



Special  
Educational  
Needs  
Tribunal

Annual Report

98-99



## Special Educational Needs *Tribunal*

*From the President, Trevor Aldridge QC*

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7 December 1999

**To: the Right Honourable David Blunkett MP, Secretary of State for Education and Employment, and the Right Honourable Paul Murphy MP, Secretary of State for Wales.**

I have pleasure in presenting my fifth Annual Report as President of the Special Educational Needs Tribunal, covering the year from 1 September 1998 to 31 August 1999.

Trevor M Aldridge QC.



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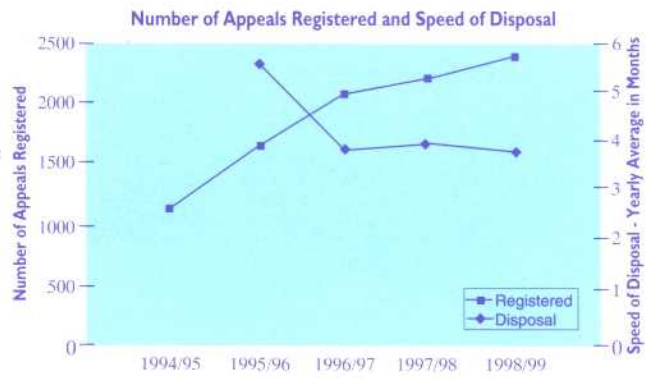
## Introduction

The seemingly inexorable rise in the demand for the Tribunal's services continued last year. The number of appeals registered rose by 10 per cent. As ever, I have no firm indication of the reason. However, in these circumstances it is heartening to report a small but significant drop of 7 per cent in the average time taken to dispose of appeals. This reflects well on the hard work put in by everyone concerned in the Tribunal.

We are committed to providing a high quality service, and in doing so to applying the principles of the Citizens' Charter. The Tribunal's services will be provided to the same standard to both English and Welsh speakers, in their respective languages.

During the year 1998/99 we have placed emphasis on a number of aspects of our service to users. I shall summarise them here and comment on them in more detail later in this report. During the year, we completed the first annual cycle of meetings of the Tribunal's regional user groups. We have also conducted a substantial survey of users, to judge the level of their satisfaction with the way the Tribunal dealt with the appeals with which they were concerned. Our formal complaints procedure has now been running for its first full year, and has demonstrated its value.

The year has also been marked by the launch of initiatives to improve our service in the future. The foremost of these will be the production of a short video to show those who are not familiar with the Tribunal how it works and what they may expect in the course of the appeal procedure. We are also commissioning research into the number of appeals which are withdrawn before they come to a hearing, because a greater understanding of the reasons for withdrawal may allow us to target time and resources to better effect. Finally, we have made suggestions for changes to the procedural regulations which should streamline our handling of appeals, and the Department for Education and Employment will be consulting on these proposals during the Autumn.





## Speed of disposal

I am pleased, if a little surprised, to be able to report a further improvement in the crucial indicator of the Tribunal's performance, the speed of disposal of appeals. There is obviously a limit to the extent that this time can be pared down, but any reduction is of general benefit when it is achieved without sacrificing the fairness of the appeal process. The time taken during the year was:

Decisions issued 1998/99	Number issued	Average Number of Months	Decisions issued 1997/98	Number issued	Average Number of Months
Sep - Nov	284	4.1	Sep - Nov	244	4.4
Dec - Feb	345	3.8	Dec - Feb	291	4.4
Mar - May	308	3.9	Mar - May	298	4.1
Jun - Aug	283	3.5	Jun - Aug	302	3.7
	<b>1220</b>	<b>3.8</b>		<b>1135</b>	<b>4.1</b>

I hope that a major benefit from introducing the revised Tribunal rules on which the Department for Education and Employment is consulting will be to streamline the procedure and so to allow a further cut in the time needed to dispose of an appeal.

## Previous year

The outcome of the cases registered during the year from 1 September 1997 to 31 August 1998, some of which had been disposed of at the date of my last annual report and some of which were then still pending, was as follows. The figures for the cases for the year 1996/97, as at 31 August 1998, are given for comparison:

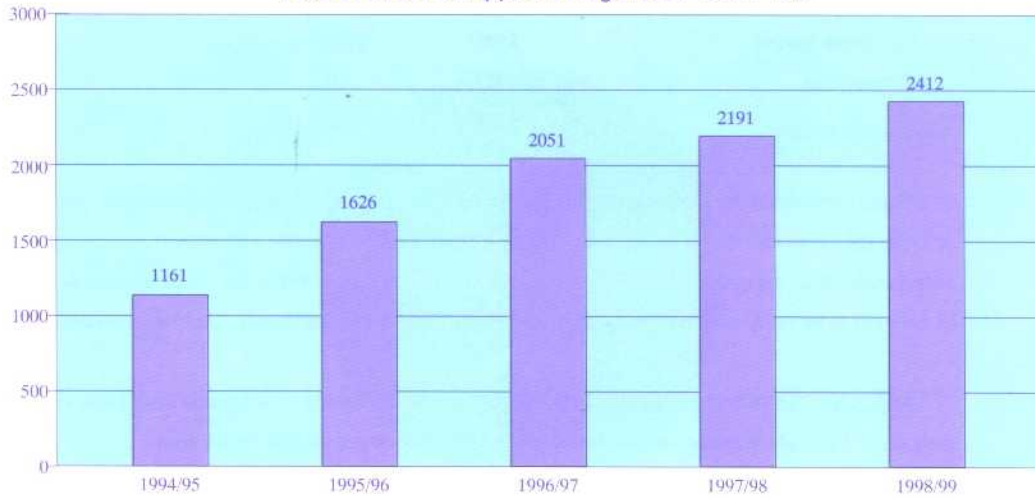
	<b>97/98</b>	96/97
<b>Decided</b>	<b>1074</b>	1060
<b>Withdrawn</b>	<b>1069</b>	961
<b>Struck Out</b>	<b>45</b>	29
<b>Still Outstanding</b>	<b>2</b>	1



