Special Educational Needs and Disability Tribunal

President's Annual Report 2006-2007

To get extra copies of this report contact:

SENDIST
Mowden Hall
Staindrop Road
Darlington DL3 9BG
Phone: 0870 241 2555
Email: sendistqueries@tribunals.gsi.gov.uk

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Introduction

This is my last Annual report as President of SENDIST; my term of office ends in September 2008. Looking back over the past four years, I have appreciated the period of stability so far as the law and regulations have been concerned although this has been more than offset by the changes in administration that I mention later in this Report.

The task of annotating the statistical data in the Report has underlined again to me the lack of any significant changes in most of our figures. Perhaps the main one this year is the 9% drop in the numbers of appeal both received and registered. This represents a real reduction of about 500 since 2002. The reasons are not entirely clear; it may reflect the increase in the number of dedicated special needs units attached to mainstream schools. These are now able to cater for more children in a Local Authority area and avoid the need for independent or non-maintained placement requests from parents. There has been greater use made of the resources offered through Parent Partnership; these can be particularly helpful in bringing together the Local Authority and parents so that a solution to conflict can be sought. In the past year or so it is also possible that the integration of children's services in Local Authorities under a Director of Children's Services has meant a more joined-up approach to a child with special educational needs. There is no evidence that the formal Mediation service offered by an Authority has been effective in reducing the number of appeals.

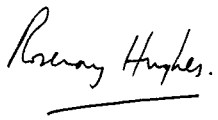
I have updated a number of Presidential Guidance documents issued by my predecessor, Trevor Aldridge. These were originally published in the Education Law Reports; they are now available on our website www.sendist.gov.uk together with some anonymised Disablity Discrimination claim decisions.

I referred last year to the case management study pilot scheme that we started in Procession House. Unfortunately this had to be halted within a few months as there were not sufficient resources in the Secretariat to ensure its effective continuance. It was disappointing as we had hoped to reduce the number of adjournments by the use of case management. There seems little chance of re-introducing such a scheme though it may depend on the judicial management that is put in place following my departure next year. A full-time appointment would enable more involvement in day-to-day decisions with the Secretariat.

It is vital that the new administrative arrangements will not weaken our contact with the Department for Children, Families and Schools. This is important to ensure that SENDIST is aware of new policies and information coming from the Department as well as being able to feed back our perceptions of Local Authority practice. I have always valued very highly the contacts with Education Departments through our User Groups and I hope these will continue to find a place in the new scheme of management.

I am also concerned that this Report should continue to be published as a separate document covering each academic year. I know it is an important tool in Local Authority and other users' hands and it forms an independent report on the state of our education system in accommodating children with special educational needs.

My final word must be to thank all the chairs and members for their support and encouragement during my term as President. I have been particularly grateful to be able to delegate tasks that cannot be accommodated in a part-time appointment. I hope that the new judicial structure implementing the Tribunals, Courts and Enforcement Act will not undermine the ethos of SENDIST; it has always been a 'family' where the support and friendship of colleagues has been vital as we make difficult decisions for our special children and their special needs.



November 2007

Special Educational Needs Appeals

Speed of Disposal

Our new target under the Tribunals Service is to dispose of 75% of appeals within 22 weeks. This applies to the total number of appeals registered so that it includes appeals withdrawn or conceded. This table relates only to appeals where decisions have been issued but we have still been able to meet the target.

Decisions issued 2006/07	Number issued	Average number of months	Decisions issued 2005/06	Number issued	Average number of months
Sep-Nov	257	5.4	Sep-Nov	294	6.2
Dec-Feb	263	5.4	Dec-Feb	245	4.9
Mar-May	241	6.9	Mar-May	254	4.9
Jun-Aug	284	4.5	Jun-Aug	245	4.7
Total	1045	5.5	Total	1038	5.2

Previous Year

We are continuing to work to reduce the figure of outstanding appeals. Very few are still 'live' and most are waiting for removal from the database by judicial action.

The outcome of the cases registered during the year 2005/6 was as follows:-

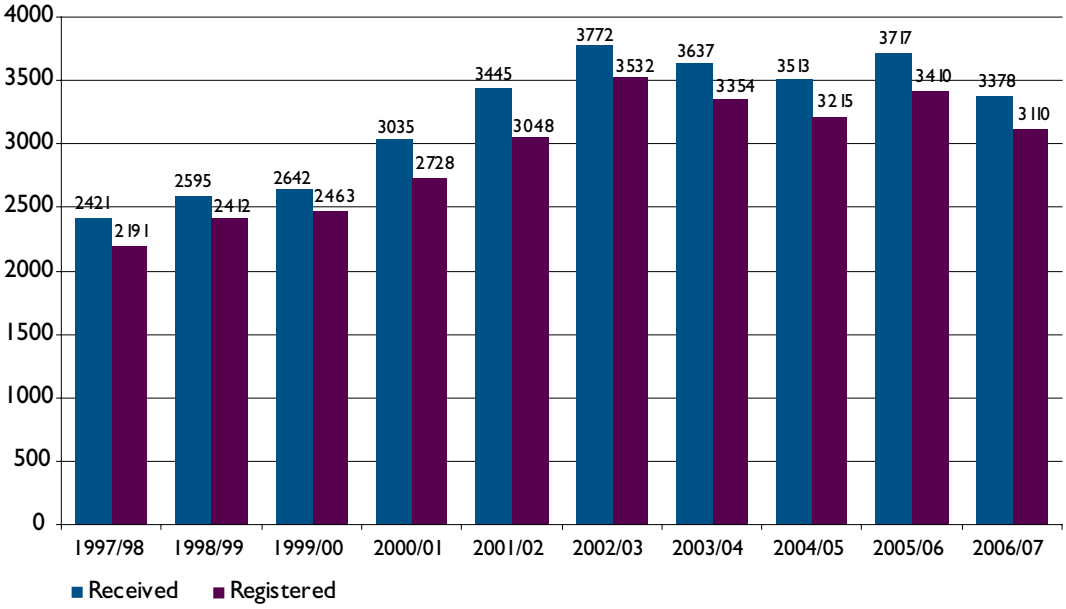
	2005/06	2004/05
Decided	981	1084
Withdrawn	1260	1370
Struck Out	57	63
Still Outstanding	41	53

Volume of work

The totals in this chart reflect a 9% reduction in the number of appeals both received and registered compared with the previous year. The breakdown of appeals registered by Local Authorities is shown in Appendix 1.

