

SPECIAL EDUCATIONAL NEEDS TRIBUNAL FOR WALES

SENTW

NOTES FROM FOLLOWING USER GROUP MEETINGS:

North Wales	Monday 9 th November 2015 at 10:30am	Oriel Hotel, St Asaph
South Wales	Wednesday 11 th November 2015 at 10:30am	Cardiff and Vale of Glamorgan Magistrates Court

1. Welcome - Rhiannon Walker, President

The President of the Tribunal welcomed everyone.

2. Attendees and apologies

As listed at Annex A

3. Meetings from Spring/Summer 2014 – SENTW 14(01)

No points arose from previous notes.

4. Tribunal Update – Rhiannon Walker, President

The President informed the meeting of her meeting with the Minister in January 2015; the President mentioned that the Minister acknowledged the success of the Pilot Scheme on Children's Rights. The Pilot has raised awareness quite significantly, although we are not having many appeals brought by children. No publications regarding Children's Rights have been rolled out to Local Authorities.

The President informed the meeting that excellent work has been done and the Rights of Children was brought forward.

The President is due to meet with the Minister in January 2016 and has asked that if there are any questions to be put to the Minister, the President requested that the Local Authorities send their questions to SENTW.

SENTW internal pilot on the Refusal to Assess Appeals has now reduced the time scales for completion from 20 weeks to 10 weeks. The Tribunal is receiving an increased amount of this type of appeal, it is thought that the reason for the increase is that parent's are aware of the new Bill Legislation coming into force and therefore have increased concerns.

A query was raised as to whether Local Authorities need to change their letters to parent's, it was confirmed that no change is necessary as SENTW have already administered the change in their letters to parents and Local Authorities.

The President requested that parties provide SENTW with enough available dates in order that we have enough options for setting hearing dates.

The President also stressed that where Local Authority decision letters are being sent to parent's supplying the wrong postal address; appeals will be allowed to be registered out of time as a result of this issue. The President requested that Local Authorities ensure that their correspondence to parent's have the correct address detailed.

The President also requested that when an appeal is being case managed, that the parties ensure that they send in papers that are relevant, and up to date to help prevent expensive adjournments.

Consent Orders

Consent orders have been introduced, this means that appeals against the contents of the statement, can only be withdrawn once the new statement has been agreed by both parties, the Local Authority are now required to send a copy of the agreed statement to SENTW, appeals will not be withdrawn until agreed Statements has been received by SENTW. This will ensure that there is protection for parties as an order will be issued from the Tribunal.

A question was raised as to whether the Tribunal will make a judgment as to whether a Statement is lawful. The President confirmed that this is not our job, if the statement has been agreed by both parties.

A further question was raised as to whether the Tribunal will provide guidance regarding the timings of Consent Orders. There were discussions surrounding decisions and agreements being made at very short notice.

The President requested that if anyone has any other questions regarding this new process to contact SENTW.

The President confirmed that separate stats for the Consent Orders will be included in the Annual Report for the Minister.

Paper Hearings

Paper hearings are suitable for appeals that are more straight forward e.g. Refusal to Assess appeals, but can only go forward if both parties agree. The paper hearing is initially instigated when the appellant ticks the box on the Appeal Application form. We have had 1 or 2 of them recently and are hoping to develop them to become more frequent as it reduces costs for everyone.

SENTW are trying to organise training day for members and Chair's.

A question was raised as to why can't the Local Authority request a Paper hearing if they feel it is appropriate? The President advised that if the Local Authority thought that it was appropriate, they could ask the question, SENTW would then put the question to the appellant.

A further query was raised as to whether all parties need to agree? The President confirmed that all parties need to agree to it.

A Tribunal Member commented that where a case is to be considered at a paper hearing, the parties will have to take more care to ensure that the evidence is both relevant and up to date in order for the Tribunal to make a decision.

A Local Authority recently had a paper hearing and the feedback was positive and they thought that it was a good experience.

Tribunal Directions

There was a discussion surrounding the issue that sometimes parties are ignoring Tribunal Directions.

The President informed the meeting that Directions are there to assist everyone and that if anyone doesn't understand the directions, they should contact SENTW rather than ignoring them.