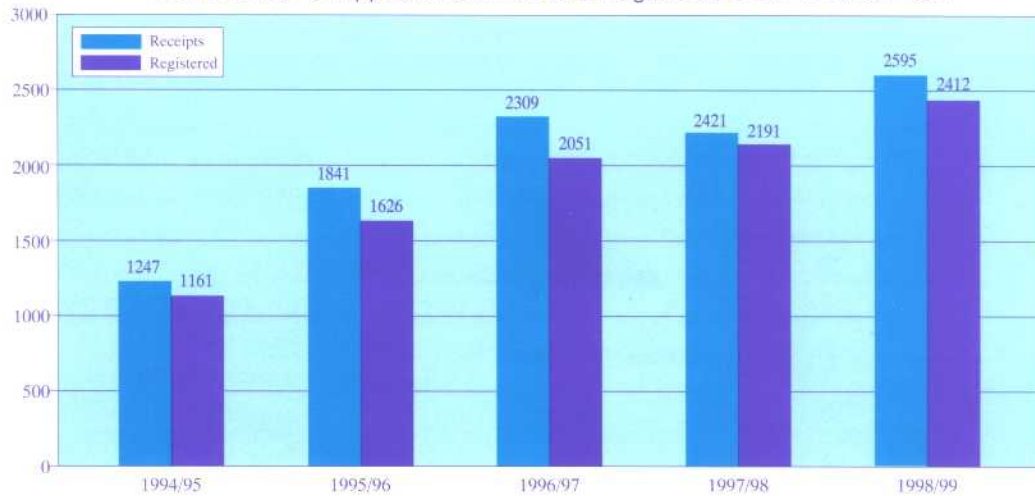
## Volume of work

During the year, the volume of the Tribunal's business again rose, and the rate of increase accelerated. I cannot explain the reason for this. The number of cases registered was 2412 (97/98, 2191). That represented 10.1% more than the previous year (97/98, 6.8%). Of the appeals registered, 75% related to boys (97/98, 76%) and 25% to girls (97/98, 24%). Those proportions remain steady.

Total Number of Appeals Registered Each Year



Total Number of Appeals Received and Registered Each Tribunal Year





# Special Educational Needs *Tribunal*

## ERRATA TO ANNUAL REPORT 1998-99

- Page 10 - Nature of SEN, incorrect previous year figures, should read as follows:

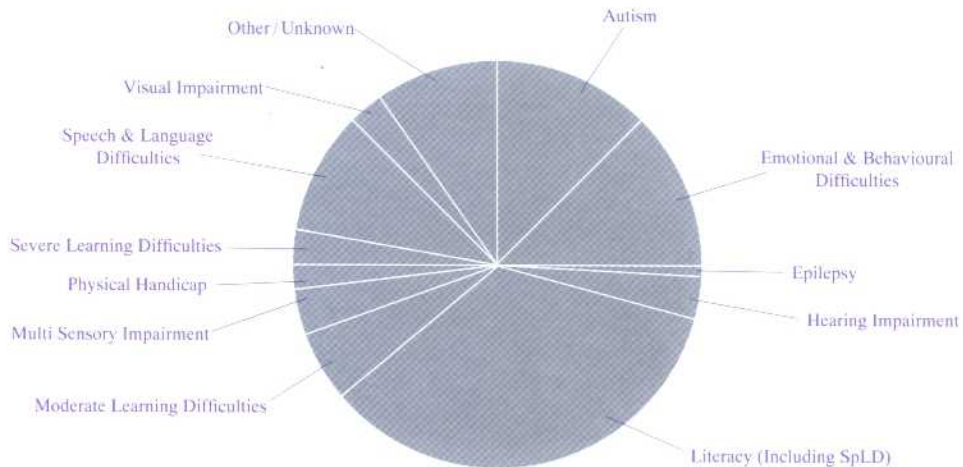
Nature of SEN	98/99	%	97/98	%
	Total		Total	
Autism	313	13.0%	240	11.0%
Emotional & Behavioural Difficulties	272	11.3%	204	9.3%
Epilepsy	23	1.0%	17	0.8%
Hearing Impairment	73	3.0%	64	2.9%
Literacy (Including SpLD)	818	33.9%	783	35.7%
Moderate Learning Difficulties	153	6.3%	161	7.3%
Multi Sensory Impairment	4	0.2%	6	0.3%
Physical Handicap	142	5.9%	132	6.0%
Severe Learning Difficulties	91	3.8%	74	3.4%
Speech & Language Difficulties	287	11.9%	199	9.1%
Visual Impairment	31	1.3%	28	1.3%
Other/Unknown	205	8.5%	283	12.9%
Total appeals registered	2412		2191	

- Appendix 1, page 23 - the expenditure total for 'Tribunal headquarters' for 98/99 should read £442,000
- Appendix 2, page 24 - the number of appeals registered per 10,000 of the school population for Durham for 97/98 should be 0.21
- Appendix 3(B), page 27 - to include the names Jack Davis and Jasmine Dawkins



## Nature of SEN

The types of disability with which the Tribunal has dealt, and the number of appeals relating to each, are set out below. I commented last year on the rise in the number of cases concerning autistic children. This trend continued: autism is now unquestionably the second most common disability with which the Tribunal is concerned. During the last four years the number of appeals in this category has gone up from 68 to 313, a rise of 360%.







## Outcome of appeals

The outcome of appeals is summarised below. There has been a considerable rise in the proportion of successful appeals against the contents of statements. But because each appeal is considered on its own facts as set out in the evidence presented to the Tribunal, I do not consider that this can properly be considered a cohesive trend. I should also point out that an appeal may raise many detailed objections to the wording of a statement, some of which may be accepted by the Tribunal while others are rejected. If any point is decided in favour of the parents, whether it is of greater or lesser significance, the appeal is technically allowed and appears in the 'upheld' column below.