The proportion of registered appeals relating to boys was 74% and girls 26% (2005/6 ratio 71% boys: 29% girls).

Total Number of Appeals Received and Registered in the last Ten Years



Disposal of appeals

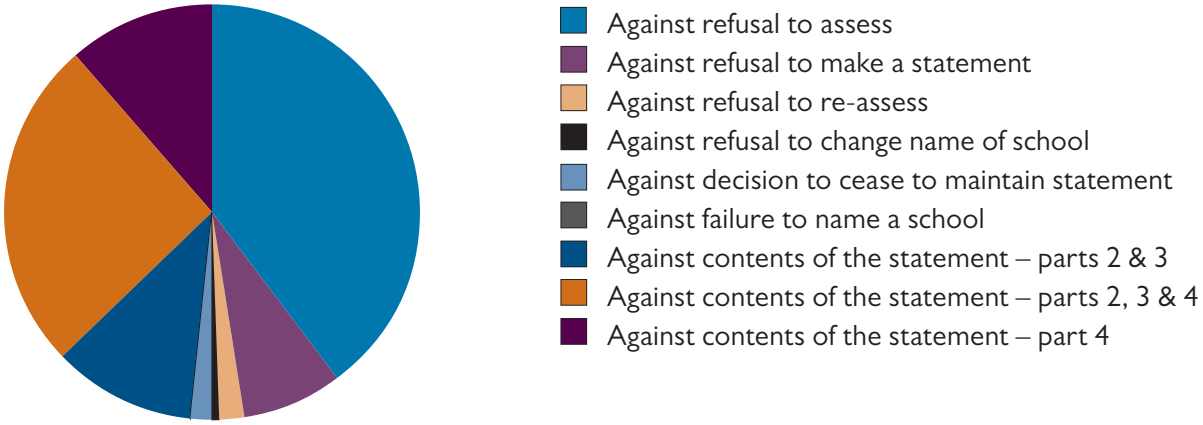
The Tribunal disposed of 2013 appeals; in 989 cases by a decision following a full hearing. There were 56 appeals that were struck out and 968 conceded by the Local Authority.

There were 1259 appeals that were withdrawn this year representing 38% of the total. The proportion of appeals that went to a hearing and were then either struck out or had a decision issued was 32% of the total.

	2006/07	2005/06
Decisions issued	989	981
Struck out	56	57
Conceded	968	920
Total	2013	1958

Types of appeal

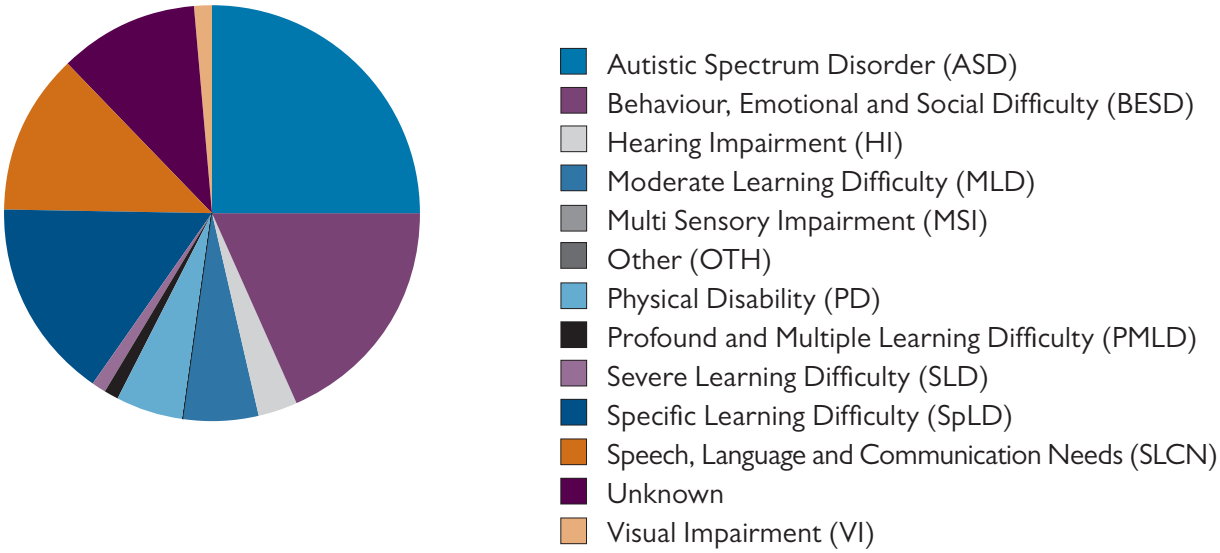
The proportion of appeals against refusal to assess remains high as set against the total of all appeals. There are no significant changes in the steady pattern of types of appeal.



Types of appeal	06/07 Total	% of Total	05/06 Total	% of Total
Against refusal to assess	1238	40	1314	39
Against refusal to make a statement	246	8	252	7
Against refusal to re-assess	58	2	57	2
Against refusal to change name of school	16	1	26	1
Against decision to cease to maintain statement	56	2	87	3
Against failure to name a school	1	0	1	0
Against contents of the statement – parts 2 & 3	338	11	406	12
Against contents of the statement – parts 2,3 & 4	811	26	907	27
Against contents of the statement – part 4	346	11	360	11
Total appeals registered	3110		3410	

Nature of SEN

Autistic spectrum cases now account for 25% of all Tribunal appeals with Behavioural, Emotional and Social Difficulties totalling about 20%. The figures below indicate a significant decrease in the number of unclassified appeals; this is helpful but it must still be borne in mind that the data are determined by Tribunal clerks at registration and may not necessarily reflect the full range of difficulties experienced by a child.



Nature of SEN	06/07 Total	% of Total	05/06 Total	% of Total
Autistic Spectrum Disorder (ASD)	781	25	788	23
Behaviour, Emotional and Social Difficulty (BESD)	574	19	452	13
Hearing Impairment (HI)	95	3	85	3
Moderate Learning Difficulty (MLD)	175	6	219	6
Multi Sensory Impairment (MSI)	2	0	2	0
Other (OTH)	3	0	16	1
Physical Disability (PD)	166	5	180	5
Profound and Multiple Learning Difficulty (PMLD)	27	1	15	0
Severe Learning Difficulty (SLD)	42	1	105	3
Specific Learning Difficulty (SpLD)	481	16	512	15
Speech, Language and Communication Needs (SLCN)	391	13	378	11
Unknown	336	11	614	18
Visual Impairment (VI)	37	1	44	1
Total appeals registered	3110		3410	

Outcome of appeals: general

The total percentage of appeals that are withdrawn or conceded (i.e. do not go to a hearing) continues to be 68%. This figure is the same as last year.

