

Tribiwnlys Anghenion
Addysgol Arbennig Cymru



Special Educational
Needs Tribunal for Wales

Special Educational Needs

Carrying out our order: A parents' guide to what happens next

This document is also available in Welsh. Please contact the Tribunal for a Welsh version of this document.

Language Preference

SENTW welcomes receiving correspondence in Welsh or English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding. The Tribunal also welcomes phone calls in Welsh or English.

You may submit forms, documents, and make written representations to SENTW in Welsh or English.

What the Local Authority (LA) must do

Our order is binding on the LA. The authority has a duty to do what has been ordered.

When the LA has to comply with our order

The LA normally has a limited time within which it must carry out our order. The time runs from the day after we send out the order.

The period allowed varies depending on the kind of order. The main ones are as follow:

If we order the LA:

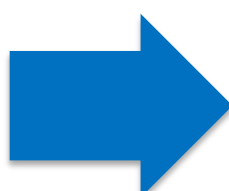
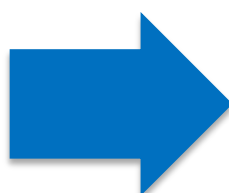
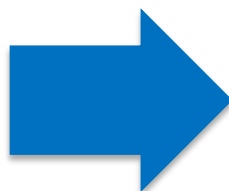
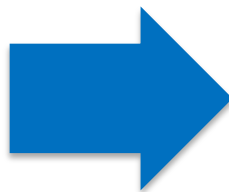
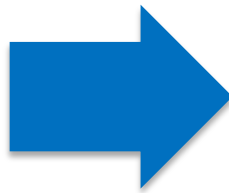
To start the assessment or reassessment procedure

To make and maintain a statement

To change a statement

To continue to maintain a statement

To change the name of the school named in your child's statement with a school named by you



The LA Must:

Write to you **within 5 weeks** to say that it will make the assessment

Make a statement **within 5 weeks**

Send you a proposed statement **within 5 weeks**

Continue to maintain the statement **with immediate effect**

Specify the school specified by the parent **within 2 weeks**

Admission to school

If we order the LA to name a different LA-maintained school (whether mainstream or special) in your child's statement, the school must admit him or her, although this does not overrule any exclusion from that school. The duty to admit the child arises as soon as the statement is made. This means that there may be a delay after we make the order, until the LA issues the statement.

Exceptions to these timescales

The regulations which lay down the time limits do allow the authority more time in specified circumstances, these are summarised below:

- a) Exceptional personal circumstances affect you or your child during the relevant time period;
- b) You or your child are absent from the area of the authority for a continuous period of not less than 2 weeks during the relevant time period;
- c) You indicate that you wish to make representations to the authority about the content of the statement after the expiry of the 15 day period for making such representations;
- d) A meeting between you and the LA has taken place and there needs to be a further meeting before relevant matters can be decided;
- e) The LA has written to the Welsh Government seeking consent to a relevant school placement and this has not been received by the authority within 3 weeks of the day on which the request was sent.

We hope this brief guide is helpful. The full regulations are in the Special Educational Needs Tribunal for Wales Regulations 2012. If you have access to the internet you can find these regulations at: [legislation](#)

Our job is finished

Once we have issued our decision, we cannot take any further action. We have no power to supervise how and when the order is carried out. Even if the LA does not do what has been ordered within the time limit, we cannot take further action. You would need to pursue this with the Welsh Government – see below.

If the LA does not comply

If the LA does not carry out our order within the time limit, and they cannot satisfactorily explain why, you are entitled to complain to the Welsh Government. The address is:

Welsh Government

Support for Learners Division
Department of Education and Skills
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ
Tel. No.: 02920 826078

Local Government Ombudsman

Derwen House
Court Road
Bridgend
CF31 1BN
The Local Government Ombudsman
hears complaints about maladministration
by LAs.