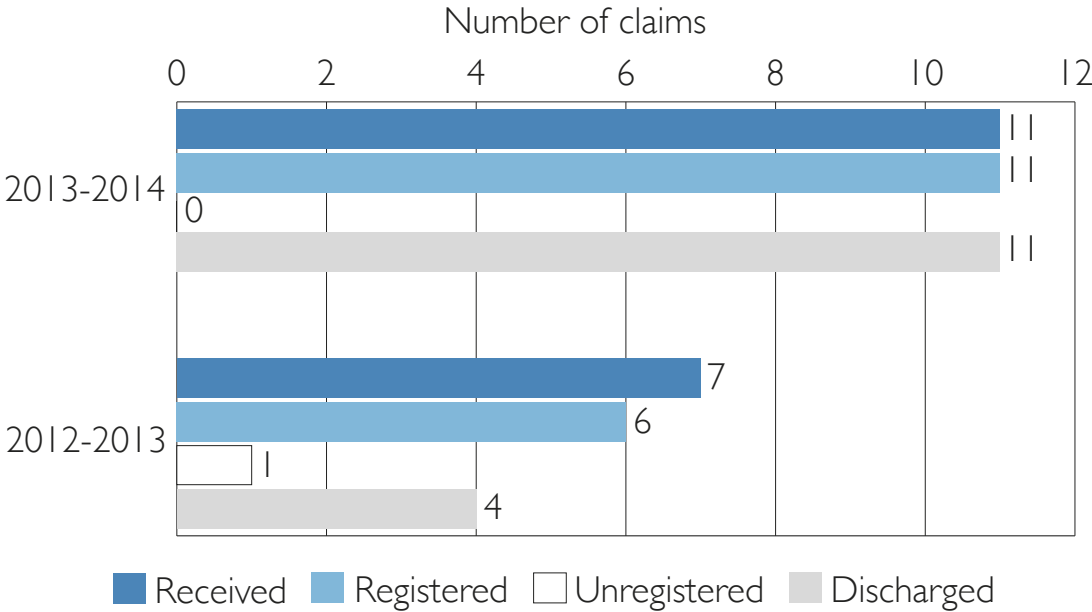
Table 2.12 Appeals by outcome and type (Part 2)

	Contents of Statement Parts 2 & 3	Contents of Statement Parts 2, 3 & 4	Contents of Statement Part 3	Contents of Statement Parts 3 & 4	Contents of Statement Part 4
Conceded	0	0	0	0	2
Withdrawn	7	13	1	2	3
Upheld in Full	0	5	1	0	0
Upheld in Part	5	5	1	0	0
Dismissed	0	0	0	0	0
Remitted	0	0	0	0	0
Struck Out	0	0	0	0	0
Pending	2	4	2	0	0
Total	14	27	5	2	5