	Outcomes 2006/07							Outcomes 2005/06						
	Decided		Withdrawn		Conceded		Total	Decided		Withdrawn		Conceded		Total
Appeals not involving contents of statements														
Refusal to assess	232	19%	202	16%	805	65%	1239	253	19%	287	22%	772	59%	1312
Refusal to statement	66	25%	58	22%	137	53%	261	62	28%	41	18%	121	54%	224
Refusal to re-assess	13	21%	25	40%	24	39%	62	10	42%	22	39%	24	43%	56
Cease to maintain	17	27%	46	73%	0	0%	63	18	24%	58	76%	0	0%	76
Totals	328	20%	331	20%	966	60%	1625	343	21%	408	24%	917	55%	1668
Contents of statement														
Parts 2 and/ or 3, not 4	128	32%	272	68%	0	0%	400	139	37%	237	63%	0	0%	376
Parts 2, 3 and 4	468	53%	419	47%	0	0%	887	428	54%	374	47%	0	0%	802
Part 4 only	112	32%	230	67%	0	0%	342	117	34%	232	66%	0	0%	349
Refusal to change school named	8	53%	5	33%	2	13%	15	10	45%	9	41%	3	14%	22
Failure to name a school	1	50%	1	50%	0	0%	2	1	100%	0	0%	0	0%	1
Totals	717	44%	927	56%	2	0%	1646	695	45%	852	55%	3	0%	1550
Total decisions issued	1045	32%	1258	38%	968	30%	3271	1038	32%	1260	39%	920	29%	3218

Outcome of appeals: decided

These totals and percentages remain steady but with the cautionary note that an appeal will be described as 'upheld' where only small amendments are made to Part 2 or Part 3 of a statement following an appeal against Parts 2, 3 and 4.

	Decisions issued 2006/07					Decisions issued 2005/06				
	Upheld		Dismissed		Total	Upheld		Dismissed		Total
Appeals not involving contents of statements										
Refusal to assess	144	62%	88	38%	232	156	62%	97	38%	253
Refusal to statement	42	64%	24	36%	66	41	66%	21	34%	62
Refusal to re-assess	5	39%	8	62%	13	9	90%	1	10%	10
Cease to maintain	12	71%	5	29%	17	9	50%	9	50%	18
Totals	203	62%	125	38%	328	215	63%	128	37%	343
Contents of statement										
Parts 2 and/or 3, not 4	115	90%	13	10%	128	127	91%	12	9%	139
Parts 2,3 and 4	444	95%	24	5%	468	412	96%	16	4%	428
Part 4 only	76	68%	36	32%	112	75	64%	42	36%	117
Refusal to change school named	2	25%	6	75%	8	3	30%	7	70%	10
Failure to name a school	1	100%	0	0%	1	0	0%	1	100%	1
Totals	638	89%	79	11%	717	617	89%	78	11%	695
Total decisions issued	841	80%	204	20%	1045	832	80%	206	20%	1038

Outcomes by SEN

There are no significant changes from last year. The figure of 1045 decisions issued following a hearing includes appeals that were struck out (57 this year but not identified in categories of SEN).

Outcomes 2006/07							
	Decided		Withdrawn		Conceded		Total
Autistic Spectrum Disorder (ASD)	293	38%	305	40%	176	23%	774
Behaviour, Emotional and Social Difficulties (BESD)	123	22%	209	38%	234	42%	566
Hearing Impairment (HI)	37	43%	47	54%	3	3%	87
Moderate Learning Difficulty (MLD)	48	28%	83	47%	43	25%	174
Multi Sensory Impairment (MSI)	1	33%	2	67%	0	0%	3
Other (OTH)	2	40%	2	40%	1	20%	5
Physical Difficulty (PD)	66	36%	84	46%	33	18%	183
Profound and Multiple Learning Difficulty (PMLD)	11	61%	6	33%	1	6%	18
Severe Learning Difficulty (SLD)	31	42%	35	48%	7	10%	73
Specific Learning Difficulty (SpLD)	171	35%	158	33%	165	34%	494
Speech, Language and Communications (SLCN)	128	30%	178	42%	120	28%	426
Unknown	114	27%	132	31%	182	43%	428
Visual Impairment (VI)	20	50%	17	43%	3	8%	40
Total	1045	32%	1258	38%	968	30%	3271

Outcomes 2005/06							
	Decided		Withdrawn		Conceded		Total
Autistic Spectrum Disorder (ASD)	287	38%	318	42%	155	20%	760
Behaviour, Emotional and Social Difficulties (BESD)	108	27%	175	43%	122	30%	405
Hearing Impairment (HI)	31	37%	45	54%	7	8%	83
Moderate Learning Difficulty (MLD)	82	34%	103	43%	57	24%	242
Multi Sensory Impairment (MSI)	0	0%	1	100%	0	0%	1
Other (OTH)	1	6%	6	38%	9	56%	16
Physical Difficulty (PD)	65	41%	73	46%	22	14%	160
Profound and Multiple Learning Difficulty (PMLD)	7	47%	7	47%	1	7%	15
Severe Learning Difficulty (SLD)	39	41%	50	53%	6	6%	95
Specific Learning Difficulty (SpLD)	189	35%	165	31%	181	34%	535
Speech, Language and Communications (SLCN)	99	29%	146	43%	96	28%	341
Unknown	105	20%	153	30%	258	50%	516
Visual Impairment (VI)	25	51%	18	37%	6	12%	49
Total	1038	32%	1260	39%	920	29%	3218

Decisions by SEN

This table indicates the number of decisions made in each category of SEN. Where an appeal includes Part 4 of a statement, 25% of the decisions dismissed the Part 4 element.

