



# Education Tribunal for Wales Annual Report 2022 – 2023

# Contents

<b>Foreword</b>		1
<b>Section 1</b>	About Us	3
<b>Section 2</b>	Performance and Progress	7
<b>Section 3</b>	Our Customers	30
<b>Section 4</b>	Business Priorities	31
<b>Section 5</b>	Expenditure	32

# Foreword



## **Croeso. Welcome.**

This is my first annual report as President of the Education Tribunal Wales (ETW) since I was appointed in June 2023. I would like to thank my predecessor, Judge Walker, for her service and commitment to the ETW over so many years. Like her, I remain committed to ensuring that the law continues to be consistency applied by the Tribunal for the children and young people of Wales.

As you will see from the statistics we have provided this year, the number of appeals being brought against Local Authority (LA) decisions concerning a child's Special Educational Needs (SEN) under the "old" legislation – the Education Act 1996 – has dropped whilst the number of appeals against decisions made concerning Additional Learning Needs (ALN) under the "new" legislation – the Additional Learning Needs and Education Tribunal (Wales) Act 2018 – has risen. For the first time the ETW has more appeals against ALN decisions than SEN decisions. This is exactly as you would expect as children and young people are transitioned to the new statutory framework. Again, as you would expect, the total number of appeals registered with the ETW has dropped slightly. This reflects the fact that parents, children, young people as well as Schools, Colleges and LAs are still learning about the new ALN process and how it should be delivered.

Concerning is the fact that claims of Disability Discrimination against schools have risen over the last year. This can possibly be explained by the fact that parents are frustrated by their child not receiving the support they require. Not being clear on the new ALN processes in schools/colleges, they are looking for alternative ways to ensure that they are able to access an appropriate education and have the right reasonable adjustments made to ensure that they can learn. As the new ALN process becomes better understood and practice follows the law, it would then follow that the number of claims of Disability Discrimination should level out over the next few years.

There will of course always be areas of uncertainty around the interpretation and application of any new law. Welsh Government have been clear that any child that has previously been found to have SEN will also have ALN unless there is specific evidence that their needs have changed. The Tribunal will continue to publish ETW decisions which although not binding will provide information and insight on how the law is being applied.

Within the ETW we have introduced a new approach to how cases are managed. Directions are now given setting out a timetable in an appeal or claim, including a final hearing date, when a case is registered. This allows parties to plan for deadlines and a hearing whilst ensuring that the overriding objective of the ETW to decide cases fairly, justly and in a timely manner is upheld.

Hearings in the ETW continue to be heard via video unless an in-person hearing is requested by a party. This is in response to feed-back from parents, children, young people and LAs that this is an efficient and effective way of them and their witnesses being able to participate in a case. In the ETW this is ensuring access to justice for some of our most vulnerable children and young people as we welcome the increased participation in their cases through video.

The ETW are determined to ensure that access to the Tribunal process for those that are Welsh Speakers remains as flexible as parties require. The ability for the Tribunal process and final hearing to be held in Welsh only or a combination of English and Welsh means that we can work however parties wish to communicate in order to ensure views are heard and are at the centre of decision making.

Excitingly for the development of Tribunals in Wales, a Tribunal Reform Bill is expected to be introduced to the SENEDD in the near future which proposes to reform the way that Tribunals are structured. The ETW look forward to working with new challenges that this will bring including the introduction of school exclusion and even school admission appeals over time.

The ETW continues to hold regular in-person and on-line User Forums to which anyone interested in the development of the ETW is welcome to participate. Please contact the ETW administration to be added to the email distribution list for notification of the next meetings. We will also keep the ETW website updated.

Any time of change is always unsettling. It is essential that the introduction of new ALN law goes as smoothly as possible for children and young people in Wales so they are not disadvantaged. LA decision makers must ensure that they know the law, understand the law and then apply it. It must always be remembered that duties under ALN Law will always “top trump” any LA policy. Decision making in LA must be transparent and accountable. The Tribunal must and can only apply the law in making decisions.