Table 2.13 Appeals by outcome and local authority

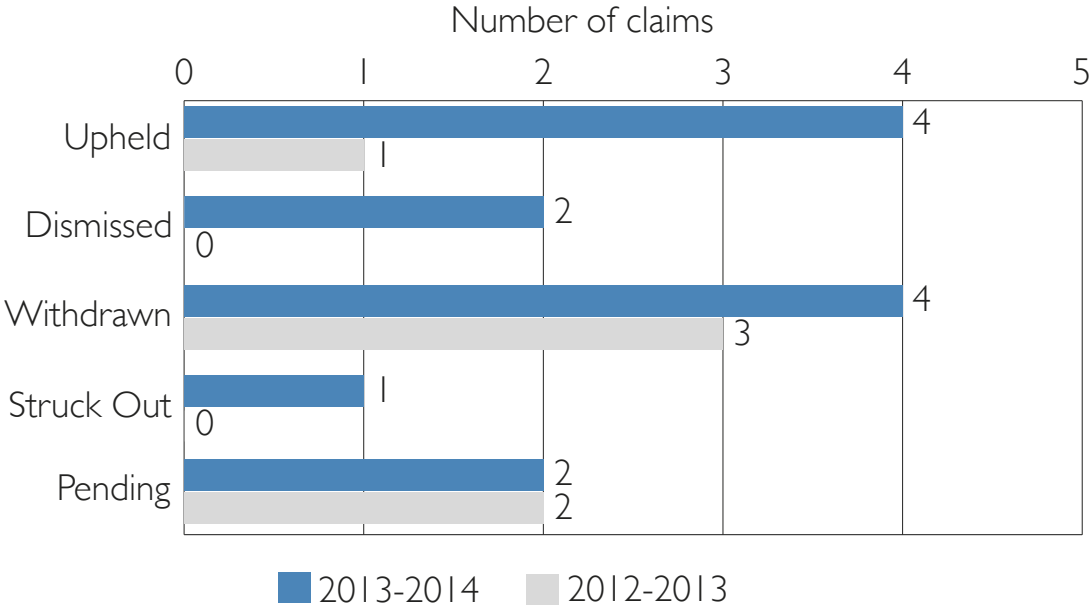
	Number of appeals						
	Conceded	Withdrawn	Upheld in Full	Upheld in Part	Dismissed	Remitted	Pending
Blaenau Gwent	2	1	0	0	0	0	0
Bridgend	0	0	0	2	0	0	0
Caerphilly	2	1	0	0	0	0	0
Cardiff	1	5	0	2	0	1	1
Carmarthenshire	0	0	1	0	0	0	0
Ceredigion	0	1	1	2	0	0	1
Conwy	0	2	1	0	0	0	1
Denbighshire	0	0	0	0	0	0	0
Flintshire	0	1	0	0	0	0	0
Gwynedd	1	0	0	0	0	0	0
Merthyr Tydfil	1	0	0	0	0	0	0
Monmouthshire	1	1	1	0	1	0	0