	Dismiss Appeal	Order LEA to make and maintain a statement	Remit case to LEA to consider	Order LEA to continue to maintain a statement	Order LEA to cease to maintain statement	Order LEA to make an assessment	Order LEA to make a reassessment	Order LEA to change school named	Upheld parts 2 & 3	Upheld parts 2 & 3, dismiss part 4 of the statement
Autistic Spectrum Disorder (ASD)	32	6	0	3	0	35	0	0	28	36
Behaviour, Emotional and Social Difficulties (BESD)	19	6	0	1	0	17	1	0	8	8
Hearing Impairment (HI)	1	0	0	0	0	1	0	0	3	8
Moderate Learning Difficulty (MLD)	8	2	0	0	0	5	0	0	5	11
Multi Sensory Impairment (MSI)	0	0	0	0	0	0	0	0	0	1
Other (OTH)	2	0	0	0	0	0	0	0	0	0
Physical Disability (PD)	11	3	0	0	1	3	1	0	6	8
Profound and Multiple Learning Difficulty (PMLD)	1	1	0	0	0	0	0	0	1	3
Severe Learning Difficulty (SLD)	2	0	0	0	0	0	0	0	6	6
Specific Learning Difficulty (SpLD)	27	11	0	1	0	31	2	0	13	21
Speech, Language and Communications (SLCN)	11	4	0	0	0	12	0	0	28	11
Unknown	32	8	1	2	0	39	1	0	7	8
Visual Impairment (VI)	2	0	1	0	0	0	0	0	4	2
Total	148	41	2	7	1	143	5	0	109	123

	Upheld part 2, dismiss part 3	Upheld part 2, dismiss parts 3 & 4 of the statement	Upheld part 3, dismiss part 2	Upheld parts 3, dismiss part 2 & 4	Upheld part 3 & 4, dismiss part 2	Upheld parts 2 , 3 & 4 of the statement	Upheld part 4, dismiss parts 2 & 3 of the statement	Upheld part 4 of the statement	Upheld parts 2 & 4, dismiss part 3	Appeal Struck out	Total
Autistic Spectrum Disorder (ASD)	1	1	1	0	1	112	0	20	1	16	293
Behaviour, Emotional and Social Difficulties (BESD)	0	2	0	0	0	37	0	8	1	15	123
Hearing Impairment (HI)	0	0	0	0	0	22	0	2	0	0	37
Moderate Learning Difficulty (MLD)	0	0	0	0	0	11	0	5	0	1	48
Multi Sensory Impairment (MSI)	0	0	0	0	0	0	0	0	0	0	1
Other (OTH)	0	0	0	0	0	0	0	0	0	0	2
Physical Disability (PD)	0	0	0	1	1	21	0	8	0	2	66
Profound and Multiple Learning Difficulty (PMLD)	0	0	0	0	0	4	0	1	0	0	11
Severe Learning Difficulty (SLD)	0	1	0	0	0	11	0	3	0	2	31
Specific Learning Difficulty (SpLD)	0	1	0	0	0	59	0	1	0	4	171
Speech, Language and Communications (SLCN)	1	0	1	0	1	43	0	9	0	7	128
Unknown	0	0	0	0	0	6	0	3	0	7	114
Visual Impairment (VI)	0	0	0	0	0	9	0	0	0	2	20
Total	2	5	2	1	3	335	0	60	2	56	1045

Outcome of appeals: schools

Of the 574 decisions relating to school placement, Part 4 was upheld in 373 cases, representing 65% of the total. In the mainstream area, 31% were independent schools or academies.

	Dismiss Appeal	Order LEA to change school named	Order LEA to make and maintain statement	Order LEA to continue to maintain statement	Order LEA to cease to maintain statement	Upheld parts 2 & 3, of the statement	Upheld parts 2 & 3, dismiss part 4 of the statement	Upheld part 2, dismiss part 3	Upheld part 2, dismiss parts 3 & 4	Upheld part 3, dismiss parts 2 & 4	Upheld parts 3 & 4, dismiss part 2	Upheld parts 2, 3 & 4 of the statement	Upheld parts 2 & 4, dismiss part 3	Upheld part 4, dismiss parts 2 & 3 of the statement	Upheld part 4 of the statement	Appeal Struck out	Order LEA to name parent's preferred school	Total
Mainstream School																		
Community	4	0	0	0	1	1	3	1	0	0	0	18	0	0	9	4	0	41
Foundation	2	0	1	0	0	3	3	0	0	0	0	11	1	0	5	3	0	29
Independent	2	0	0	0	0	0	6	0	0	0	0	16	0	0	4	2	0	30
Academies	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	2
Special Schools																		
Community Special	9	0	0	0	0	2	14	0	3	1	2	47	0	0	26	12	0	116
Foundation Special	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2
NMSS	3	0	0	0	0	1	33	0	0	0	1	59	0	0	6	2	0	105
Independent	11	0	0	0	0	2	52	0	2	0	0	137	0	0	6	4	0	214
Other	1	0	0	0	0	1	2	0	0	0	0	16	0	0	2	3	0	25
Home Tuition – Lovaas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Home Tuition – Other	1	0	0	0	0	0	1	0	0	0	0	7	0	0	0	0	0	9
Total	33	0	1	0	1	10	114	1	5	1	3	312	1	0	60	32	0	574

	Dismiss Appeal	Order LEA to change school named	Order LEA to make and maintain statement	Order LEA to continue to maintain statement	Order LEA to cease to maintain statement	Upheld parts 2 & 3, of the statement	Upheld parts 2 & 3, dismiss part 4 of the statement	Upheld part 2, dismiss part 3	Upheld part 2, dismiss parts 3 & 4	Upheld part 3, dismiss parts 2 & 4	Upheld parts 3 & 4, dismiss part 2	Upheld parts 2, 3 & 4 of the statement	Upheld parts 2 & 4, dismiss part 3	Upheld part 4, dismiss parts 2 & 3 of the statement	Upheld part 4 of the statement	Appeal Struck out	Order LEA to name parent's preferred school	Total
Autistic Spectrum Disorder (ASD)	13	0	0	0	0	3	34	1	1	0	1	103	0	0	19	8	0	183
Behaviour, Emotional and Social Difficulty (BESD)	3	0	0	0	0	1	8	0	2	0	0	34	1	0	9	10	0	68
Hearing Impairment (HI)	1	0	0	0	0	0	8	0	0	0	0	21	0	0	2	0	0	32
Moderate learning Difficulty (MLD)	2	0	0	0	0	0	11	0	0	0	0	11	0	0	5	0	0	29
Multi-Sensory Impairment (MSI)	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Other (OTH)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Physical Disability (PD)	3	0	0	0	1	1	6	0	0	1	1	22	0	0	9	1	0	45
Profound and Multiple Learning Difficulty (PMLD)	1	0	1	0	0	0	3	0	0	0	0	3	0	0	1	0	0	9
Severe Learning Difficulty (SLD)	1	0	0	0	0	0	6	0	1	0	0	12	0	0	2	2	0	24
Specific Learning Difficulty (SpLD)	2	0	0	0	0	1	21	0	1	0	0	57	0	0	2	1	0	85
Speech, Language and Communication Needs (SLCN)	4	0	0	0	0	3	10	0	0	0	1	31	0	0	8	4	0	61
Unknown	2	0	0	0	0	0	5	0	0	0	0	7	0	0	3	4	0	21
Visual Impairment (VI)	1	0	0	0	0	1	1	0	0	0	0	11	0	0	0	2	0	16
Total	33	0	1	0	1	10	114	1	5	1	3	312	1	0	60	32	0	574

