

SPECIAL EDUCATIONAL NEEDS TRIBUNAL FOR WALES

NOTES FROM FOLLOWING USER GROUP MEETINGS:

North Wales	Monday 17 September 2012 at 10.30AM	Oriel Hotel, St Asaph
South and East Wales	Wednesday 26 September 2012 at 10.30AM	Thistle Parc Hotel, Cardiff

1. Welcome and Apologies

As listed at Annex A

2. Notes of the meetings from Spring 2012 – SENTW (12)01

The President welcomed everyone and there was only one matter arising from the previous meetings notes, the President confirmed the admin error would be amended.

3. LA duties and the Equality Act 2010 – Eleanor Williams, Equality & Human Rights Commission

Eleanor Williams gave a presentation on the Equality Act which included:

- How disability is viewed through the press
- Information about listed bodies
- The duties for listed bodies including the general duties and specific duties
- The types of discrimination
- Section 1.49 of the Equality Act and the public sector Equality Duty and how it affects listed bodies.
- Equality objectives and how they should be developed
- Useful website links about equality legislation and guidance

4. Tribunal updates – Rhiannon Walker, President

4.1 The President gave information about the new procedures for arranging case management conferences including:

- Details of the process and letters that would be issued to both parties.
- Confirmation that parties would be informed, prior to the conference, of what would be considered.
- That the process would be used in complex cases.

A question was raised about parties applying for case management directions, the President confirmed that if both sides consent, requests will be considered.

4.2 The President gave information about a new expedited hearing pilot the Tribunal would be undertaking for refusal to assess cases detailing:

- The current process and the proposed timescales under the pilot.
- That reduction in timescales would be for the completion of Tribunal processes not timescales for parties submitting information which would remain the same.

The President also confirmed that the Auxiliary Aids and Services duty came into operation on 1st September 2012.

4.3 Regulation 12 – Extended time limit for entering Dispute Resolution Service (DRS)

The President gave details on the tribunal process where DRS is used. An extension to the time limit will be considered where both parties confirm that DRS is being undertaken. Use of DRS will be monitored including where agreement is reached during extended period.

4.4 The President praised the secretariat for winning the Welsh Government Award for Customer Services for the work carried out on the children's pilot.

5. Annual Report and Stats Update

A summary of the annual report was given. We received 84 appeals and carried over 31 appeals from the previous year. This included 8 carried over at pre-registration stage.

Outcomes of appeals this year are:

26% have been conceded
19% withdrawn
12% decided
34% are live cases.

We have received 6 disability discrimination claims, 1 of which was withdrawn at the pre-registration stage; we also carried over 2 cases from the previous year.

Of these that were decided:

1 was upheld
1 was upheld in part; and
1 was dismissed,
1 was withdrawn and 2 were still pending.

6. Update on Children's rights of appeal/claim

Wrexham Local Authority detailed that the main framework under the pilot is in place and that there are 4 main areas to be developed, which are, to ensure appropriate communication tools, provide training, raise awareness and to carry out case studies.

Wrexham LA detailed their refined flow chart, showing the different stages of the process. They detailed the need for sharing information regarding rights and advocacy. Letters will be sent to parents and children. Letters to the child will be sent through the school SENCo's to child and a Case Friend identified.

The Second Voice advocacy service can be used to explain statutory processes and various terms, such as IEP etc. The letter to child explains advocacy.

Initial feedback has been that the information is still too formal and they are working with youth service groups to adapt letters. A database on involvement at the different stages has been created to monitor the work taking place.

Advocacy trained twilight sessions will be run for head teachers, case workers etc. Training packs will be provided for all relevant people involved.

Using various techniques to raise awareness and looking to establish community advice, but this has not yet progressed.

A Pupil Support Officer post is also being developed and they hope to have a broad range of case studies when available.

Pupil Voice information will be sent out with statutory assessment information. Developing process for dealing with pre-verbal children, need to ensure that appropriate process in place.

Wrexham LA have a person who goes out to talk to parents about statements.

The President confirmed that we have received 1 case made by a child which is a claim. The President also raised concerns that the pilot might not be reaching Looked After Children. The President will bring it to the attention of the Minister. The group put forward suggestions to take forward.

7. Meeting with Minister

The President confirmed that she would be meeting with the Minister for education within the next 4 weeks and sought any comments that should be discussed with the Minister including those about the Additional Learning Needs (ALN) consultation. Members from the North Wales UG will forward comments to consultation.

