

SPECIAL EDUCATIONAL NEEDS TRIBUNAL FOR WALES

NOTES FROM FOLLOWING USER GROUP MEETINGS:

North Wales	Monday 13 May 2013 at 10:30am	Oriel Hotel St Asaph
South Wales	Wednesday 15 May 2013 at 10:30am	Copthorne Hotel, Cardiff
Mid & West Wales	Wednesday 22 May 2013 at 10:30am	Plough Rhoesmaen, Llandeilo

1. **Welcome and Apologies**

As listed as Annex A

2. **Notes of the meetings from winter 2012 – SENTW (12) 02**

The President welcomed everyone to the meetings. Matters arising from the notes from the previous meetings: NDCS enquired whether Guidance regarding Auxiliary Aids and services had been circulated. SENTW to circulate guidance issued by EHRC. The second matter arising was from Powys County Council who had agreed at the last meeting to attend the South Wales User Group – the President explained the reasons for holding one in Mid Wales, it was then agreed to only have North & South Wales meetings due to the low numbers attending the Mid & West Wales. Mr Gwyn Davies attended the Autumn meeting but had not been included in the minutes attendance list.

3. **Annual Report & statistics update – Ann Owen/Tania Ryland – SENTW**

SENTW gave an update on the Annual Report and statistics for 2011-2012. 84 appeals were received in 2011-2012 and the total number of appeals registered was 86 which were carried over from the previous year including appeals at pre-registration stage. The number of cases for Refusal to statement has increased slightly from 10 in the previous year to 12 in 2011/2012.

Outcomes of appeals this year are:

- 17 were decided at a hearing
- 39 were withdrawn by the parent; and
- 24 were conceded by the Local Authority

SENTW received 5 disability discrimination claims, which was an increase of 3 from 2010/2011. The outcomes for claims during 2011/2012 are:

- 1 upheld
- 1 dismissed
- 1 withdrawn
- 2 pending

As of March 2013 we were half way through the Tribunal year. SENTW half yearly statistics were given as

- Received 42 appeals, which was a reduction from 50 from March 2012
- Registered 36 appeals, which was a reduction from 49 from March 2012
- 44% of registered appeals are about refusal to assess and refusal to statement, 5% lower than at this time last year
- 56% of registered appeals are about the contents of the statement, an increase of 5% from this time last year

Outcomes, including the 29 cases that were carried over from 2011/2012 were:

- 18 conceded
- 14 withdrawn
- 10 decided
- 3 dismissed or struck out
- 21 pending

A question was raised regarding pending cases. Ann confirmed that cases stay as pending until they are completed.

A question was raised about data and whether we kept information about adjournments and withdrawals. The group raised some issues regarding adjournments and not only the cost in an adjournment but the stress it can place on both the parents and local authority. The President stated that she only grants adjournments in exceptional circumstances. It was suggested that case management may be beneficial. It was noted that adjournments are costly and are very time consuming and can be stressful for parties.

A concern was raised regarding Parts 3 of statements and how it's becoming more difficult to use Therapy services as teams aren't able to complete assessments. Head of ALN reform stated that there must be a way of making provision for Health and Social Services to work together. The group discussed how the Local Authority should have joint Health and Social boards to help focus on ALN and the wider needs of all children. The group agreed on the fact there needs to be a balance.

4. Tribunal Update – Rhiannon Walker, President – SENTW

4.1 The President met with the Minister of Education on 17 January 2013 and detailed the main points that the Minister and herself had discussed, these being:

- The Ministers interest in why appeals have decreased
- Concern over number of withdrawn appeals and the reasons why appeals were withdrawn – The President agreed to carry out a study of withdrawn appeals and report back to the Minister.
- The President agreed that SENTW would send a copy of the Annual Report and SENTW DVD to all Assembly Members as the Minister was keen for all AMs to be aware of the Tribunals work.
- The Minister was informed about case management and the benefit of telephone conferences before hearings
- The Minister agreed to consider expanding the Tribunals remit to include Post 16 education appeals and Admission appeals.
- Minister was informed of the SENTW User Group forums and the importance of keeping Users up to date.

4.2 The President updated the group on the Children's Right of Appeal/Claim pilot study. SENTW have not received any appeals to date, one Disability Discrimination Claim has been received, which went to hearing and was upheld.

4.3 The President is aiming to raise the profile of SENTW amongst Looked After Children, as she feels this group of children and young people would be the most likely to benefit from the new children's right measure. The President asked LAs if the Social Care teams in their authorities were aware of SENTW and children's right of appeal. It was felt that Social workers would unlikely have knowledge of this area. The President asked LAs to provide information to the Social work teams in their Authorities and offered to provide guidance to these teams if required.

4.4 SENTW are running a pilot for refusal to assess appeals to expedite the appeal process. Under this pilot the aim is to deal with these appeals within 10 weeks instead of the current 20 week timeframe. Parties were advised that this reduction in time does not affect the time parties have to submit evidence but rather is an administrative reduction of time. Parties are asked for availability for a given week rather than 2 month period.

