

Tribiwnlys Anghenion
Addysgol Arbennig Cymru



Special Educational
Needs Tribunal for Wales

Going to a tribunal hearing

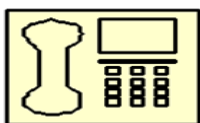
A booklet for children and young people

Contact us at **SENTW** if you have any questions after you have read this booklet:

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

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.



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This booklet tells you about:

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What is a tribunal

SENTW is a tribunal. People can go to a tribunal if they are unhappy about certain decisions that affect them.



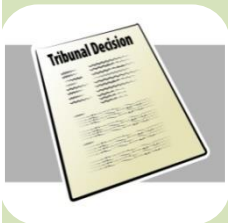
A tribunal is a bit like a **referee**. We do not take sides but check that important rules, called **laws**, have been followed correctly when decisions were made.

Laws tell us things like:

- * a child must receive an education at school or elsewhere, and
- * schools must not treat a child unfairly because of his or her disability.



If we find that the **law** was not followed correctly then the tribunal can make an order to make changes or put things right.



A **tribunal order** can be about:

- * what help you need to learn,
- * what school you go to, and
- * putting things right if we find that you have been treated unfairly because of a disability.

Why do people go to a tribunal hearing

You may go to a tribunal hearing if an ***appeal** or ***claim** is about you.

What is a Special Educational Needs **appeal**?

Answer:

- Sometimes children need more help in school or with their education so they can learn.
- An appeal is when you tell us that you are unhappy with certain decisions that are to do with your education,
- For example in an appeal you can tell us about:
 - why you feel you need more help to learn,
 - what sort of help would make things better for you,
 - an appeal may even be about the school you go to.
- Children can make an appeal on their own or with the help of a case friend.
- Your parent can also make an appeal. So an appeal can also be when your parent tells us that he or she disagrees with certain decisions that are to do with your education.

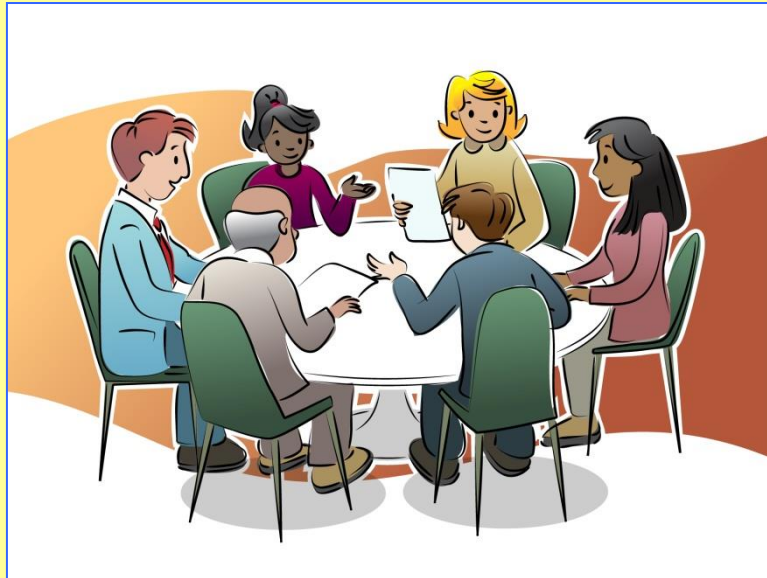
What is a **claim** of disability discrimination?

Answer:

- you may feel that you have received worse or less favourable treatment in school because of your disability or for another reason to do with disability. A claim is where you tell us what happened.
- for example, a claim may be about not being allowed to go on a school trip because you are a wheelchair user.
- children can make a claim on their own or with the help of a case friend.
- if SENTW agrees with a claim we will make an order to put things right. If we do not agree with a claim we will not make an order. If we do not agree with your claim we will tell you why in our decision.
- your parent can also make a claim. So a claim can also be when your parent tells us that you have received less favourable treatment in school because of a disability.



A tribunal hearing is where we at **SENTW** arrange a **meeting** between everyone involved with the appeal or claim.



- a group of three people from **SENTW** will be at the **tribunal hearing**. We call these people the **tribunal panel**;
- what **you and other people** tell the tribunal panel at the hearing will provide important information about the appeal or claim;
- we call this giving **evidence**. The **evidence** will help the tribunal panel to make a decision about the appeal or claim.