The group raised concerns over the statutory guidance for agencies and whether people will retain their rights. Information appears to be vague and therefore needs to be clearer, lack of details about statutory responsibilities for bodies, and if there are any confidentiality issues.

The groups felt that the young people versions are not user friendly. It was also felt that the changes are of an unrealistically large scale.

Consultation responses should be heard and there should be draft statutory regulations, guidelines and cut off points.

There needs to be changes to the language used and ensure that there is ring fencing of funding for SEN and health.

There were also concerns over parents responding to consultation, that there were limited places available on consultation events and it was unclear whether parents could attend.

The President felt that it was urgent for parents to give their views on the consultation.

8. Date of next meetings:

- North Wales Region: 20th May 2013, St Asaph
- South Wales Region: 15th May 2013, Cardiff

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

Irene Yendle	Caerphilly LA	South Wales Region
Alexandra Barland	Bridgend LA	South Wales Region
Charlotte Bellis-Williams	Bridgend LA	South Wales Region
Tony Lawrence	Bridgend LA	South Wales Region
Jayne Wilson	Blaenau Gwent LA	South Wales Region
Kay Poultney	Vale of Glamorgan LA	South Wales Region
Jane Werrett	Vale of Glamorgan LA	South Wales Region
Claire Bridges	Cardiff LA	South Wales Region
Richard Azzopardi	Rhondda Cynon Taf LA	South Wales Region
Nathan Kethro	Newport LA	South Wales Region
Michael Teahan	National Deaf Children's Society	South Wales Region
Debbie Thomas	National Deaf Children's Society	South Wales Region
Derek Tilley	SNAP Cymru	South Wales Region
Mary Greening	AEP	South Wales Region
Nigel Pugh	Education Advocacy	South Wales Region
Andrew Barrowclough	Sinclairs Law	South Wales Region
Carol Davies	Watkins Solicitor	South Wales Region
Emma Turner	Turner's Solicitors	South Wales Region
Nigel Pugh	Education Advocacy	South Wales Region
Annie Kingston	Craig Y Parc School	South Wales Region
Tracy Tucker	Torfaen LA	South Wales Region
Clive Noble	Conwy LA	North Wales Region

Stephanie Burton	Parent	North Wales Region
Ian Davies	Conwy LA	North Wales Region
Roy Fielding	British Dyslexics	North Wales Region
Kate Wyke	Parent Partnership Wrexham	North Wales Region
Jil Timothy	Denbighshire LA	North Wales Region
Paula Roberts	Flintshire LA	North Wales Region
Gareth Payne	Anglesey LA	North Wales Region
Bethan Perkins	SNAP Cymru	North Wales Region
Ailsa Fisher	Flintshire Parent Partnership	North Wales Region
Karen Parry	Flintshire LA	North Wales Region
Sally Richards-Simpson	Wrexham LA	North Wales Region
Liz Harrison	NYAS	North Wales Region
Rachel Tate	Flintshire Citizens' Advice Bureaux	North Wales Region
Ann Rhodes	SEN Adviser	South Wales Region

SEN TRIBUNAL FOR WALES:

Rhiannon Walker	President	All Regions
Ann Owen	Secretary to the Tribunal	All Regions
Leon Mills	SENTW	All Regions
Adrian Evans	SENTW	All Regions
Andrew Wilson	Panel Lay Member	South Wales Region
Jacqueline Blackmore	Panel Chairperson	South Wales Region
Gwyn Griffiths	Panel Lay Member	South Wales Region
Hilary Hayward	Panel Lay Member	South Wales Region
Catrin Lewis	Panel Lay Member	South Wales Region
Meleri Tudur	Panel Chairperson	North Wales Region
Mark Allen	Panel Chairperson	South Wales Region

APOLOGIES:

Sian Wyn Siencyn	SENTW
Sandra Boyle	SENTW
Richard Ellis-Owen	SENTW
Emma Williams	Welsh Government
Sharon Davies	Swansea LA
Ann Thomas	Powys LA
Jayne Ciccotti	Pembrokeshire LA
Dee Poloczcz	Pembrokeshire LA
Jeanette Carr	Afaisic Cymru
Marie Macey	Parent
Sue Watt	Parent
Jan Jones	Carmarthenshire
Julie Edwards	Children's Commission

Naomi Munro	Parent
Ann Pumford	Wrexham LA
Maggie Bowen	Autism Cymru
Karen Parry	Flintshire LA
Sue Pink	Parent