Gyda phob dymuniad da, with all good wishes.

**Judge Jane McConnell**

President of the Education Tribunal for Wales

# Section 1 – About Us

In this section, our:

- Basis for the ETW
- The ETW's Function
- The ETW Regulations
- The ETW's Process
- Members of the ETW
- Appointments
- Training
- Contacting the SENTW
- Accessing the SENTW

## Basis for the ETW

The Special Educational Needs Tribunal for Wales (SENTW) was an independent tribunal established in 2003, by Section 333 (1ZA) of the Education Act 1996. The SENTW was renamed the Education Tribunal for Wales (ETW) by Section 91 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

The ETW, its tribunal members and decisions, are independent of the Welsh Government, local authority's (LAs) and schools our decisions are legally binding. Funding for the ETW and its administrative support is provided by the Welsh Government.

## The ETW's Function

The ETW hears and decides appeals relating to children and young people with additional learning needs. Appeals are made by parents, children and young people and are against certain decisions made by a LA or Further Education Institution (FEI) about a child's or young person's education. The ETW also hears claims of alleged disability discrimination in Welsh schools and FEIs.

## The ETW's Regulations

The ETW operates in accordance with its procedural regulations and other associated legislation. The regulations ensure that all cases heard by the ETW are treated fairly, consistently, promptly and justly. They ensure that everyone who comes before the ETW clearly understands the steps they must take so that the facts of the dispute and the relevant arguments can be presented effectively to the ETW. They also ensure that every party to a case understands the arguments of the other party and can respond to them.

ETW's procedures are governed by the following legislation:

- The Education Tribunal for Wales Regulations 2021
- The Special Educational Needs Tribunal for Wales Regulations 2012
- Additional Learning Needs and Education Tribunal (Wales) Act 2018
- Education Act 1996
- The Equality Act 2010
- The Education (Wales) Measure 2009.

## ETW's Process

Anyone wishing to make an appeal or claim to the ETW must complete and send the relevant application form to the ETW.

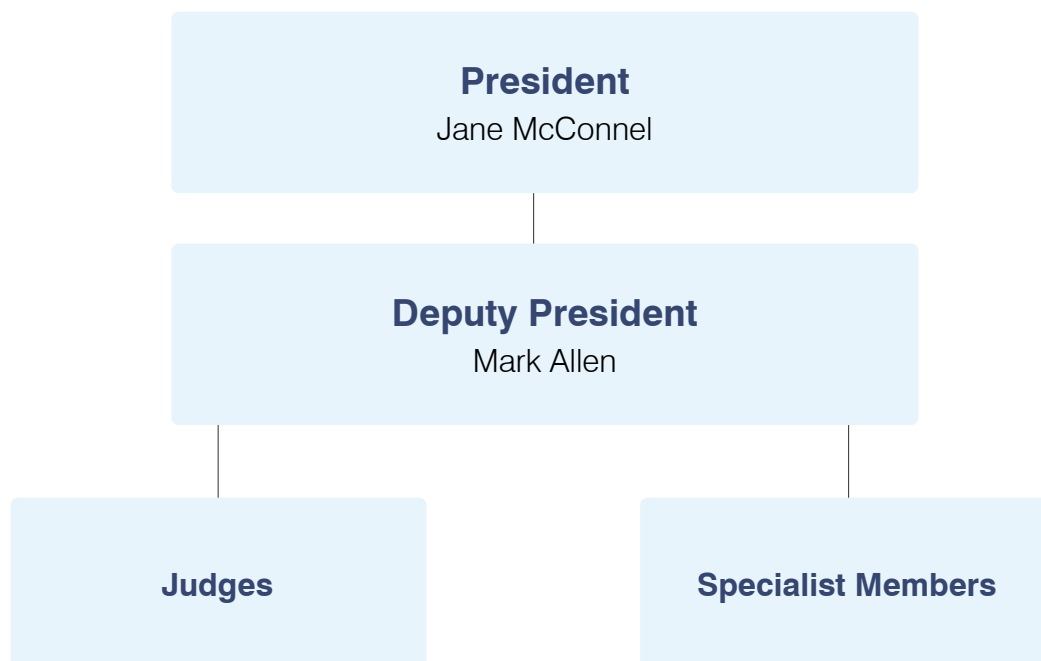
At a ETW hearing the panel is composed of a legally qualified Judge and two Education Panel Members. Education Panel Members have been appointed for their expertise and knowledge in the field of education.