The President confirmed that she is taking a far more robust approach to offending parties, in that they may be excluded from the hearing if they do not respond to directions. The President reiterated that Tribunal Directions are to be complied with. All parties must co-operate and comply with Tribunal Regulations.

Looked After Children

There was a discussion surrounding this issue, questions were raised regarding Training for Foster carer's Education provision for children with SEN.

There was a request for an anonymised Decision to be appended to the Notes of the User Group Meeting.

Here is the link to SENTW's anonymised Decisions to date.

<http://sentw.gov.wales/sentw-decision>

General Update

There is an Inter-jurisdictional meeting coming up in near future. How is it working in England with cross border issues.

5. SENTW Stats Update – Leon Mills, SENTW Business Manager

SENTW Annual Report aiming to be published by the end December 2015.

During 2014-2015 111 appeals were received, with 101 registered. To compare with the previous year we received 93 with 78 registered.

Of the registered appeals in 2014-2015 40 were against refusal to assess, 14 against refusal to statement with the remaining 47 appeal being against the contents of the statement,

We discharged a total of 96 appeals during the reporting period. Of those, 33 appeals were conceded by a local authority, 41 appeals were withdrawn, 10 appeals were upheld in full and 4 were upheld in part. 5 appeals were dismissed and 3 appeals were struck out. 17 appeals were carried over to the next reporting period.

We received 9 claims of disability discrimination, of these 1 was upheld, 1 dismissed, 1 withdrawn, 1 not registered and 5 were carried over to the new reporting period.

Statistics for 2015-2016

The following statistics cover September and October this year.

We have received 22 appeals and 3 disability discrimination claims. This compares to 12 appeals and 1 claim received by the same period last year.

Of the 22 appeals received so far, 12 are against refusal to assess, 1 against refusal to statement, 1 against refusal to maintain a statement. The remaining 8 appeals are against the contents of a statement.

6. ALN Reform – Tania Nicholson, Adam Webster and Paul Williams, Welsh Government

The President welcomed the representatives from Welsh Government.

Recent history of reform process

White Paper *Legislative proposals for additional learning needs* published in May 2014.

The Welsh Government proposed a new, single legislative framework to replace existing SEN and LDD frameworks.

Taking into account responses to the White Paper and further stakeholder engagement, the Welsh Government developed a draft Assembly Bill.

As part of the consultation on Draft ALNET Bill, the draft Additional Learning Needs and Education Tribunal (Wales) Bill and accompanying explanatory documents were published for public consultation on 6 July.

There was a Children and Young People (CYP) version of the consultation and *easy read* explanation of the draft Bill published.

Stakeholder engagement events have been arranged for late November and also CYP engagement events are being arranged.

The Children, Young People and Education Committee were conducting their own consultation on the draft Bill.

The Welsh Government wishes to provide an opportunity for comments on the detail of the draft legislation.

The Core Aims of the Draft Bill are to:

- Introduce the term Additional Learning Needs (ALN) – To replace the terms Special Educational Needs (SEN) and Learning Difficulties and/or disabilities (LDD).
- Establish 0-25 age range.
- Introduce a single statutory education plan – the Individual Development Plan (IDP).
- Increased participation of children and young people.

The Core Aim of the Reform is to introduce simpler and less adversarial processes. To ensure increased collaboration between services – Including with health.

Clear and consistent rights of appeal – All children, young people and parents (for those under 16) will have a right to appeal to the Tribunal where disagreements cannot be resolved at a local level. There will be 2 routes of challenge, appeals against education and complaints regarding social care.

A mandatory Code – The primary legislation will be supported by the ALN Code which will provide both mandatory requirements and statutory guidance.

The initial draft ALN Code published on 30 September, which is a working draft to inform the consultation on the draft Bill.

A Content Development Group has been established to undertake further development.

Next Steps

The consultation runs until 18 December 2015 and a summary of responses will be published.

The consultation is to inform further development of draft Bill and Code.

There would be 21 Engagement Events going around Wales in the coming months.

The President commented that if anyone had any views or concerns relating to the consultation, to make them known and they would be taken into consideration.