Neath Port Talbot	1	3	0	0	0	0	2
Newport	2	8	2	2	0	0	1
Pembrokeshire	3	0	0	0	0	0	0
Powys	1	2	0	1	0	0	1
Rhondda Cynon Taf	2	5	1	2	0	0	1
Swansea	8	2	0	0	0	0	1
Torfaen	3	1	0	0	0	0	0
Vale of Glamorgan	1	2	0	0	0	0	2
Wreham	0	0	0	0	0	0	0
Ynys Mon	0	0	0	0	0	0	2

Chart 2.14 Claims registered and discharged by year



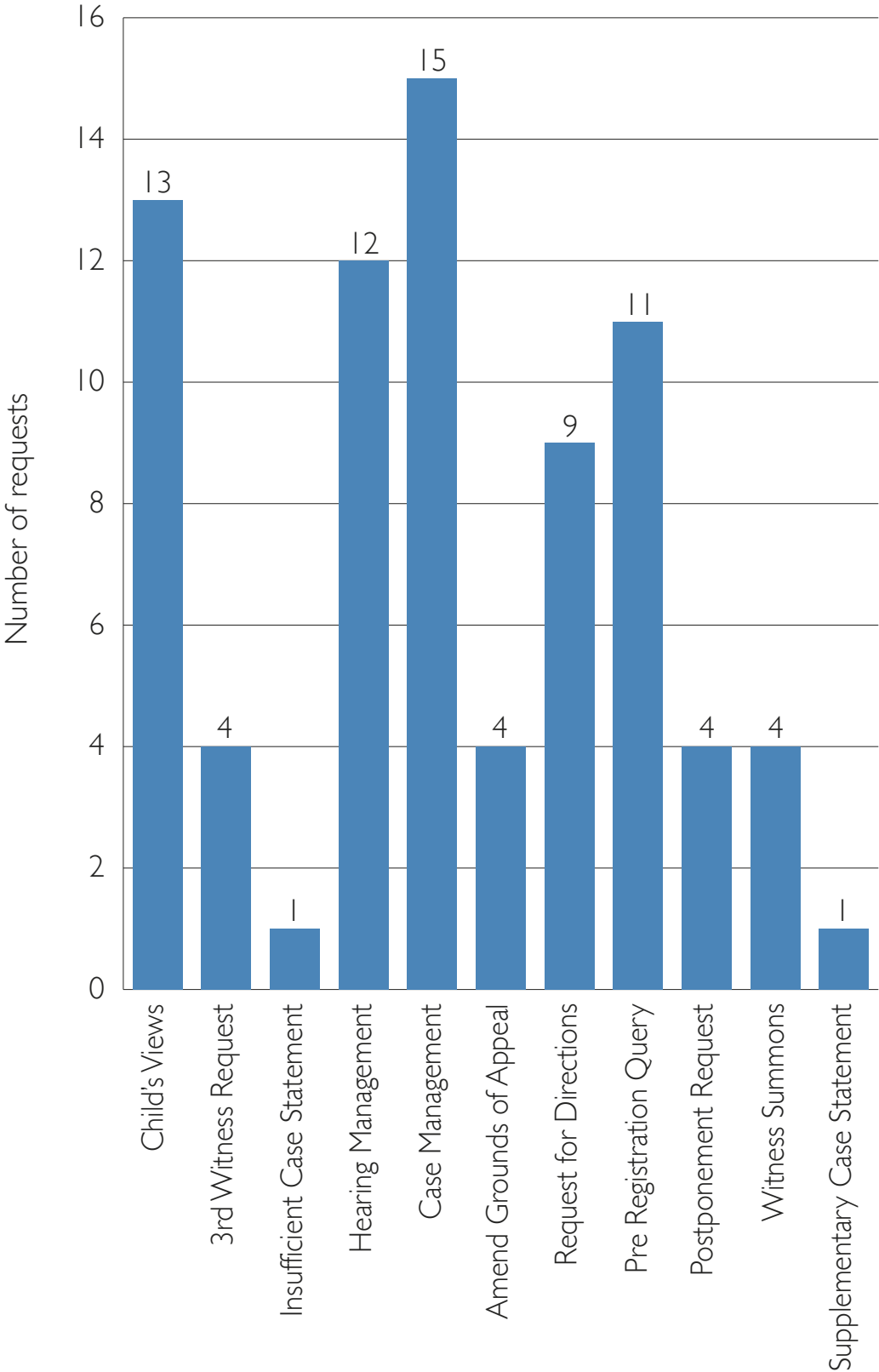
In relation to the 2013-2014 figures, 2 of the claims discharged relate to claims carried over from the 2012-2013 reporting year.