ETW hearings will normally be held in private and take place near to the applicant's home or remotely by using a Virtual Hearing system.

## Members of the ETW

The Lord Chancellor is responsible for the appointment and re appointment of the President and Chairpersons. Education Panel Members are appointed by the Welsh Ministers.

<b>President</b>	The President has responsibility for the overall judicial management of the Tribunal.
<b>Deputy President</b>	The Deputy President supports the President and fulfils the duties of President if the President is unable to carry out her duties, either temporarily or permanently.
<b>Judge</b>	Tribunal hearings are managed by a tribunal judge, who must have a legal qualification. They will write and sign decisions, advise of adjournments and set directions where necessary.
<b>Specialist Panel Members</b>	Specialist Panel Members have a wide range of relevant knowledge and experience which they bring to each Hearing. They sit on Additional Learning Needs Appeals, Special Educational Needs Appeals and on Disability Discrimination Claims.
<b>Secretariat</b>	The day-to-day administration is delegated to the Secretariat which deals with all the preliminary paperwork and the processing of applications to the Tribunal. The Secretariat consults the President on any legal points arising during appeals or claims processes and passes on the President's Directions in writing to the parties. The Secretariat is a point of contact for the President, Members and parties and a clerk attends hearings in order to ensure that proceedings run smoothly.



## Appointments

A new Tribunal President and two tribunal judges were appointed to the Education Tribunal for Wales during the reporting period.

## Training

The tribunal held virtual training sessions for its members during January 2023.

## Contacting the ETW

To contact the ETW Secretariat:

ETW Address: Education Tribunal for Wales  
PO Box 100  
Llandrindod Wells  
LD1 9BW

ETW Helpline: 03000 259800

ETW E-mail: [tribunal.enquiries@gov.wales](mailto:tribunal.enquiries@gov.wales)

## Accessing the ETW

The ETW is happy to communicate with you in English or Welsh. If a Welsh speaker is not immediately available then we will arrange for a Welsh-speaking member of staff to phone you back.

You can choose to have your hearing conducted in Welsh or English. If your first language is not Welsh or English and you wish to speak in your first language during the hearing, we can arrange for an interpreter to be present. If you need a sign language interpreter to attend the hearing we will arrange this.

If you or anyone you are bringing to the hearing has any other access requirements that may affect our arrangements for the hearing, provision will be made.

To enable arrangements for interpreters or to make provision for any additional needs of attendees, sufficient notice must be given to the secretariat.



## Section 2 – Performance and Progress

In this section:

- Numbers and statistics
- Hearings Data
- Reviews and onward appeals
- Achievement against key performance indicators
- Complaints

### Numbers and Statistics

A Tribunal year runs on an academic year from September to August. The Tribunal collects the following data for statistics:

ALN & SEN Appeals received and discharged in 2022-23, compared with 2021-22	Chart 2.1	Page 8
Types of ALN appeals 2022-23, compared with 2021-22	Table 2.2	Page 9
ALN Appeals by Local Authority 2022-23, compared with 2021-22	Table 2.3	Page 10
Types of SEN appeals 2022-23, compared with 2021-22	Table 2.4	Page 11
SEN Appeals by local authority 2022-23, compared with 2021-22	Table 2.5	Page 12
ALN Appeals by Local Authority and type (Part 1) 2022-2023	Table 2.6	Page 13
ALN Appeals by Local Authority and type (Part 2) 2022-2023	Table 2.7	Page 14
SEN Appeals by local authority and type (Part 1) 2022-2023	Table 2.8	Page 15
SEN Appeals by local authority and type (Part 2) 2021-2022	Table 2.9	Page 16
Appeals per 10,000 of school population in each local authority 2022-23, compared with 2021-22	Chart 2.10	Page 17
ALN Appeals by school age and type of appeal 2022-2023	Table 2.11	Page 18
SEN Appeals by school age and type of appeal 2022-2023	Table 2.12	Page 19
ALN Appeals by school age and local authority 2022-2023	Table 2.13	Page 20
SEN Appeals by school age and local authority 2022-2023	Table 2.14	Page 21
Appeals by gender 2022-23	Chart 2.15	Page 22
ALN Appeals by outcome 2022-23 (including carried over appeals), compared with 2021-22	Table 2.16	Page 22

SEN Appeals by outcome 2022-23 (including carried over appeals), compared with 2021-22	Table 2.17	Page 23
ALN Appeals by outcome and type 2022-23 (including carried over appeals)	Table 2.18	Page 23
SEN Appeals by outcome and type 2022-23 (including carried over appeals)	Table 2.19	Page 24
ALN Appeals by outcome and local authority 2022-23 (including carried over appeals)	Table 2.20	Page 25
SEN Appeals by outcome and local authority 2022-23 (including carried over appeals)	Table 2.21	Page 26
Claims of alleged disability discrimination received and discharged including carried forward in 2022-23, compared with 2021-2022	Chart 2.22	Page 27
Types of claims received during 2022-23, compared with 2021-22	Table 2.23	Page 27
Claims of alleged disability discrimination by outcome 2022-23 including carried forward, compared with 2021-22	Chart 2.24	Page 28