The outcome of the appeals for which the Tribunal issued a decision during the year is summarised in this table:

Appeals not involving contents of Statements	Decisions issued in 1998/99			Decisions issued in 1997/98		
	Upheld*	Dismissed#	Total	Upheld*	Dismissed#	Total
Refusal to assess	212 64%	118 36%	330	169 57%	126 43%	295
Refusal to statement	112 72%	43 28%	155	82 62%	50 38%	132
Refusal to re-assess	14 78%	4 22%	18	9 36%	16 64%	25
Cease to Maintain	20 63%	12 38%	32	21 53%	19 48%	40
<b>Totals</b>	<b>358 67%</b>	<b>177 33%</b>	<b>535</b>	<b>281 57%</b>	<b>211 43%</b>	<b>492</b>
<b>Contents of Statement</b>						
Parts 2 and/or 3, not 4	147 89%	18 11%	165	120 88%	17 12%	139
Parts 2, 3 & 4	296 91%	28 9%	324	228 60%	150 40%	378
Part 4 only	106 62%	65 38%	171	63 58%	45 42%	108
Refusal to change school named	12 55%	10 45%	22	6 43%	8 57%	14
Failure to name a school	2 67%	1 33%	3	3 50%	3 50%	6
<b>Totals</b>	<b>563 82%</b>	<b>122 18%</b>	<b>685</b>	<b>420 65%</b>	<b>223 35%</b>	<b>643</b>
<b>Total decisions issued</b>	<b>921 75%</b>	<b>299 25%</b>	<b>1220</b>	<b>701 62%</b>	<b>434 38%</b>	<b>1135</b>

\* Total upheld appeals includes those cases remitted to the LEA in the Refusal to Statement Category

# Total dismissed appeals includes strike outs.

## Outcomes by SEN

The outcome of appeals during the year, showing the disabilities concerned, was as follows:

SEN	dismiss appeal	order LEA to make & maintain a statement	remit case to LEA to reconsider	order LEA to cease to maintain	order LEA to continue to maintain statement	order LEA to make an assessment	order LEA to change school named	upheld parts 2 & 3, dismiss part 4 of the statement	upheld parts 2, 3 & 4 of the statement	upheld part 4, dismiss parts 2 & 3 of the statement	upheld parts 2 & 3 of the statement	upheld part 4 of the statement	appeal struck out	Total decisions by SEN
Autism	23	5	0	0	1	14	2	24	33	0	15	8	3	<b>128</b>
Emotional & Behavioural Difficulties	34	8	0	0	0	35	5	11	14	0	9	11	8	<b>135</b>
Epilepsy	0	0	0	0	0	1	0	1	1	0	3	0	1	<b>7</b>
Hearing Impairment	7	2	0	0	0	5	1	4	8	0	3	4	4	<b>38</b>
Literacy (including Specific Learning Difficulties)	102	52	2	1	11	88	7	28	65	0	37	25	21	<b>439</b>
Moderate Learning Difficulties	12	10	1	0	2	8	3	7	10	0	8	14	1	<b>76</b>
Multi Sensory Impairment	0	0	0	0	0	1	0	0	0	0	0	1	0	<b>2</b>
Physical Handicap	8	3	0	0	0	6	4	8	20	0	12	5	4	<b>70</b>
Severe Learning Difficulties	7	1	0	0	0	5	1	5	11	0	10	7	2	<b>49</b>
Speech & Language Difficulties	19	8	0	1	5	16	3	6	21	0	30	6	8	<b>123</b>
Visual Impairment	1	0	0	0	0	3	0	2	11	0	1	1	0	<b>19</b>
Other/Unknown	30	10	1	0	2	49	1	9	11	0	13	4	4	<b>134</b>
<b>Total decisions issued</b>	<b>243</b>	<b>99</b>	<b>4</b>	<b>2</b>	<b>21</b>	<b>231</b>	<b>27</b>	<b>105</b>	<b>205</b>	<b>0</b>	<b>141</b>	<b>86</b>	<b>56</b>	<b>1220</b>





## Outcomes by school

The outcome of the 520 appeals heard during the year which related to the school in which a child should be placed (97/98, 506), was as follows:

	dismiss appeal	order LEA to continue to maintain statement	order LEA to change school named	upheld parts 2 & 3, dismiss part 4 of the statement	upheld parts 2, 3 & 4 of the statement	upheld part 4, dismiss parts 2 & 3 of the statement	upheld parts 2 & 3 of the statement	upheld part 4 of the statement	appeal struck out	Total decisions by SEN
<b>Mainstream Schools</b>										
LEA	15	1	9	8	31	0	3	35	8	<b>110</b>
GM	2	0	2	0	3	0	0	4	1	<b>12</b>
Independent	5	0	0	8	15	0	2	3	3	<b>36</b>
<b>Special Schools</b>										
LEA Maintained	19	0	7	16	18	0	3	27	2	<b>92</b>
GM	1	0	2	0	4	0	0	1	1	<b>9</b>
NMSS	6	0	0	13	29	0	0	2	2	<b>52</b>
Independent	16	0	4	52	77	0	2	10	9	<b>170</b>
Other	3	0	0	2	6	0	0	1	2	<b>14</b>
Home Tuition - Lovaas	1	0	0	3	9	0	0	0	0	<b>13</b>
Home Tuition - Other	3	0	0	1	2	0	0	2	4	<b>12</b>
<b>Total</b>	<b>71</b>	<b>1</b>	<b>24</b>	<b>103</b>	<b>194</b>	<b>0</b>	<b>10</b>	<b>85</b>	<b>32</b>	<b>520</b>

The outcome of appeals concerning school placement, categorised by the children's special educational needs, was as follows:

Nature of SEN where school involved	dismiss appeal	order LEA to continue to maintain statement	order LEA to change school named	upheld parts 2 & 3, dismiss part 4 of the statement	upheld parts 2, 3 & 4 of the statement	upheld part 4, dismiss parts 2 & 3 of the statement	upheld parts 2 & 3 of the statement	upheld part 4 of the statement	appeal struck out	Total decisions by SEN
Autism	12	0	2	24	32	0	1	8	3	<b>82</b>
Emotional & Behavioural Difficulties	14	0	5	11	13	0	3	11	7	<b>64</b>
Epilepsy	0	0	0	1	1	0	1	0	0	<b>3</b>
Hearing Impairment	6	0	1	4	8	0	0	4	2	<b>25</b>
Literacy (including Specific Learning Difficulties)	19	1	7	28	61	0	0	25	12	<b>153</b>
Moderate Learning Difficulties	3	0	2	7	10	0	1	14	0	<b>37</b>
Multi Sensory Impairment	0	0	0	0	0	0	0	1	0	<b>1</b>
Physical Handicap	4	0	3	8	18	0	1	5	3	<b>42</b>
Severe Learning Difficulties	4	0	1	5	11	0	0	7	1	<b>29</b>
Speech & Language Difficulties	7	0	3	5	18	0	2	6	2	<b>43</b>
Visual Impairment	0	0	0	2	11	0	0	1	0	<b>14</b>
Other/Unknown	2	0	0	8	11	0	1	3	2	<b>27</b>
<b>Total</b>	<b>71</b>	<b>1</b>	<b>24</b>	<b>103</b>	<b>194</b>	<b>0</b>	<b>10</b>	<b>85</b>	<b>32</b>	<b>520</b>