Ethnic Monitoring

There is a further welcome reduction in the number of uncompleted statements in our Notice of Appeals documents. Only 13% of appeals come from non-white parents.

	06/07	05/06
Bangladeshi	5	6
Black African	30	42
Black Caribbean	56	45
Black – Other	33	18
Chinese	6	8
Indian	27	27
Pakistani	35	39
White	1920	1837
Other	100	139
Not completed	898	1249
Total	3110	3410

Representation

There are no significant changes in the proportion of parties being legally, or otherwise, represented:

	06/07	05/06
Legal representative at hearing		
Parents	23%	24%
LEA	10%	10%
Other representative at hearing		
Parents	29%	24%
Legal representative through appeal process		
Parents	18%	19%

High Court appeals

These figures show the number of new appeals lodged in 2006/07 and the appeals decided this year. They indicate an increase of 18% but the numbers are still very small in relation to the total number of appeals heard in the year.

	06/07
Appeals Lodged	
Parents	35
LEA	7
Total	42
Disposal	
Withdrawn	12
Dismissed	3
Out of time	0
Successful	0
Referred Back	10
Total	25

The outcome of appeals referred back to the Tribunal by the Court was:

	06/07
Previous decision confirmed (or substantially confirmed)	2
Parents withdrew	0
Appeal lapsed	0
Previous decision set aside	4
Pending	4
Total	10

Disability discrimination claims

The number of claims received has decreased by 3.5% this year.

Speed of disposal

DDA claims continue to prove more time-consuming than appeals although we are now regularly listing them for two day hearings which may help to reduce the length of time taken for disposal.

Decisions issued 2006/07	Number issued	Average number of months	Decisions issued 2005/06	Number issued	Average number of months
Sep-Nov	19	5.4	Sep-Nov	10	5.3
Dec-Feb	19	5.9	Dec-Feb	17	6.4
Mar-May	22	5.7	Mar-May	19	4.6
Jun-Aug	25	5.7	Jun-Aug	10	6.1
Total	85	5.7	Total	56	5.5

Previous year

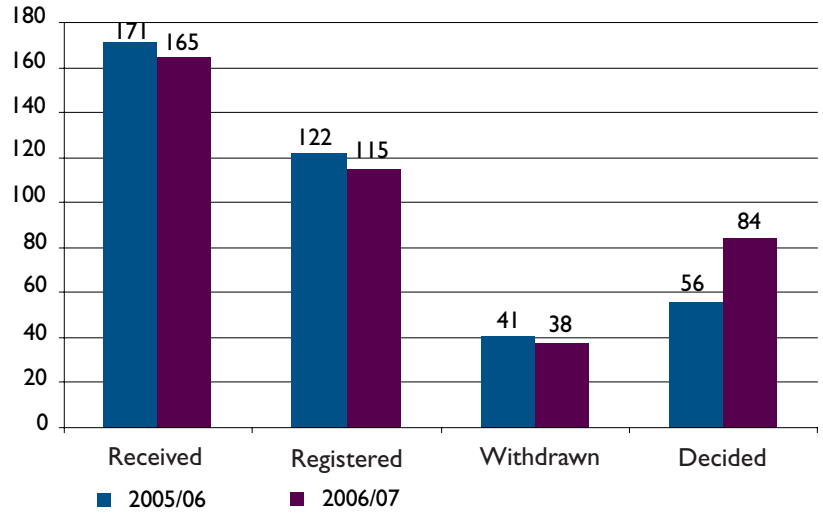
There were no cases outstanding from 2005/06.

	2005/06
Decided	49
Withdrawn	41
Struck out	7
Still outstanding	0

Volume of work

Both the totals for claims received and registered are lower this year. Nearly 30% of claims received do not proceed to registration, mostly for jurisdictional reasons.

Withdrawals accounted for 38 cases and 84 decisions were issued following a hearing.



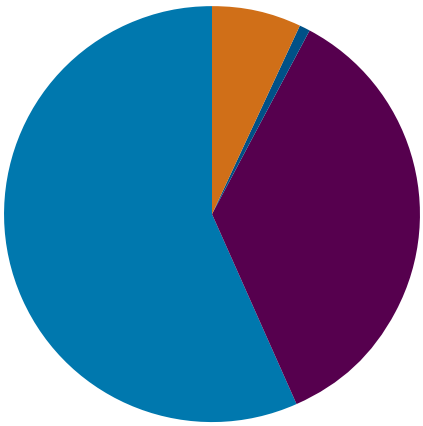
Disposal of claims

Anonymised decisions are now available on our website.

	2006/07	2005/06
Decisions issued	79	49
Struck out	5	7
Total	84	56

Types of claim

This year has seen an increase in claims concerning fixed term exclusions from school.