4.5 The President asked for feedback on proposals to offer paper hearings for less complex cases, explaining that this would only be done with the agreement of both parties.

A Local Authority raised concerns about working with parents who may be unwilling to engage with them and that this may make case management difficult.

The group had a discussion about paper hearings and it was felt by some that paper hearings would be a good idea but there were concerns regarding how to identify a straight forward case. Concerns also raised about whether the parent's views would be heard at a hearing and the fact that the Local Authority would have all the resources at hand. The President explained that case management would differentiate cases and identify which cases would be suitable for paper hearings but emphasised it was still only an idea.

- 4.6** The President informed the group that she would be looking at conceded appeals and asked for reasons of why LAs concede appeals. A LA member replied that it may be due to high upheld rate of appeals which reach hearings and that it is cheaper for LAs to concede and less time consuming, given the current climate. The President asked LAs if they go through Tribunal decisions and look at what may have gone wrong, a LA replied that this does happen and it does affect future decisions.

- 4.7** The President informed of new telephone case management conferencing arrangements. This will assist parties to ensure that all evidence is available prior to a hearing and will assist to avoid adjournments. SENTW arrange when they are identified by a Chair as necessary. The Chair conducts the conference and may issue directions to parties following the telephone case management conference.

A parent raised concerns about the cost of appealing to the Tribunal and how some people can't afford legal help which leaves them in a position of whether to appeal or not. SNAP Cymru raised the issue of extension of time and how it should only apply to the parent as the Local Authority should have all their resources, where parents don't always have the resources or support. SNAP believe that extension of time for the parents would allow the parent to have more time to understand the process with less pressure. The Local Authority agreed with the extension of time and how it could allow Parent and the Local Authority to work together or to offer disagreement resolution. Parents raised concerns over meetings with the Local Authority and how it's not always easy to meet with them. A Local Authority replied that due to capacity levels and stretched resources, sometimes it can be impossible to meet with parents, but that 8 weeks should be enough time to meet with parents.

- 4.8** Withdrawal Stats

A parent was concerned about withdrawal and the pressure some parents may feel to withdraw their appeal. The parent emphasised the fact that if the Local Authority agree to what they're asking and then the

parent withdraws their appeal, the parents are then left in a very unsecure and vulnerable position. The President discussed her meeting with the Minister and how she has made him aware of this and his concerns with the amount of appeals being withdrawn.

4.9 Change of Address

SENTW have moved offices, the new address is SENTW< Government Buildings, Spa Road East, Llandrindod Wells, Powys, LD1 5HA.

5. Update on statutory reform consultation –

Emma Williams gave an update on statutory reform and ALN Policy Developments which included:

- ALN Reform programme
- Transition planning for learners moving into further Education
- Specific Learning Difficulties (SpLD) framework
- Workforce Planning

A summary of the planned ALN reform was given. The reform process started in 2006-2007 when Assembly committees reported that the current system wasn't working well. A change was needed in the way things were assessed. Changes are being made to make it a more person centred plan approach where agencies will be working together. A consultation was held in October 2010 with 300+ responses with good feedback. The feedback indentified that parents saw the statutory assessment process as a battle, statements hardly changed and everyone considered the process too long and over bureaucratic. Initial Piloting 2009-2011 highlighted the need for an integrated approach & plan that includes actions from all agencies, quality assurance process to ensure plan is effective, focus on working with parents/cares as equal partners and changes to the current role of SENCo/ALNCo.

Emma Williams gave details about Individual Development Plan (IDP) and how getting the balance right is very important. Emma Williams noted that there is a balance to be struck between reinventing statements with a new name and changing the culture of the way we work to providing greater quality assurance.

A question was raised as to whether proposed changes might prolong the process and this could impact greatly on parents appealing. Emma Williams stated that if the right people were involved in the process and it would be completed without prolonging the process for either party.

The Local Authority raised questions as to the issues with Multi agency working and raised that a lot of agencies don't always work alongside schools so it would be hard to create multi agency working. A Tribunal Chair person gave information about Legislation and amendments to framework and the focus on implementation to framework to improve

the system. Emma Williams confirmed that there needs to be different ways of working to improve Multi Agency working. Powys Local Authority gave information about integrated services and how they are essential. Richard Mulcahy gave information about the Health Board and how they need to make more provision but also need some force behind them. He believed that the age should be extending from 0 – 25 years.

A question was raised about further education and that we should have the same power over Universities as we do with colleges but we can only encourage Universities rather than enforce them.

Emma Williams gave information about Post 16. Local Authorities will now be responsible for assessing the needs of learners as they move into Post 16 education. Working with colleges to plan ahead and extend provision to meet future needs is essential. Post 16 needs to be more consistent with Pre 16 arrangements with a better transition for learners.