Facts about tribunal hearings:

- hearings usually take place in a **hotel**,
- the hearing will be in **private**,
- your journey to the tribunal should not take more than an hour,
- the hearing can sometimes take all day.



You do not have to go to the tribunal hearing. But if you do, you must bring someone with you who can look after you. This is in case you decide not to stay for all of the hearing.

You and other people involved with the appeal or claim may go to the tribunal hearing.

- the **tribunal chairperson** will probably set a time-table for the day,
- everyone will have a chance to talk about their side of the story,
- everyone will also have a chance to ask each other questions about the appeal or claim.

Who will be at a tribunal hearing?

There can be a lot of people at a hearing it may be that only some or all of these people attend your hearing. Each person attending a tribunal hearing has a different job to do.

The tribunal panel is a group of 3 people from SENTW. They are all experts who know about education law and special educational needs.

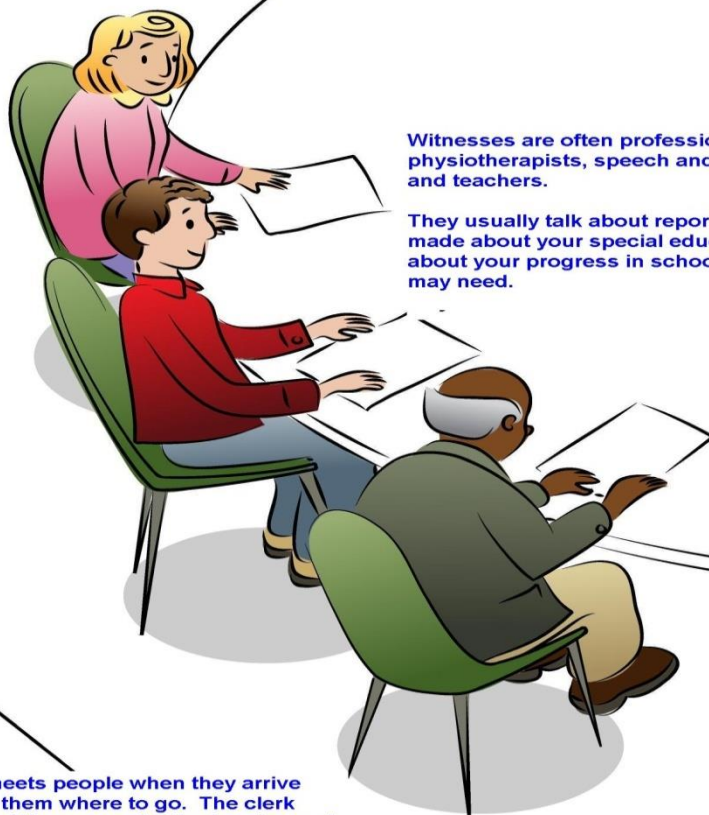
The chairperson is in charge of the tribunal hearing. He or she listens carefully to what each person says. The chairperson will ask questions and make notes.

The education panel members will also listen to what each person says and ask questions.



Witnesses are often professionals, like physiotherapists, speech and language therapists and teachers.

They usually talk about reports that have been made about your special educational needs and about your progress in school and what help you may need.



The clerk meets people when they arrive and shows them where to go. The clerk takes care of the papers for the hearing and records what everyone says in the hearing on a machine.

* There are a group of people in school who are in charge of important things like disability. They are usually called **school governors** of the school.

* The **local authority** is part of government. The people who work for the local authority look after lots of local services, like your school.

The appellants or claimants representative. You and possibly your parents may have a representative. If you do it is their job to help you tell us your side of the story.

Observers are not allowed to speak or take notes. An observer usually attends to provide support or for training.

An advocate is usually someone who has been trained to help children, like you, to tell grown ups what you think about the appeal or claim and what you want.

The appellant or claimant is you and or your parents.

The respondents representatives are people who tell us about the 'local authority's or 'school governors side of the story.




A case friend is someone who helps children like you with their appeal or claim. If you decide to have a case friend it is their job to tell us what you think about the appeal or claim and what you

What happens at a tribunal hearing?