**Chart 2.1 ALN & SEN Appeals received and discharged in 2022-23, compared with 2021-22 including carried forward**

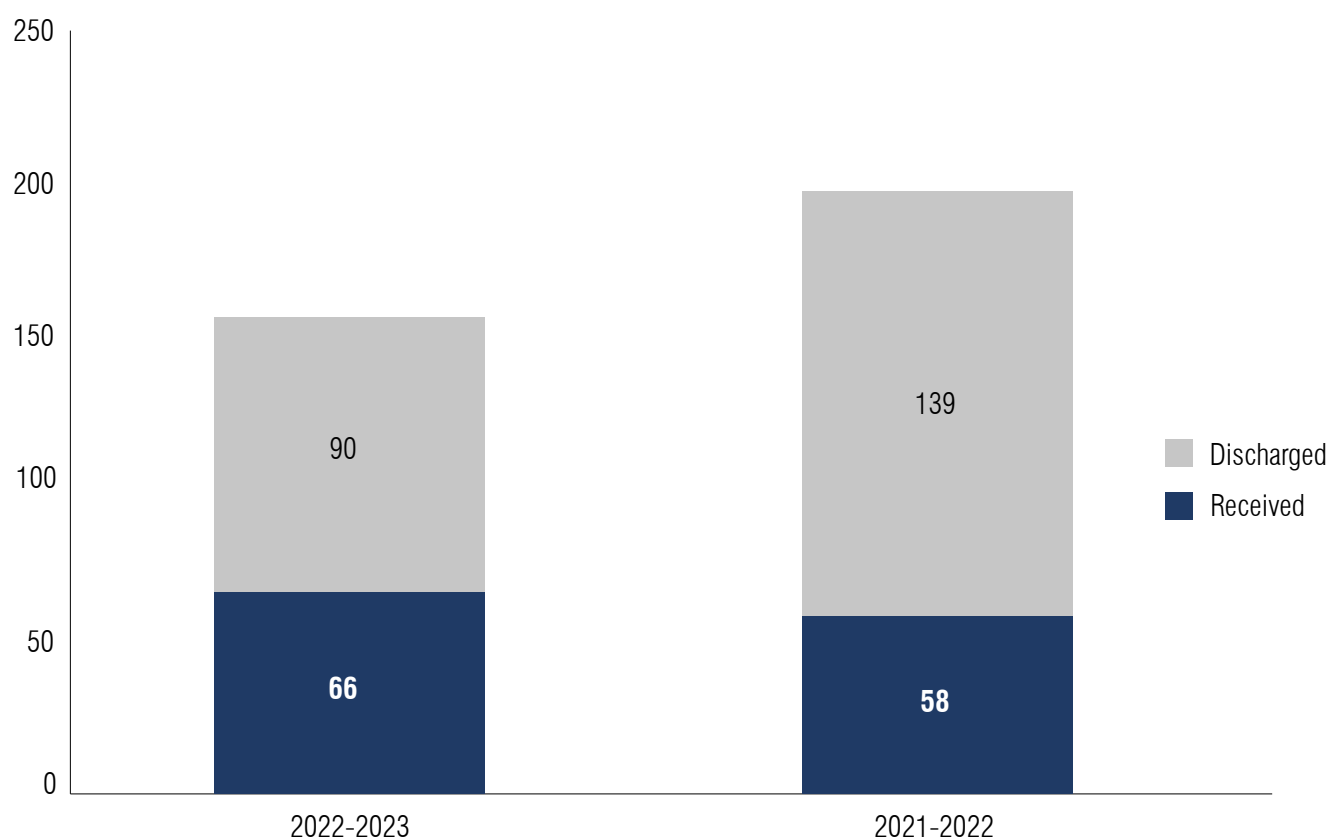


Table 2.2 Types of ALN appeals 2022-23, compared with 2021-22

Type of Appeal	2022-2023	2021-2022
Need, Provision and School	5	1
Does the child have ALN	16	2
LA take over maintenance	3	1
Need, Provision & LA take over maintenance	0	1
Refusal to decide matter	0	1
School named in IDP	9	0
Provision in IDP	4	0
Provision and School	2	0
Cease to Maintain	1	0
Not confirmed	1	0
<b>Total</b>	<b>41</b>	<b>6</b>

Table 2.3 ALN Appeals by Local Authority 2022-23, compared with 2021-22

	2022-2023		2021-2022	
	Number of Appeals	Percentage of Appeals %	Number of Appeals	Percentage of Appeals %
Blaenau Gwent	2	5%	0	0%
Bridgend	1	2%	0	0%
Caerphilly	3	7%	0	0%
Cardiff	5	12%	0	0%
Carmarthenshire	1	2%	0	0%
Ceredigion	0	0%	1	17%
Conwy	2	5%	0	0%
Denbighshire	4	10%	0	0%
Flintshire	2	5%	1	17%
Gwynedd	2	5%	1	17%
Merthyr Tydfil	0	0%	0	0%
Monmouthshire	0	0%	0	0%
Neath Port Talbot	1	2%	0	0%
Newport	2	5%	0	0%
Pembrokeshire	0	0%	0	0%
Powys	4	10%	0	0%
Rhondda Cynon Taf	3	7%	2	32%
Swansea	3	7%	0	0%
Torfaen	0	0%	0	0%
Vale of Glamorgan	3	7%	1	17%
Wrexham	2	5%	0	0%
Ynys Mon	1	2%	0	0%
<b>Total</b>	<b>41</b>	<b>98%</b>	<b>6</b>	<b>100%</b>

Table 2.4 Types of SEN appeals 2022-23, compared with 2021-22

Type of Appeal	2022-2023	2021-2022
Refusal to Assess	1	24
Refusal to Statement	1	13
Refusal to Re-assess	2	2
Contents of Statement Parts 2 & 3	1	10
Contents of Statement Parts 2, 3 & 4	10	25
Contents of Statement Part 3 only	2	4
Contents of Statement Parts 3 & 4	1	3
Contents of Statement Part 4 only	3	8
Cease to Maintain	3	1
Not recorded	1	0
<b>Total</b>	<b>25</b>	<b>90</b>