A question was raised regarding protection for Post 16 and how there is no support for children once they reach 16. Emma Williams commented that proposals are being made to ensure that Post 16 learner needs are assessed by the same team throughout their Education and that more planning is done to help colleges plan ahead and extend provision.

A question was raised about wider provision for children and where that was heading. The President gave information that it was going well and that a lot of work had been done but that there were a lot of areas of concern. The President informed the group that they are waiting for a new document of consultation.

Questions were raised as to the knowledge and awareness of values and the fact that ALN is not included in the Estyn Report, it was only SEN specialised.

The President gave thanks to Emma Williams, Ruth Conway and Richard Mulcahy.

6. Date of next meeting:

North Wales Region: 18 November 2013 - St Asaph

South Wales Region: 20 November 2013 - Cardiff

SEN TRIBUNAL FOR WALES**SUMMARY NOTES FROM REGIONAL USER GROUP MEETINGS****ATTENDANCE:**

Phoebe Thompson Region	Wrexham CAB	North Wales
Sian Davies	Wrexham Local Authority	North Wales Region
Emma Williams	Welsh Government	North Wales Region
Sally Simpson	Wrexham Local Authority	North Wales Region
Ian Davies	Conwy Local Authority	North Wales Region
Angharad Behnan	Ceredigion Local Authority	North Wales Region
Gerwyn loosley	Ceredigion Local Authority	North Wales Region
Rhys Wyn Parri	SNAP Cymru	North Wales Region
Karen Parry	Flintshire Local Authority	North Wales Region
Denise Hawkins	Flintshire Local Authority	North Wales Region
Ceri Griffiths	Parent/Jigsaw	North Wales Region
Chris Evans	Jigsaw	North Wales Region
June Roberts	Jigsaw	North Wales Region
Jil Timothy Region	Denbighshire Local Authority	North Wales
Donna Reid	Jigsaw	North Wales Region
Debbie Thomas	NDCS	South Wales Region
Michael Teahan	NDCS	South Wales Region
Marie Macey	Parent	South Wales Region
Ruth Conway	Welsh Government	South Wales Region
Mary Greening	AEP	South Wales Region
Ian Rowe	Parent	South Wales Region

Claire Bridges Region	Cardiff Local Authority	South Wales
Hayley Jeans Region	RCT/Merthyr Tydfil LA	South Wales
Gavin Metheringham Region	Newport/Blaenau Gwent LA	South Wales
Kay Poultney Region	Vale of Glamorgan LA	South Wales
Charlotte Bellis-Williams	Bridgend Local Authority	South Wales Region
Meleri Thomas	NAS Cymru	South Wales Region
Richard Azzopardi Region	Rhondda Cynon Taf LA	South Wales
Marika Minty Region	Rhondda Cynon Taf LA	South Wales
Sue Jablonski Region	RCT/Merthyr Tydfil LA	South Wales
Denise Inger	SNAP Cymru	South Wales Region
Andre Mundy	NPT Local Authority	South Wales Region
Kay Williams	Children's Commission	South Wales Region
Sue Pink	Parent	South Wales Region
Carol Davies	Watkins Solicitors	South Wales Region
Ruth Mitchard	Caerphilly LA	South Wales Region
Irene Yentel	Caerphilly LA	South Wales Region
Sahdia Afzal	Torfaen LA	South Wales Region
Andrew Barrowclough	Sinclairs Law	South Wales Region
Nathan Davies	Sinclairs Law	South Wales Region
Ceri Bater	Monmouthshire LA	South Wales Region
Janette Carr	Afasic Cymru	South Wales Region
Ann Thomas Region	Powys Local Authority	Mid & West Wales

Richard Mulcahy Region	Welsh Government	Mid & West Wales
Margaret McCabe Region	Welsh Government	Mid & West Wales

SEN TRIBUNAL FOR WALES:

Rhiannon Walker	President	All Regions
Ann Owen Region	Secretary to the Tribunal	North & Mid Wales
Danni Cosgrave	SENTW	All Regions
Tania Ryland Region	SENTW	South & North Wales
Meleri Tudur	SENTW Chairperson	North Wales Region
Gwyn Davies	SENTW Chairperson	North Wales Region
Sandra Boyle	SENTW Lay Member	North Wales Region
Andrew Wilson	SENTW Lay Member	South Wales Region
Norman Donovan	SENTW Lay Member	South Wales Region
Sian Siencyn Region	SENTW Lay Member	South & Mid Wales
Catrin Lewis	SENTW Lay Member	South Wales Region
Mark Allen	SENTW Chairperson	South Wales Region
Jacqueline Blackmore	SENTW Chairperson	South Wales Region
Gwyn Griffiths	SENTW Lay Member	South Wales Region

APOLIGIES:

Mair Read	Anglesey Local Authority
Nigel Pugh	Education Advocacy
Lisa Savage	Newport Local Authority
Richard Ellis Owen	SENTW

Sharon Davies

Swansea Local Authority

Hilary Hayward

SENTW