## Ethnic monitoring

The results during the year of the voluntary declarations of ethnic origin which parents are invited to make when registering an appeal were as follows:

	<b>98/99</b>	<b>97/98</b>
<b>Bangladeshi</b>	<b>5</b>	<b>1</b>
<b>Black African</b>	<b>18</b>	<b>12</b>
<b>Black Caribbean</b>	<b>18</b>	<b>33</b>
<b>Black - other</b>	<b>23</b>	<b>15</b>
<b>Chinese</b>	<b>0</b>	<b>1</b>
<b>Indian</b>	<b>22</b>	<b>24</b>
<b>Pakistani</b>	<b>32</b>	<b>23</b>
<b>White</b>	<b>1917</b>	<b>1720</b>
<b>Other</b>	<b>85</b>	<b>101</b>
<b>Not Completed</b>	<b>292</b>	<b>261</b>
<b>Total</b>	<b>2412</b>	<b>2191</b>

## Hearings

There was a dramatic rise in the number of parents who were represented at hearings during the year. In 17.0% of cases they had legal representation (97/98, 9%) and in another 34.2% of cases they were represented by non-legal representatives (97/98, 19%). This still means, however, that parents were unrepresented in about half of all appeals. In my view that fully justifies the Tribunal's policy of adopting a procedure which is deliberately adapted to suit parents appearing in person.

Fewer parents had representatives acting for them throughout the preliminary procedure. In the appeals registered during the year, which include some cases which will have been withdrawn and others still pending, 16.1% of parents nominated legal representatives (97/98, 6.2%), and 8.9% non-legal representatives (97/98, 9.0%).

Local education authorities had legal representation at 6.3% of the hearings (97/98, figure not available).



The Tribunal's aim is to arrange hearings in places reasonably accessible to parents, so that they do not have to travel for more than two hours to those in London and one hour outside. A survey of those who claimed travelling expenses during the year showed that we met these targets in 80% of cases in London (97/98, 81%) and 68% of cases outside (97/98, 56%).

In London, the Tribunal has its own hearing rooms where appeals can normally be heard. Outside London, we have continued the policy of hiring hotel rooms as required. We carefully monitor the suitability of this accommodation.

## High Court appeals

Until now, I have reported on the cumulative total of appeals from the Tribunal to the High Court since the Tribunal started work in 1994. I now consider that it would be helpful to show annual totals, while adding the overall figures.

	1998/99	1997/98	1994/1999 Running Total
<b>Appeals lodged</b>			
Parent	39	43	171
LEA	5	3	20
<b>Total</b>	<b>44</b>	<b>46</b>	<b>191</b>
<b>Disposal</b>			
withdrawn	9	16	58
dismissed	2	7	37
out of time	0	7	7
successful	5	5	28
live	28	11	61
<b>Total</b>	<b>44</b>	<b>46</b>	<b>191</b>

The result of the appeals which have been remitted to the Tribunal for rehearing has been:

previous decision confirmed (or substantially confirmed)	0	4	7
parent withdrew	0	0	1
appeal lapsed (child left school)	0	0	3
previous decision set aside	4	1	10
pending	1	0	7
<b>Total</b>	<b>5</b>	<b>5</b>	<b>28</b>



## Choice of school

In a small, but worryingly regular, number of cases, the Tribunal cannot achieve its aim to address the parties' differences and decide on the future direction of the child's education with all due expedition. The appeals in question are those against the school named in the child's statement where the Tribunal concludes that it cannot order that either the school identified by the LEA or the one favoured by the parents be named as the appropriate placement.

In such a case, the Tribunal hearing the appeal can proceed in one of two ways. Either, it may adjourn the hearing so that alternative schools can be put forward. Or, the LEA may be ordered to amend the statement to describe an appropriate placement without naming a school. In a significant proportion of cases, neither course resolves the dispute. Following an adjournment, the parties sometimes nominate other schools which are unsuitable and on occasions they fail to put forward any suggestions at all. On the other hand, the result of ordering that the statement describe a placement can be a further appeal to the Tribunal, when a new statement later names a school which the LEA has identified as answering the description the Tribunal specified. The same arguments may then be rehearsed, with the parents pressing for the school they originally put forward.

The difficulty in bringing these disputes to a rapid conclusion must be addressed because delay is likely to be seriously detrimental to the child's education. A second appeal to the Tribunal may be repetitious, in which case it can be struck out. But where the names of further schools have been put forward, there will normally be new issues to address.

Ideally, the first Tribunal hearing would trigger further discussion between the parents and the LEA and would result in agreement on a school. However, a formal appeal procedure must be available where that fails. That procedure should build on the first tribunal decision, rather than allowing the whole case to be reargued. I therefore put forward this suggestion for consideration, recognising that it would need a legislative amendment.

Once the Tribunal had ordered that the statement describe a placement, the LEA would have, say, six months to amend the statement further to name an appropriate school. If that amendment led to a further appeal, the Tribunal's jurisdiction would be limited. The only question to be addressed would be: does the school named by the LEA, and the one favoured by the parents, fit the description the Tribunal gave? If both schools qualified, the choice between them would involve applying the usual conditional parental preference. If only one satisfied the condition, it would be named.



## Notifying right to appeal

When a local education authority notifies a parent of an adverse decision, it has a statutory duty to inform the parent of the right to appeal to the Tribunal. However, where no such right to appeal exists, it is important that parents should not be told that they have one.