Chart 2.15 Claims by outcome



A total of 11 claims were received and registered during 2013-2014, 2 claims were carried over from 2012-2013. A total of 11 claims were discharged and 2 were pending to be carried over to 2014-2015.

Chart 2.16 Presidential requests 2013 – 2014



Hearings

In the period from September 2013 to August 2014, 21 appeals and 7 claims proceeded to a tribunal hearing, this includes 1 appeal that was withdrawn at hearing and 1 appeal that was remitted back to the Local Authority. The total number of tribunal hearing days for this period was 41; this figure includes preliminary hearings and hearings that were adjourned on the day of the hearing. A further 40 hearings days were arranged but then cancelled. In addition there were 3 paper hearings held and 6 telephone case management conferences.

Onward appeals

Applications for permission to appeal a decision to the Upper Tribunal can be made on limited grounds. Over the period of this report, no applications for permission were made.

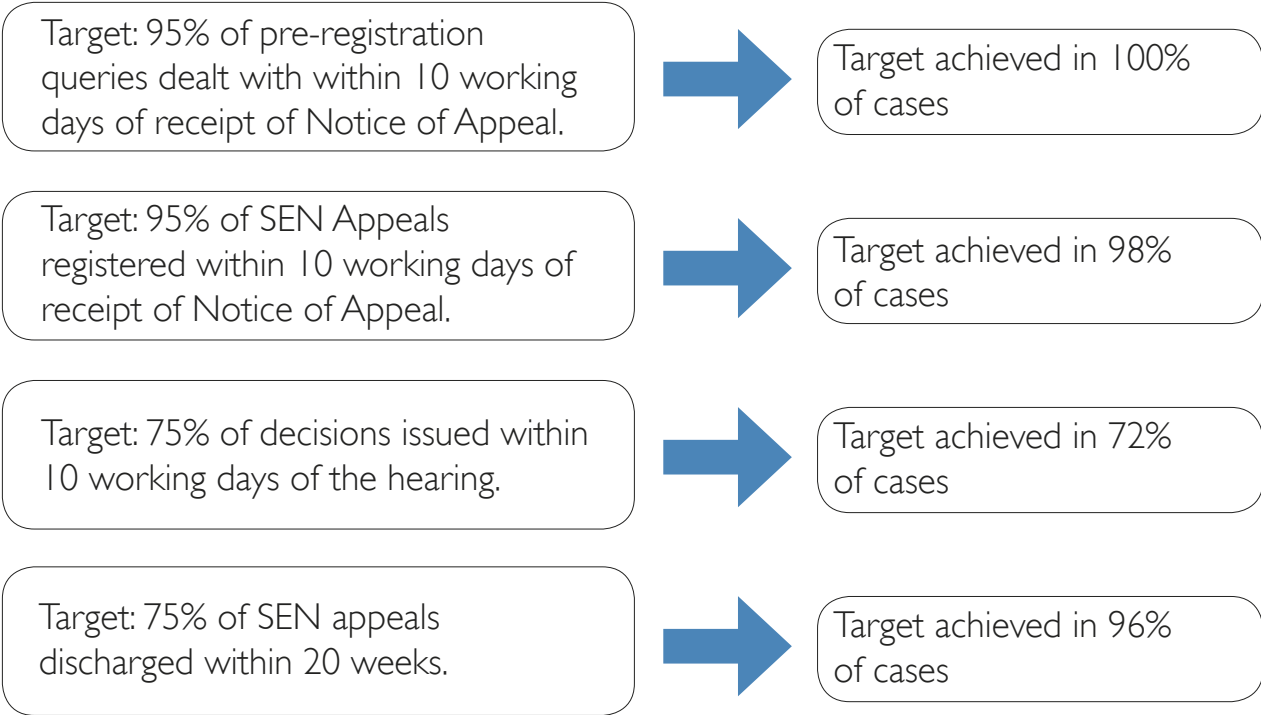
Achievement against key performance indicators

To monitor how effectively services are delivered, we have key performance indicators aimed at measuring two key aspects of our work; the efficiency of our service and the quality of service through customer satisfaction.

To measure the efficiency of our service, we have a series of primary performance indicators based on the time taken to process a case – from receipt to the Hearing or disposal.

To measure customer satisfaction, we used an indicator that is derived from periodic tribunal user surveys.

Efficiency of our service



Complaints

The tribunal received no formal complaints during the course of the year.

Section 3 – Our Customers

In this section:

- **Tribunal user satisfaction survey**
- **User Group Meetings**

Tribunal user satisfaction survey

The tribunal secretariat strives to improve tribunal user service delivery and aims to put our users at the centre of everything we do.

On completion of appeals/claims, the Tribunal secretariat conducts a customer satisfaction survey. The survey results enable us to gain a better understanding of our customers' needs and give us a valuable insight into where the tribunal is performing well and highlights areas where the Tribunal can improve.

The tribunal secretariat received 18 completed customer satisfaction surveys in the 2013-2014 period. We collate information in respect of the following areas.

Communication

94% said we were prompt to respond. 100% said we were polite and helpful. 83% said the information we provided was accurate and clear, 12% disagreed and 5% neither agreed nor disagreed.

Service

100% said they were able to understand the process, with 86% saying they found the guidance leaflets we provided useful. 7% disagreed, whilst another 7% neither agreed nor disagreed. 100% said that we processed their application efficiently.

Hearing

Of the 18 responses we received, 3 cases did not reach a hearing. Of the 15 cases that did reach a hearing, 91% said they were satisfied with the hearing venue, whilst the remaining 9% said they were not. 100% said that our staff were polite and helpful at the hearing.

Website

42% said that the website was useful; the remaining 58% said they did not use the website.

User Group Meetings

The Tribunal held regional User Group Meetings on 18 and 20 November 2013 and 30 June and 2 July 2014. The meetings were well attended by our stakeholders, who comprise of Local Authority officers, parents, partnership support groups, voluntary sector organisations and legal representatives.

Papers and items discussed included the Children's Pilot Research Project, legislation proposals for Additional Learning Needs and the tribunals' Annual Report for 2012-2013.

Information about the Tribunal's User Group Meetings is available on our Website www.sentw.gov.uk. Please contact the secretariat if you are interested in attending SENTW user group meetings.

Section 4 – Expenditure

In this section:

- Expenditure for 2013-2014 financial year

Expenditure	2013-2014
Members Fees and Expenses for tribunal proceedings	£98,159.22
Tribunal events (hearing costs)	£30,328.85
Total	£128,488.07