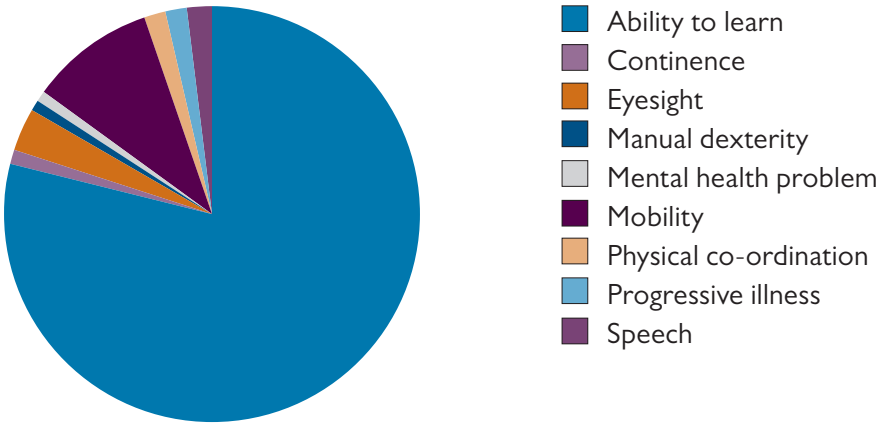


- Child's admission to a school
- Child's permanent exclusion from school
- Child's temporary exclusion from school
- Other issues to do with education and associated services

Type of Claim	06/07 Total	% of Total	05/06 Total	% of Total
Child's admission to a school	8	7	10	8
Child's permanent exclusion from school	1	1	5	4
Child's temporary exclusion from school	41	36	27	22
Other issues to do with education and associated services	65	57	80	66
Total claims registered	115		122	

Nature of disability

'Ability to learn' remains the largest area of classification. It includes dyslexia and autistic spectrum disorder specified by parents as being their child's disability:



Nature of disability	06/07 Total	% of Total	05/06 Total	% of Total
Ability to learn	91	79	95	78
Ability to lift	0	0	1	1
Continence	1	1	3	3
Eyesight	4	3	0	0
Hearing	0	0	4	3
Manual dexterity	1	1	0	0
Memory	0	0	1	1
Mental health problem	1	1	4	3
Mobility	11	10	8	7
Perception of Risk	0	0	1	1
Physical co-ordination	2	2	2	2
Progressive illness	2	2	1	1
Severe disfigurement	0	0	0	0
Speech	2	2	2	2
Total claims registered	115		122	

Outcome of claims: general

Only 36 claims were upheld during the year. A total of 38 were withdrawn and 48 were dismissed following a hearing.

	Decisions issued 2006/07					Decisions issued 2005/06				
	Upheld		Dismissed		Total	Upheld		Dismissed		Total
Another issue with child's education	20	37%	34	63%	54	13	38%	21	62%	34
Child's permanent exclusion from school	2	50%	2	50%	4	1	33%	2	67%	3
Child's temporary exclusion from school	0	0%	1	100%	1	1	25%	3	75%	4
Child's admission to a school	14	56%	11	44%	25	5	33%	10	67%	15
Totals	36	43%	48	57%	84	20	36%	36	64%	56

Ethnic Monitoring

Most claims continue to be brought by white parents.

	06/07	05/06
Bangladeshi	0	0
Black African	1	1
Black Caribbean	3	3
Black – Other	1	1
Chinese	1	0
Indian	2	0
Not completed	24	20
Other	4	3
Pakistani	0	1
White	79	93
Total	115	122

Representation

Responsible Bodies continue to be legally represented in a majority of cases while parents favour representation by someone other than a lawyer, often a representative from a disability support group.

	06/07	05/06
Legal representative at hearing		
Parents	17%	14%
Responsible body	57%	56%
Other representative at hearing		
Parents	36%	30%
Legal representative through claim process		
Parents	17%	20%

High court appeals

These figures continue to represent a very small proportion of the total number of claims heard by the Tribunal.

	06/07	05/06
Appeals Lodged		
Parents	4	2
Responsible body	1	2
Total	5	4
Disposal		
Withdrawn	1	3
Successful	0	1
Dismissed	0	2
Referred back	0	2
Total	1	8

The outcome of appeals referred back to the Tribunal by the Court was:

	06/07	05/06
Previous decision confirmed (or substantially confirmed)	0	0
Parents withdrew	0	0
Appeal lapsed	0	0
Previous decision set aside	0	1
Pending	0	1
Total	0	2

Complaints

This table refers to complaints in both the appeal and disability claim jurisdictions. The apparent doubling of the number of administrative complaints is largely due to the re-classification of complaints by the Tribunals Service so that any dissatisfaction with the process, however registered, is logged as a formal complaint.

The number of judicial complaints has also increased and it may be noted that many of these complaints come from witnesses or representatives.

	From parents	From LEAs	From others	Total
Administration				
2006/07	21	8	20	49
2005/06	8	3	11	22
Judicial				
2006/07	15	9	14	38
2005/06	9	10	4	23
Total				
2006/07	36	17	34	87
2005/06	17	13	15	45

General

Finance

As mentioned in last year's report, financial information about SENDIST will now appear in the Tribunals Service's Annual Report covering the financial year 2007-08.

Appraisal and Training

We have now completed our first three year cycle of appraisal for all chairs and members and I have been pleased at the outcomes. I am particularly grateful to the Secretariat staff in charge of the appraisal scheme; its administration is hugely complicated by the frequent withdrawal of cases. We shall start the next cycle of appraisals in January 2008.

We have continued our programme of training based on suggestions identified through the appraisal process. It was helpful to be able to provide the same programme for each of the four regional training meetings this year. The new Guidelines for Conduct at Hearings were sent to panel members at the beginning of 2007 and are an important step in working towards a more consistent approach to the conduct of hearings. I am very grateful to those chairs and members who worked hard in the preparation and production of this Guidance.

Secretariat

This year has seen further development of the work of the Tribunals Service towards a single Administrative Centre for SENDIST in common with all other tribunals, although our venue is as yet unknown. We had already moved the Listings team to our Darlington office to join the teams for Registration, Decisions, Disability Discrimination claims and some SEN appeals. This means that our London office at Procession House now only houses some appeals teams and the Finance Support team.

The announcement of the prospective move towards a single Administrative Centre for SENDIST affects both the Procession House and Darlington staff and prompted a swift response from a number of key and senior tribunal staff, particularly in Darlington, who left SENDIST in order to find local work that would provide stability and a more certain future in their chosen living place. The general feeling of uncertainty inevitably resulted in more staff vacancies in both offices and this has had a serious effect on our staffing morale. I am extremely grateful to those who have soldiered on in spite of their concerns to retain the level of service that we strive at for our users throughout the country.