During the year a number of cases have come to my attention in which authorities have taken decisions against which there is no right to appeal (eg because parents repeated a request that their child be assessed within six months of the previous assessment), but have nevertheless told the parents that they had a right to appeal. Unfortunately, parents who seek to exercise the 'right' that they are wrongly led to believe that they have find that the appeal is struck out, because it falls outside the Tribunal's jurisdiction.

Reasonably enough, parents assume that local education authorities understand and are familiar with the assessment and statementing procedure. Their disappointment and disillusion, when they find that the notified appeal right is non-existent, is only natural. The experience can undermine the confidence which the parents have in the authority for their future dealings.

The Tribunal cannot avoid striking out appeals in cases where it has no jurisdiction; it has no discretion. It is therefore important that authorities should guard against raising false hopes by stating that there is a right to appeal where none exists.

## Complaints

The Tribunal introduced a formal complaints procedure in April 1998. We take all complaints which we receive seriously and investigate them individually. They divide into two categories: those concerning administration and those relating to the Tribunal's judicial function. A senior member of the Tribunal secretariat acts as the Tribunal Standards Manager to handle the administrative complaints. I personally consider those about hearings and the judicial work.

This first report on complaints received relates to a period from April 1998 to 31 August 1999. In future reports I shall deal with the year ending on the previous 31 August.

We received a total of 37 complaints about the administration of appeals. All but three were dealt with within our published target time of 15 working days: on average a substantive reply was sent in just under 10 working days. 17 of the complaints (46%) were received from LEAs, 12 (32%) from parents, and 8 (22%) from others involved in appeals.



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The main causes of complaint were listing issues, where appeals were arranged for dates when people were known not to be available or parties were not informed that a hearing had been adjourned or that a date had been vacated. Almost one-third of the complaints concerned matters which were not the responsibility of individual members of the secretariat: the facilities available at the Tribunal's London hearing rooms and the perceived unhelpfulness of the Tribunal's standard procedure. Where complaints highlighted ways in which individuals could improve their performance, we treated them as matters to be addressed in training. There was no case in which disciplinary action was appropriate. The more general questions have been considered by the Tribunal's management.

Small amounts of compensation have been paid, to reimburse staff costs and the expense of unnecessary travel undertaken because of administrative errors by the Tribunal. The payments totalled £599.66.

There were 29 complaints about the Tribunal's judicial work, 21 (72.4%) from parents, 6 (20.7%) from LEAs and 2 (6.9%) from others involved in hearings. The average time taken to deal with them was just under 10 working days. The complaints frequently concerned the nature and content of the Tribunal's decision; two related exclusively to such matters. Those concerns are not matters for the complaints procedure. They should be dealt with by an application for review or on appeal.

Of particular concern were complaints that panel members behaved inappropriately (3 cases), were unfamiliar with the relevant law (2), did not give parties an adequate chance to present their case (2), were in some way biased (4) and did not sufficiently explain the conduct of the proceedings (2). I made full enquiries about every such incident. So far as I was able, I satisfied myself that no hearing was conducted improperly. However, a number of the complaints arose from misunderstandings. I drew them to the attention of the Tribunal members concerned, so that lessons could be learned for the future.

## User groups

The four regional user groups established in 1998 met on a quarterly basis during the year. The discussions were valuable to the Tribunal in drawing attention to users' concerns, and I hope they were equally useful to the members of the groups, and those whom they represented, in explaining the procedure and policy which the Tribunal adopts.

The Government's publications *Meeting Special Educational Needs: A programme for action and Shaping the Future for Special Education: An action programme for Wales* expressly invited the user groups to consider a number of issues which had arisen during the period of the Tribunal's operation. The groups' conclusions were reported back to the Department for Education and Employment.



## User opinion survey

The Tribunal commissioned an independent survey to gauge the reactions of people who had had experience of one or more appeals. During July 1999, 50 LEA representatives, 99 parents and 23 representatives of parents were approached by telephone. They were asked a series of questions about every aspect of the Tribunal's work and the facilities it offers, from initial advice through to notification of the decision. The answers gave assessments in categories ranging, normally in five steps, from total satisfaction to thorough dissatisfaction. The respondents then had the opportunity to elaborate with specific comments.

Generally, Tribunal users were well satisfied with the service they received. Some respondents did not answer every question or stated that they did not apply; the following figures therefore refer to those who gave substantive replies. It was pleasing to note that 88% of LEA representatives found that contacting the secretariat by telephone was easy or quite easy (parents and their representatives, 66%), and the majority also found the information which they were given was helpful or quite helpful (LEA representatives, 86%, parents and their representatives, 58%). At the hearing, 80% of LEA representatives felt that they had plenty of time or sufficient time to present their case (parents and their representatives, 78%) and the hearing was considered fair or reasonably fair by 76% of LEA representatives and 78% of parents and their representatives.

One concern addressed by detailed comments was the amount of guidance which the Tribunal gives to parents, particularly in its *How to Appeal* booklet. When we next come to revise the booklet we shall certainly see what we can helpfully add without making it burdensomely long. However, some of the suggestions which users made would overstep the bounds of impartiality which it is essential that the Tribunal maintain. The explanatory video which we are making will help to explain to inexperienced users what they may expect. Another concern was the suitability of some of the venues at which hearings are held. We shall continue to monitor them closely.

The survey also showed that the reactions of some parents to the Tribunal was coloured by their view of how the LEA had dealt with their child's problems before they appealed and by the way in which the authority had conducted the appeal. The quality of their own representation also influenced the views of some people. These reactions are understandable, but they relate to matters outside the Tribunal's control.

The survey was a worthwhile exercise. While generally encouraging, it emphasised that we had room for improvement in a number of areas. We shall review the way in which the Tribunal works and provides information, to see what changes might help. We are immediately addressing those issues for which training is appropriate.



## The Tribunal in Wales

During the year we consulted publicly on our draft Welsh Language Scheme under the Welsh Language Act. It was generally well received, and, after taking account of the comments we received, I hope that it will shortly be sent to the Welsh Language Board in its final form.