Each tribunal hearing is different. In most cases the time-table will look like this:

Time-table for the tribunal hearing

Arriving

- | | | |
|----------|--|--|
| Arriving | A Clerk from SENTW will meet people as they arrive at the hearing. |  |
| Waiting | Everyone going to the hearing will be taken to a waiting area. |  |
| Starting | The hearing will start at about 10:00 in the morning. The clerk will come and get you when its time for the hearing to start |  |

Hearing Starts

The tribunal chairperson will start by

- making sure everyone at the hearing is introduced,
- saying what happens at a hearing,
- setting a time-table
- talking about what else needs to be done.



Talking

Everyone will be given a turn to tell the tribunal panel about

- their side of the story about the appeal or claim,
- what happened in your school or with your education,
- why they agree or disagree with the appeal or claim,
- what they want the tribunal to do about it.

? QUESTIONS

Everyone will have a chance to ask questions about the appeal or claim.

For appeals, questions may be about:

- your school,
- how you are doing in school,
- what sort of problems you have with learning,
- what help you think you may need,
- any specialist reports that are written about you.

For claims, questions may be about:

- how your disability, if you have one, affects you,
- what happened in school,
- what can be done to put things right

Everyone will have the chance to tell the tribunal any final thoughts they have on the appeal or claim



Breaks and lunch

There will be breaks and time for lunch during the hearing



Going Home

You do not have to stay for the whole hearing and can go home at any time during the day



What happens when it's my turn?

If you go to the hearing, the tribunal panel may first want to meet you, your case friend and parent or carer. Representatives can also take part.

- the clerk will show you where to go and where to sit,
- the **tribunal chairperson** will make sure that everyone is introduced, so that you know who is who.

The tribunal panel will want to hear about what is important to you about your appeal or claim. They may ask questions like:

- what do you like in school and why?
- what do you dislike in school and why?
- what problems do you have with learning?
- what changes do you want made to help you to learn?
- what changes, if any, have been made that have affected your learning?

The tribunal panel and other people at the hearing may also have other questions to ask you. What you say will help the tribunal panel to make a decision about the appeal or claim

When it's my turn, what do I have to do?

- 1 listen carefully to what people are saying,
- 2 answer any questions they ask you,
- 3 if you do not understand what people are saying or what they are asking you, tell us that you do not understand, and
- 4 most importantly – tell us what you would like to happen.

Tribunal hearings may take a full day. We do not expect you to stay for all of the hearing. You may decide that you want to go home after you have had your say, or you can stay – it is up to you



Tell us if you need something, like:

- a drink of water,
- a break to go to the toilet,
- a little rest,
- a tissue.

What to take to the hearing

If you go to a tribunal hearing someone you know will be with you. This may be your **parent, carer or case friend**.

You will have to wait for a while until it is time for the hearing to start. Once the hearing has started there will be breaks. This means that before the hearing and during breaks you may have to spend time in the waiting area.

It is a good idea to take:

- some toys, books or a quiet game so you do not get bored,
- a jumper or something warm to wear in case it is cold,
- something to eat and drink for lunch.

Rules for everyone at the hearing.



1.

You are allowed in the hearing room when the clerk takes you. This way everyone hears what is being said at the hearing.

2.

Ask if you want to speak. If you want to say something let the tribunal chairperson know. They will make sure you have a turn to speak



3.

If you do not understand something-ask! If you do not understand what is being said, ask us to explain.

4.

Tell us what you think and what you want. We want to hear about what is important to you. So tell us about what you think and what you want.

5.

Everyone must be quiet. You must be as quiet as you can when others are talking so we can hear them. You can bring a quiet toy or game with you if this helps you.



6.

Tell someone if you need a break. There will be plenty of break times in the hearing. If you need a break sooner you can let someone know by saying so or by using the stop card.

What happens after a tribunal hearing?



An appeal or claim is like a big jigsaw puzzle.

There are lots of different pieces that the **tribunal panel** must put together so that they can see the whole picture.

To see the whole picture the **tribunal panel** must:

- read very carefully all the information about the appeal or claim that has been sent to us, and
- listen very carefully to what everyone at the hearing has to say about the appeal or claim.

We will write to you or your parent about **2 weeks** after the hearing to tell you what the **Tribunal** decided.

If you want to talk about the hearing and the decision, ask someone who knows about you and your appeal or claim.

Dismissed

If the Tribunal does not agree with the appeal or claim it will dismiss it. The decision will say **dismissed**.

Allowed

If the Tribunal agrees with the appeal or claim the decision will say **allowed**.

Allowed in Part

If the Tribunal agrees with some of the appeal or claim but not all of it, the decision will say **allowed in part**.

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