Tania Nicholson led a discussion around the Consultation on the Draft Additional Learning Needs bill.

There was a short discussion around cross border issues.

There was a discussion around Educational Psychologists not having a statutory basis for them to be involved in the process.

Core Aims of the Draft Bill – there was a lot of discussion around the Introduction of a single Statutory Education Plan – The Individual Development Plan.

If anyone has any question regarding the ALN Reform contact:

Tania Nicholson, Head of Additional Learning Needs Reform

Tania.nicholson@wales.gsi.gov.uk

02920 825068

The President thanked everyone for their attendance and contribution to the meetings.

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

Vicky Hancock	Flintshire CAB	North Wales Region
Mary Oliver	MENCAP	North Wales Region
Denise E Hawkins	Flintshire LA	North Wales Region
Paula Roberts	Flintshire LA	North Wales Region
Angelina Byrne	Flintshire LA	North Wales Region
Jil Timothy	Denbighshire LA	North Wales Region
Ian Davies	Conwy LA	North Wales Region
Natalie Jones	Wrexham CBC	North Wales Region
Jan Roberts	Wrexham CBC	North Wales Region
Rhys Wyn Parri	SNAP Cymru	North Wales Region
Gareth Payne	Ynysmon LA	North Wales Region
Gill Smith	Snap Cymru	South Wales Region
Jane Smith	NDCS	South Wales Region
Cheryl Hopkins	Carmarthenshire CC	South Wales Region
André Munday	NPT CBC	South Wales Region
Mary Greening	AEP	South Wales Region
Angharad Behnan	Ceredigion LA	South Wales Region
Meleri Thomas	NYAS Cymru	South Wales Region
Carol Davies	SEN Independent Advocate	South Wales Region
Claire Bridges	Cardiff LA	South Wales Region
Deborah Davies	Cardiff LA	South Wales Region
Jane Jones	Caerphilly LA	South Wales Region
Marie Macey	Parent	South Wales Region
Ceri Bater	Monmouthshire LA	South Wales Region
Tracy Tucker	Torfaen LA	South Wales Region
Mark Sheridan	Swansea LA	South Wales Region
Adrian Phillips	Independent Education Advocate	South Wales Region
Beverley Carpenter	RCT LA	South Wales Region
Hayley Jeans	RCT/Merthyr EP Service	South Wales Region
Nigel Pugh	Education Advocacy	South Wales Region
Tania Nicholson	Welsh Government	
Adam Webster	Welsh Government	
Paul Williams	Welsh Government	
Catrin Gilkes	Translator	

SEN TRIBUNAL FOR WALES:

Rhiannon Walker	Tribunal President	All Regions
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Gwyn Davies	Tribunal Chair	All Regions
Mark Allen	Tribunal Chair	All Regions
Leon Mills	Secretary to the Tribunal	All Regions
Diane Pritchard	Clerk to the Tribunal	All Regions
Norman Donovan	Tribunal Member	All Regions
Gwyn Griffiths	Tribunal Member	All Regions
Hilary Hayward	Tribunal Member	All Regions

APOLOGIES:

Sally Richard-Simpson	Wrexham CBC
Christina Bufton	SNAP Cymru – Powys
Jeanette Rock	Flintshire LA
Gwern Ap Rhisiart	Gwynedd LA
Diana Brook	_____
Mrs Pink	_____
Christina Wild	Conwy CBC
Vicky Hancock	Flintshire CAB
Dr Enir Thomas	Isle of Anglesey
Jennifer Capelen	Denbigh LA
Audrey Ostanek	Denbigh LA
Anne Thomas	Powys CC
Gavin Metherringham	Blaenau Gwent
Emma Turner	Solicitor
Kay Poultney	Vale of Glamorgan LA
Jane Werrett	Vale of Glamorgan LA
David Davies	Vale of Glamorgan LA
Summer Asher	_____
Michael Olufsen	Newport LA
Liz Darcy	_____
Liz Smith	_____
Lydia Dunford	_____
Lucia Elghali	_____
Irene Yendle	_____

Richard Ellis-Owen	Tribunal Member
Gareth Robert	Tribunal Member
Catrin Lewis	Tribunal Member