Even before the Scheme has been finalised, the Tribunal has been seeking to provide its services to an equally high standard in the Welsh and English languages. The new procedures and publications which we have introduced have been compatible with the delivery of bilingual services on the basis of equality. During the year correspondence in Welsh has been handled to the same standards and timescales as correspondence in English. So far, however, there has not been a great demand in Welsh. Two new appeals were registered requiring documentation in Welsh.

The number of appeals registered during the year against the decisions of local education authorities in Wales was 110 (97/98, 82). The rise of 34% over the number registered during the previous year considerably exceeded the national average. The appeals against Welsh authorities represented 4.6% of all appeals registered by the Tribunal (97/98, 3.7%). We conducted 64 hearings in Wales (97/98, 50). They constituted 4.9% of all the Tribunal's hearings during the year (97/98, 4.4%). No hearing was conducted in the Welsh language (97/98, 0).

## Y Tribiwnlys yng Nghymru

Yn ystod y flwyddyn, bu ymgynghori, i'r cyhoedd ynglyn, i'n Cynllun Iaith Gymraeg drafft, yn unol, Deddf yr Iaith Gymraeg. Ar y cyfan, bu'r ymateb yn ffafriol, ac wedi ystyried y sylwadau wnaed, gobeithiaf y byddwn yn anfon y fersiwn derfynol at Fwrdd yr Iaith Gymraeg yn fuan.

Hyd yn oed cyn cwblhau'r Cynllun, mae'r Tribiwnlys wedi bod yn ceisio darparu gwasanaeth o'r un safon uchel trwy gyfrwng y Gymraeg a'r Saesneg. Mae'r trefniadau a'r cyhoeddiadau newydd gyflwynwyd gennym yn hyrwyddo'r ddarpariaeth o wasanaethau dwyieithog cydradd. Yn ystod y flwyddyn, cafodd gohebiaeth trwy gyfrwng y Gymraeg ei drafod i'r un safon ac i'r un amser, gohebiaeth trwy'r Saesneg. Hyd yn hyn, fodd bynnag, nid oes gofyn mawr wedi bod am wasanaeth trwy gyfrwng y Gymraeg. Cofrestrwyd dwy apél newydd yn gofyn am ddogfennau Cymraeg.

Cofrestrwyd 110 (97/98, 82) o apeliadau yn erbyn awdurdodau addysg lleol yng Nghymru yn ystod y flwyddyn, sy'n cynrychioli 4.6% o'r holl apeliadau gofrestrwyd gan y Tribiwnlys (97/98, 3.7%). Mae hyn yn gynydd o 34%, o'i gymharu a'r flwyddyn flaenorol, ac yn llawer uwch na'r cyfartaledd cenedlaethol. Cynhaliwyd 64 o wrandawiadau yng Nghymru (97/98, 50). Maent yn cynrychioli 4.9% o holl wrandawiadau'r Tribiwnlys yn ystod y flwyddyn (97/98, 4.4%). Ni chynhaliwyd gwrandawriad trwy gyfrwng y Gymraeg (97/98, 0).



## Video

It has always been important that Tribunal hearings should normally be in private, both to ensure that personal details relating to the children remain confidential and to maintain as much informality as possible. But this has necessarily involved the drawback that those who have not had previous experience of a hearing cannot familiarise themselves with the procedure in advance. This is a difficulty both for parents facing a hearing for the first time and for professionals who have not been able to obtain relevant training.

We have started work on a solution to this dilemma: the production of a specially commissioned professional video showing how the Tribunal works. This will give information without breaching confidentiality. The detailed planning process is under way, and we hope that the final film will be ready early in 2000.

Once the video is available, we plan to distribute it widely. We shall send copies to regular users of the Tribunal, and parents lodging an appeal will also be able to obtain a copy.

## Finance

The costs of running the Tribunal during the financial year 1 April 1998 to 31 March 1999 (which does not coincide with the year covered by this report) are set out in Appendix 1. We recognise the need to provide the Tribunal's services as economically as possible, while not sacrificing their quality, and therefore a careful check is kept on expenditure. However, as the services are exclusively demand led, there are necessarily problems in making advance forecasts.

## Training

During the year, we continued our regular training programme for all Tribunal members. The annual residential training courses were held in October 1998, and there was also a one day course for chairs. In addition, an induction course for new lay members recruited during the year was held at two venues. Once again, I have had the help of our Training Consultative Committee in planning and delivering these programmes, and I am most grateful.

The Secretary of the Tribunal has arranged induction and continuing training for members of the secretariat. He has prepared a training and development plan 1999-2000 which sets out the Tribunal's commitment to providing opportunities for all its staff. During the year, the Tribunal was successful in achieving recognition as an Investor in People.



## Secretariat

Once again I have the chance to pay tribute to the hard work, professional expertise and helpfulness of the members of the Tribunal secretariat, led by the Secretary, Peter Craggs. The speed with which the Tribunal has been able to dispose of its caseload is largely due to their dedication. It is very much to their credit that they undertake this work in a way which continues to attract praise, for their friendly approach and helpfulness, from very many people who deal with the Tribunal.

I express my own appreciation of such pleasant and devoted colleagues, and offer them my thanks.



## APPENDIX I

### Expenditure - 1 April 1998 to 31 March 1999

	98/99	97/98
	£ (000's)	£ (000's)
Tribunal members' fees and expenses*	1188	917
Members' training	69	43
Tribunal headquarters	422	258
Hire of other accommodation	104	81
Clerks' expenses attending hearings outside London	79	71
Other staff travel and subsistence expenses	25	19
Other appeal expenses (parents, witnesses, interpreting)	39	41
Salaries (including temporary staff)	839	798
Office expenses	105	94
Publicity	5	4
Legal fees	72	68
Total	2,967	2,394

\* Includes deferred PAYE on members' expenses, payable in the following tax year

5% of the direct expenditure shown was contributed by the National Assembly for Wales to represent the cost of processing appeals against the decisions of Welsh local education authorities.

These figures are only the direct costs for the Tribunal. To this total must be added the central service overheads, estimated to be about £1,225,000 (98-99) and £1,120,000 (97-98) respectively.



