

Tribiwnlys Anghenion  
Addysgol Arbennig Cymru

Special Educational  
Needs Tribunal for Wales



# Background



- 1994 - 2003 Welsh SEN appeals heard by SENT (later reconstituted as SENDIST)
- SEN Code of Practice for Wales, 2002
- Legal provision - 2002 Education Act and assorted extant regulations

# Structure



- SENTW funded by WAG; 5% DfES contribution i.r.o. disability function
- Appointments - Membership:
  - | 1 President                      Lawyer (appointed by LC)
  - | 3 Chairs                              Lawyers (appointed by LC)
  - | 8 Lay Members                      Knowledge, Experience of SEN and or Disability (appointed by Minister)
- Secretariat:                              Assembly Civil servants, based in Llandrindod

# Key Role: SEN Appeals



- Hear parents' appeals against LEA decisions about SEN provision for school-age children
- Refusal to **assess**; refusal to **reassess**; refusal to **produce a statement**; contents (**parts 2,3,4** only) of a statement; proposal to **cease to maintain** a statement

# Disability Discrimination



- SENTW hears claims against responsible bodies in Wales
- *Very* small numbers involved: 3 in 2 years
- Remedies: apologies, further training, policy development
- DRC Code of Practice for Schools

# SENTW Users



- Parents may make appeals/claims. The child cannot appeal/claim
- Parent may be supported by voluntary bodies or by legal representatives
- LEAs must decide whether to oppose appeal
- If they oppose appeal, LEA can be supported by legal representatives

# Inquisitorial, not adversarial



- Aiming to create an atmosphere that is not intimidating
- Don't want to see a courtroom approach - discrediting of witnesses
- Focused and civilised proceedings

# SENTW: Appeals to Date



- 209 SEN registrations
- 42 hearings across Wales
  - 41% appeals withdrawn/conceded
- 55% of registered appeals concern ASD/SpLD;
- 33% against refusal to assess



# Tribunal Decisions



- Legally binding
- May require responsible bodies to procure provision or may order that policies be developed
- If the latter, SENTW does not *write* the policy
- SENTW has no powers to monitor or enforce implementation

# Some Developments



- Break-out rooms for parents & LEAs
- Hospitality arrangements
- 3 User groups established
- Submit appeal info in English/Hearings in either language

# Customer Relations



- 0 appeals to the High Court
- 3 complaints from users - 2 from same source
- Collaborative ethos - user groups; very well-received mock hearing exercise; fostering good relations with parents, LEAs and voluntary sector

# Relationship with WAG



- Financial Recording - Pupil Support Division
- PSD considers applications for s347 consent
- Tribunal decisions independent of WAG
- Provide statistical information to PSD
- Prepare annual report to Minister for ELL

# The Way Ahead



- How best to meet children's needs
- WAG response to DCA White Paper
- Establishment of ASN Tribunal (Scotland)
- ELL Committee review of SEN