The decision by the Tribunals Service not to employ separate executive heads in each tribunal meant that Kevin Mullany left the service after seven years at SENDIST. I cannot speak too highly of his commitment to SENDIST and his loyalty and dedication that were unswerving. We welcomed Joe Traynor to the post of Secretary in August 2007.

As part of our inclusion in the Tribunals Service we have been encouraged to use hearing venues belonging to other tribunals. Clearly some of these are very satisfactory and obviously avoid expense in hiring hotel rooms but others have proved inadequate. I have been working with the Tribunals Service to overcome these problems, but I take the opportunity to apologise to anyone who has suffered as a result of the Tribunal venue being unsatisfactory.

Appendix 1

Appeals registered from 1 September 2006 to 31 August 2007 as proportion of school population

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

It is unlikely that every registered appeal will result in a hearing and a decision by the Tribunal, because they may be withdrawn or conceded before reaching that stage.

	1/9/05 - 31/8/07 No. of Appeals	Per 10,000 of school population	1/9/05 - 31/8/06 No. of Appeals	Per 10,000 of school population
Barking and Dagenham	7	2.21	21	6.66
Barnet	40	8.40	32	6.71
Barnsley	8	2.36	6	1.74
Bath and North East Somerset	9	3.61	11	4.39
Bedfordshire	15	2.35	26	4.05
Bexley	37	9.06	48	11.74
Birmingham	83	4.70	119	6.72
Blackburn with Darwen	5	1.97	7	2.77
Blackpool	1	0.48	4	1.91
Bolton	5	1.10	5	1.09
Bournemouth	4	1.97	4	1.94
Bracknell Forest	3	1.98	7	4.6
Bradford	21	2.37	25	2.83
Brent	8	1.91	17	4.12
Brighton and Hove	9	3.00	12	3.99
Bristol, City of	49	10.29	52	10.79
Bromley	87	18.77	80	17.05
Buckinghamshire	26	3.43	35	4.61
Bury	9	3.20	9	3.19
Calderdale	16	4.69	19	5.51
Cambridgeshire	27	3.47	38	4.87
Camden	17	7.79	9	4.12
Cheshire	27	2.68	46	4.48
City of London	0	0.00	0	0
Cornwall	12	1.67	24	24
Coventry	3	0.61	6	1.22
Croydon	62	12.15	78	15.22
Cumbria	17	2.26	17	2.23
Darlington	0	0.00	0	0
Derby	10	2.53	7	1.77
Derbyshire	16	1.41	19	1.65

	1/9/05 - 31/8/07 No. of Appeals	Per 10,000 of school population	1/9/05 - 31/8/06 No. of Appeals	Per 10,000 of school population
Devon	38	3.92	35	3.58
Doncaster	16	3.29	8	1.62
Dorset	17	3.07	15	2.7
Dudley	11	2.24	7	1.41
Durham	30	3.99	28	3.68
Ealing	15	3.39	20	4.6
East Riding of Yorkshire	9	1.82	6	1.2
East Sussex	66	10.26	81	12.27
Enfield	31	6.18	41	8.22
Essex	179	8.96	138	6.88
Gateshead	4	1.37	6	2.02
Gloucestershire	25	2.96	25	2.93
Greenwich	11	2.98	14	3.76
Hackney	23	8.85	28	10.68
Halton	0	0.00	2	1.06
Hammersmith and Fulham	21	12.15	12	6.94
Hampshire	115	6.74	98	5.67
Haringey	14	3.98	32	9.16
Harrow	19	6.54	18	6.21
Hartlepool	0	0.00	0	0
Havering	4	1.11	1	0.28
Herefordshire	3	1.30	9	3.82
Hertfordshire	70	3.98	74	4.21
Hillingdon	11	2.54	20	4.64
Hounslow	15	4.14	12	3.34
Isle of Wight	10	5.29	8	4.13
Isles of Scilly	0	0.00	0	0
Islington	8	3.55	5	2.18
Kensington and Chelsea	7	6.41	8	7.32
Kent	133	6.23	160	7.47
Kingston Upon Hull, City of	15	3.98	14	6.5
Kingston upon Thames	11	5.09	13	3.36
Kirklees	13	2.06	24	3.78
Knowsley	5	2.02	8	3.13
Lambeth	44	14.68	58	19.61
Lancashire	43	2.54	63	3.64
Leeds	13	1.19	25	2.26
Leicester	27	5.80	30	6.39
Leicestershire	74	7.80	37	3.86
Lewisham	52	14.55	72	20.12

	1/9/05 - 31/8/07 No. of Appeals	Per 10,000 of school population	1/9/05 - 31/8/06 No. of Appeals	Per 10,000 of school population
Lincolnshire	65	6.34	43	6.01
Liverpool	28	3.95	26	3.59
Luton	3	0.95	7	2.21
Manchester	24	3.64	26	3.92
Medway	23	5.35	16	3.68
Merton	15	6.29	21	8.81
Middlesbrough	8	3.44	5	2.11
Milton Keynes	8	2.14	8	2.17
Newcastle upon Tyne	5	1.34	4	1.06
Newham	23	4.58	25	5
Norfolk	56	5.00	53	4.67
North East Lincolnshire	13	5.21	9	3.5
North Lincolnshire	2	0.81	15	6.01
North Somerset	16	5.68	13	4.62
North Tyneside	8	2.64	2	0.65
North Yorkshire	26	3.01	30	3.43
Northamptonshire	25	2.37	16	1.51
Northumberland	4	0.81	7	1.4
Nottingham	7	1.79	5	1.26
Nottinghamshire	30	2.53	21	1.76
Oldham	6	1.50	14	3.47
Oxfordshire	15	1.75	25	2.91
Peterborough	8	2.75	8	2.74
Plymouth	9	2.36	8	2.07
Poole	8	4.18	8	4.13
Portsmouth	9	3.73	7	2.8
Reading	9	5.39	2	1.18
Redbridge	28	6.09	30	6.63
Redcar and Cleveland	5	2.16	0	0
Richmond upon Thames	18	8.85	25	12.31
Rochdale	5	1.47	5	1.45
Rotherham	19	4.30	20	4.45
Rutland	0	0.00	1	2.02
Salford	9	2.85	14	4.31
Sandwell	4	0.80	8	1.59
Sefton	7	1.60	15	3.37
Sheffield	35	4.70	33	4.39
Shropshire	17	4.30	46	11.4
Slough	7	3.19	5	2.34
Solihull	9	2.44	15	4.02
Somerset	27	3.91	32	4.54