## APPENDIX 2

### APPEALS REGISTERED FROM 1 SEPTEMBER 1998 TO 31 AUGUST 1999 AS A PROPORTION OF SCHOOL POPULATION

This table gives the number of appeals registered per 10,000 of the school population\* for each Local Education Authority

	1/9/98-31/8/99		1/9/97 -31/8/98			1/9/98-31/8/99		1/9/97 -31/8/98	
	No. of Appeals		No. of Appeals			No. of Appeals		No. of Appeals	
Barking & Dagenham	15	5.16	3	1.06	Ealing	10	2.14	25	5.95
Barnet	40	8.36	30	6.50	East Riding of Yorkshire	18	3.61	26	5.38
Barnsley	2	0.57	5	1.42	East Sussex	48	7.28	50	5.32
Bath & NE Somerset	13	5.15	24	9.63	Enfield	16	3.42	13	2.85
Bedfordshire	18	2.82	18	1.95	Essex	80	4.05	103	4.35
Bexley	29	7.37	13	3.43	Flintshire	9	3.49	3	1.26
Birmingham	33	1.82	25	1.39	Gateshead	1	0.33	4	1.30
Blackburn	4	1.53	-	-	Gloucestershire	16	1.89	18	2.18
Blackpool	3	1.48	-	-	Greenwich	33	9.00	32	8.88
Blaenau Gwent	4	3.16	6	5.10	Gwynedd	1	0.53	2	1.16
Bolton	4	0.85	3	0.64	Hackney	10	3.80	15	5.76
Bournemouth	8	3.75	4	0.03	Halton	6	2.72	-	-
Bracknell Forest	1	0.64	-	-	Hammersmith & Fulham	2	1.18	4	2.51
Bradford	30	3.36	48	5.35	Hampshire	63	3.59	58	2.53
Brent	10	2.67	13	3.56	Haringey	20	6.01	22	6.86
Bridgend	6	2.53	1	0.45	Harrow	17	5.93	11	3.86
Brighton & Hove	23	7.53	17	5.71	Hartlepool	1	0.58	0	0.00
Bristol City	43	8.18	26	5.09	Havering	2	0.55	7	1.95
Bromley	30	6.64	26	5.99	Herefordshire	10	4.14	-	-
Buckinghamshire	19	2.52	18	1.69	Hertfordshire	79	4.58	109	6.58
Bury	5	1.68	8	2.72	Hillingdon	11	2.80	8	2.10
Caerphilly	5	1.57	0	0.00	Hounslow	11	4.27	15	4.22
Calderdale	9	2.57	16	4.58	Isle of Anglesey	3	2.60	0	0
Cambridgeshire	26	3.37	44	4.21	Isle of Wight	11	5.71	4	2.13
Camden	11	4.82	12	5.31	Isles of Scilly	0	0.00	0	0
Cardiff	16	2.89	21	4.23	Islington	18	7.49	15	6.22
Carmarthenshire	7	2.44	6	2.20	Kensington & Chelsea	8	7.54	10	9.99
Ceredigion	1	0.91	0	0.00	Kent	89	4.29	63	2.55
Cheshire	32	2.98	24	1.50	Kingston-upon-Hull	5	2.45	23	5.23
City of London	0	0.00	0	0.00	Kingston upon Thames	31	7.05	7	3.50
Conwy	0	0.00	1	0.64	Kirklees	17	2.60	19	2.93
Cornwall	14	1.91	11	1.53	Knowsley	3	1.00	0	0
Coventry	2	0.39	2	0.39	Lambeth	20	7.13	26	9.81
Croydon	10	2.04	13	2.79	Lancashire	51	2.77	55	2.44
Cumbria	34	4.31	32	4.12	Leeds	38	3.23	33	2.81
Darlington	3	1.82	0	0.00	Leicester City	17	3.45	12	2.51
Denbighshire	1	0.59	0	0.00	Leicestershire	14	1.50	11	0.75
Derby City	9	2.35	5	1.53	Lewisham	33	9.39	24	7.15
Derbyshire	14	1.22	11	0.73	Lincolnshire	29	2.95	43	4.54
Devon	14	1.47	26	1.74	Liverpool	13	1.59	23	2.77
Doncaster	24	4.56	6	1.13	Luton	7	2.19	6	0.26
Dorset	6	1.11	10	1.07	Manchester	81	11.61	46	6.57
Dudley	15	2.93	7	1.39	Medway	24	5.35	-	-
Durham	4	0.49	2	0	Merthyr Tydfil	1	0.86	2	1.81



	1/9/98-31/8/99		1/9/97-31/8/98			1/9/98-31/8/99		1/9/97-31/8/98	
	No. of Appeals		No. of Appeals			No. of Appeals		No. of Appeals	
Merton	25	10.40	15	6.24	South Gloucestershire	9	2.28	16	4.19
Middlesborough	0	0.00	1	0.38	South Tyneside	1	0.38	1	0.38
Milton Keynes	4	1.15	6	1.70	Southampton	6	1.93	7	2.28
Monmouthshire	7	4.84	7	5.63	Southend	8	3.12	-	-
Neath & Port Talbot	3	1.27	1	0.46	Southwark	17	4.94	12	3.65
Newcastle-upon-Tyne	5	1.23	9	2.22	St Helens	5	1.65	1	0.33
Newham	29	6.01	25	5.64	Staffordshire	30	2.24	21	1.23
Newport	10	3.89	8	3.39	Stockport	4	0.90	4	0.92
Norfolk	23	2.05	14	1.28	Stockton-on-Tees	1	0.30	0	0
North East Lincolnshire	24	8.37	15	5.24	Stoke-on-Trent	5	1.26	2	0.54
North Lincolnshire	2	0.78	4	1.57	Suffolk	21	2.10	19	1.94
North Somerset	7	2.58	4	1.50	Sunderland	6	1.19	4	0.80
North Tyneside	6	1.87	16	5.02	Surrey	42	3.05	58	4.35
North Yorkshire	24	2.72	8	3.12	Sutton	16	5.59	6	2.19
Northamptonshire	14	1.35	19	1.89	Swansea	6	1.54	8	2.25
Northumberland	6	1.15	7	1.34	Swindon	2	0.67	3	1.05
Nottingham City	7	1.63	-	-	Tameside	2	0.52	4	1.04
Nottingham	10	0.81	-	-	Telford & Wrekin	0	0.00	-	-
Oldham	9	2.14	4	0.95	Thurrock	13	5.90	-	-
Oxfordshire	13	1.53	14	1.70	Torbay	8	4.20	-	-
Pembrokeshire	2	1.02	3	1.61	Torfaen	14	8.02	4	2.44
Peterborough	11	3.78	-	-	Tower Hamlets	1	0.27	0	0.00
Plymouth	3	0.73	-	-	Trafford	6	1.64	3	0.85
Poole	7	3.50	5	2.55	Vale of Glamorgan	5	2.32	1	0.50
Portsmouth	8	2.99	2	1.67	Wakefield	11	2.02	9	1.68
Powys	6	2.91	3	1.51	Walsall	13	2.58	10	2.02
Reading	0	0.00	-	-	Waltham Forest	3	0.84	1	0.29
Redbridge	8	1.94	16	4.17	Wandsworth	15	5.26	19	6.77
Redcar & Cleveland	2	0.75	2	0.74	Warrington	2	0.61	-	-
Rhondda, Cynon Taff	2	0.46	1	0.23	Warwickshire	10	1.31	7	0.93
Richmond upon Thames	22	10.94	19	9.54	West Berkshire	3	1.23	-	-
Rochdale	34	9.15	15	4.16	West Sussex	26	2.48	37	3.70
Rotherham	16	3.43	9	1.97	Westminster	7	3.89	1	0.58
Rutland	2	4.21	1	0.32	Wigan	7	1.36	4	0.78
Salford	14	3.81	12	3.29	Wiltshire	18	2.83	20	2.24
Sandwell	4	0.76	1	0.19	Windsor & Maidenhead	5	2.60	-	-
Sefton	13	2.67	19	3.93	Wirral	34	6.07	25	4.46
Sheffield	9	1.18	10	1.34	Wokingham	2	0.83	-	-
Shropshire	2	0.50	2	0.31	Wolverhampton	7	1.62	0	0.00
Slough	0	0.00	-	-	Worcestershire	17	2.08	-	-
Solihull	17	4.51	11	3.02	Wrexham	1	0.50	4	2.15
Somerset	18	2.59	9	1.32	York City	1	0.40	2	0.81

\* School population is the number of pupils in maintained, grant-maintained and special primary and secondary school, as at January 1999. (Information for LEA's in Wales supplied as at January 1998)

Source: The Department for Education and Employment.





## APPENDIX 3(A)

### CHAIRS WHO PRESIDED OVER TRIBUNALS 1 SEPTEMBER 1998 - 31 AUGUST 1999

John Akers	Judith Allright
Frank Appleyard	Anthony Askham
Charlotte Beatson	Laurence Bennett
Lisa Bogush	Kieran Bond
Stephen Bowden	Jennifer Buckle
Angela Clarke	Neil Confrey
Fiona Cownie	Anthony Davies
Marian Davies	Michael Dorsey
William Evans	Elizabeth Goldthorpe
Maureen Grenville	Peter Grobel
Joanna Hall	Jean Hare
Mark Hinchliffe	James Horan
Rosemary Hughes	Stewart Hunter
Andrew Lockley	Jane Lom
Helen Lusby	Elizabeth May
Timothy Molander	Celia Morris
Jonathan Nicholson	Jane Oakes
Simon Oliver	Fiona Phillips
John Reddish	Margaret Richards
Rosslyne Rixon	Michael Sherwin
Janet Stanton	Meleri Tudur
Heather Vassie	David Wall
Richard White	Jane Williamson

## APPENDIX 3(B)

### LAY MEMBERS WHO SAT ON TRIBUNALS 1 SEPTEMBER 1998 - 31 AUGUST 1999

Laura Ashworth	Roger Baker	Germaine Ballinger
Robin Bartlett	Jill Barraclough	Richard Beeden
Beryl Bennett	Arthur Blair	Nigel Bowes
Peter Branston	Malcolm Bray	David Braybrook
George Bradley	Claire Buckingham	Jack Burn
Bridget Cameron	Ray Cardinal	Peter Cates
Jean Chadha	Kenneth Chapman	Shirley Chase
Derek Cheetham	Anne Collins	Stephen Colwill
Ray Comish	David Cook	Glennis Copnall
Graham Cranmer	Ron Davie	Margaret Davies
Margaret Diamond	Michael Donovan	John Dunford
Christine Emerson	Heddwyn Evans	Joan Farrelly
Ruth Fawcett	Zanne Findlay	Anne Fleeman
John Fox	Graham French	David Fryer
Prue Fuller	Janice Funnell	Peter Gedling
Moyna Gilbertson	Carole Gillespie	Roy Goddard
Gavin Graveson	Rajinder Gupta	David Haigh
Gordon Hainsworth	Sheila Higgins	Maureen Hine
Beverley Holland	Valerie Hollands	Dorothy Horsford
Ruth Howard	David Johnstone	Gareth Jones
Alison Kelly	Claire Lazarus	Jane Lones
Stephanie Lorenz	Colin Low	Derek Lucas
Lyn MacKay	Kerena Marchant	Marilyn Martin
Valerie McCartney	Michael Morfin	Judith Newman
Brian Norbury	Christopher Nourse	Carol Orton
Mary Ostler	David Parry	John Paulley
Richard Pestell	Sylvia Phillips	Joan Pritchard
Colin Radley	Ron Radley	Linda Redford
Graham Reeves	Heather Reid	Pamela Richardson
Jean Richardson	Kay Rider	Arthur Ridings
Michael Rose	John Sheppard	Rosemary Shooter
Sian Wyn Siencyn	Ivor Slocombe	Sheila Smith
David Staton	Ann Stockburn	Michael Stone
Kathryn Temple	Ann Tinklepaugh	Keith Tottman
Pamela Varley	Judith Wade	Gerry Walder
Peter Walker	Norman Watling	Margaret Williams
Andrew Wilson	Judith Wilson	Keith Worters
Hamid Zagzoule		