	1/9/05 - 31/8/07 No. of Appeals	Per 10,000 of school population	1/9/05 - 31/8/06 No. of Appeals	Per 10,000 of school population
South Gloucestershire	13	3.23	11	2.7
South Tyneside	2	0.87	1	0.42
Southampton	23	8.32	16	5.72
Southend-on-Sea	10	3.69	14	5.14
Southwark	37	10.09	41	11.11
St. Helens	3	1.10	3	1.08
Staffordshire	17	1.36	37	2.91
Stockport	9	2.25	20	4.89
Stockton-on-Tees	1	0.33	3	0.99
Stoke-on-Trent	19	5.31	7	1.92
Suffolk	53	5.29	74	7.33
Sunderland	10	2.29	5	1.12
Surrey	125	8.86	120	8.51
Sutton	23	7.26	16	5.08
Swindon	4	1.38	9	3.11
Tameside	18	5.05	4	1.1
Telford and Wrekin	3	1.10	4	1.45
Thurrock	7	3.04	11	4.79
Torbay	2	1.05	2	1.03
Tower Hamlets	12	3.16	2	0.53
Trafford	10	2.80	13	3.62
Wakefield	9	1.77	7	1.35
Walsall	14	2.88	13	2.66
Waltham Forest	15	4.08	24	6.53
Wandsworth	30	10.02	30	10.01
Warrington	5	1.57	6	1.88
Warwickshire	10	1.31	18	2.34
West Berkshire	10	3.97	7	2.8
West Sussex	56	5.37	43	4
Westminster	10	5.02	14	4.08
Wigan	4	0.85	10	2.08
Wiltshire	23	3.53	58	8.84
Windsor and Maidenhead	9	4.69	17	8.85
Wirral	7	1.38	6	1.16
Wokingham	5	2.14	6	2.56
Wolverhampton	4	0.99	2	0.49
Worcestershire	15	1.90	24	2.98
York	5	2.11	1	0.42
Total	3,110		3,411	

*School population is the number of pupils in maintained schools as at January 2007 (source: Department for Children, Schools and Families).

Appendix 2a

Chairs who presided over tribunals 1 September 2006 to 31 August 2007

John Akers
Judith Allright
Frank Appleyard
Anthony Askham
Joanne Astbury
Charlotte Beatson
Laurence Bennett
Kieran Bond
Susan Bouch
Stephen Bowden
Angela Bowen
Jennifer Buckle
Dianne Burleigh
Sally Capper
Angela Clarke
Michael Coxon
Anthony Davies
Marian Davies
Michael Dorsey
Roxanne Eban
Sean Enright
Gary Flather
Humphrey Forrest
Yvette Genn
Liz Goldthorpe
Patricia Gore
Maureen Grenville
Joanna Hall
Jean Hare
Basil Herwald
Mark Hinchliffe
Rosemary Hughes
Stewart Hunter
Alun James
Mary Kane
Stephen Knapp
Beverley Lang
Melanie Lewis
Andrew Lockley
Jane Lom
Helen Lusby
Catherine Mather
Elizabeth May
Jacqueline McIntosh
Celia Morris
Simon Oliver
Helen Parry
Simon Pearl
John Reddish
Susan Rees
Margaret Richards
Helen Rimington
Corraine Sadd
Michael Sherwin
Michael Simon
Sarah Slater
Amerdeep Somal
Anne Spratling
Linda Strowger
Meleri Tudur
Heather Vassie
David Wall
Richard White
Judith Williamson
David Wolfe

Appendix 2b

Lay members who sat on tribunals 1 September 2006 to 31 August 2007

Alison Adams
Roger Baker
Germaine Ballinger
David Barber
Jill Barraclough
Robin Bartlett
Richard Beeden
Beryl Bennett
Nigel Bowes
Sandra Boyle
Malcolm Bray
David Braybrook
Susan Briggs
David Brown
Clare Buckingham
John Burdess
Bridget Cameron
Raymond Cardinal
Peter Cates
Robert Chadwick
Kenneth Chapman
Derek Cheetham
Indrani Choudhury
Anne Clarke
Anne Collins
David Cook
Helen Cook
Glennis Copnall
Graham Cranmer
Margaret Davies
Margaret Diamond
Michael Donovan
Katrina Doves
Anne Duffy
John Dunford
Christine Emerson
Sandra Ernstoff
Heddwyn Evans
John Farrelly
Ruth Fawcett
Andrew Fordham
David Fryer
Prue Fuller
Janice Funnell
Christine Gilder
Jennifer Goodwin
Philippa Grace
Gavin Graveson
Rajinder Gupta
Dorothy Hadleigh
David Haigh
Anne-Marie Hall
Lesley Handford
Robert Hart
John Hickson
Michael Higgins
Sheila Higgins
Maureen Hine
Anne Holding
Christopher Hopkins
Dorothy Horsford
Ruth Howard
Ann Hunt
Anwar Hussain
Barbara Jarkowski
David Johnstone
Patricia Kennedy
Ann Kerr
Tessa King
Claire Lazarus
Stephanie Lorenz
Colin Low
Derek Lucas
Lyn Mackay
Jenny Maddick
Kerena Marchant
Ronald Marks
Christopher Marshall
Jennifer Martin
Marilyn Martin
Carol May
Valerie McCartney
Barry McCormick
Helen Miller
Gordon Mott
Heather Murdoch
Michael Nedd
Daphne O'Kane
John Parrott
David Parry
Michael Partington
Sylvia Phillips
Kay Pierce
Jill Playford
Ian Pollard
Joan Pritchard
Colin Radley
Ron Radley
Linda Redford
Heather Reid
Jean Richardson
Pam Richardson
Kay Rider
Susan Ridgway
Richard Rieser
Michael Rose
Lindsey Rousseau
Jacqueline Scruton
John Sheppard
Sian Wyn Siencyn
Jane Sinson
Sheila Smith
Geoffrey Snowdon
Jennifer Sparkes
Margaret Stinton
Ann Stockburn
Michael Stone
Ann Tinklepaugh
Keith Tottman
Pam Varley
Judith Wade
David Waite
Gerry Walder
Norman Watling
David Williams
Margaret Williams
Andrew Wilson
Diane Wilson
Judith Wilson
Eleanor Wintersgill
Keith Worters
Hamid Zagzoule