Table 2.5 SEN Appeals by local authority 2022-23, compared with 2021-22

	2022-2023		2021-2022	
	Number of Appeals	Percentage of Appeals %	Number of Appeals	Percentage of Appeals %
Blaenau Gwent	0	0%	0	0%
Bridgend	0	0%	1	1%
Caerphilly	0	0%	0	0%
Cardiff	3	12%	12	13%
Carmarthenshire	2	8%	4	4%
Ceredigion	0	0%	2	2%
Conwy	0	0%	6	7%
Denbighshire	1	4%	2	2%
Flintshire	0	0%	0	0%
Gwynedd	0	0%	1	1%
Merthyr Tydfil	0	0%	2	2%
Monmouthshire	2	8%	1	1%
Neath Port Talbot	0	0%	3	3%
Newport	1	4%	18	20%
Pembrokeshire	1	4%	7	8%
Powys	3	12%	8	9%
Rhondda Cynon Taf	1	4%	5	6%
Swansea	7	28%	3	3%
Torfaen	0	0%	1	1%
Vale of Glamorgan	4	16%	10	11%
Wrexham	0	0%	2	2%
Ynys Mon	0	0%	2	2%
<b>Total</b>	<b>25</b>	<b>100%</b>	<b>90</b>	<b>98%</b>

Table 2.6 ALN Appeals by Local Authority and type (Part 1) 2022-2023

	Does the child have ALN	LA Maintain	Cease to maintain	Not confirmed
Blaenau Gwent	1	0	0	0
Bridgend	1	0	0	0
Caerphilly	1	0	0	0
Cardiff	2	0	0	0
Carmarthenshire	1	0	0	0
Ceredigion	0	0	0	0
Conwy	1	1	0	0
Denbighshire	3	0	0	1
Flintshire	1	0	0	0
Gwynedd	0	0	1	0
Merthyr Tydfil	0	0	0	0
Monmouthshire	0	0	0	0
Neath Port Talbot	0	0	0	0
Newport	1	0	0	0
Pembrokeshire	0	0	0	0
Powys	1	2	0	0
Rhondda Cynon Taf	0	0	0	0
Swansea	1	0	0	0
Torfaen	0	0	0	0
Vale of Glamorgan	1	0	0	0
Wrexham	1	0	0	0
Ynys Mon	0	0	0	0
<b>Total</b>	<b>16</b>	<b>3</b>	<b>1</b>	<b>1</b>

Table 2.7 ALN Appeals by Local Authority and type (Part 2) 2022-2023

	Need, Provision & School in IDP	Provision & School in IDP	Provision in IDP	School named in IDP
Blaenau Gwent	0	0	0	1
Bridgend	0	0	0	0
Caerphilly	0	0	1	1
Cardiff	1	1	0	1
Carmarthenshire	0	0	0	0
Ceredigion	0	0	0	0
Conwy	0	0	0	0
Denbighshire	0	0	0	0
Flintshire	0	0	1	0
Gwynedd	0	0	0	1
Merthyr Tydfil	0	0	0	0
Monmouthshire	0	0	0	0
Neath Port Talbot	0	0	0	1
Newport	0	0	0	1
Pembrokeshire	0	0	0	0
Powys	1	0	0	0
Rhondda Cynon Taf	0	1	0	2
Swansea	0	0	2	0
Torfaen	0	0	0	0
Vale of Glamorgan	2	0	0	0
Wrexham	1	0	0	0
Ynys Mon	0	0	0	1
<b>Total</b>	<b>5</b>	<b>2</b>	<b>4</b>	<b>9</b>



Table 2.8 SEN Appeals by local authority and type (Part 1) 2022-2023

	Refusal to Assess	Refusal to Statement	Refusal to Re-assess	Cease to Maintain	Not confirmed
Blaenau Gwent	0	0	0	0	0
Bridgend	0	0	0	0	0
Caerphilly	0	0	0	0	0
Cardiff	0	0	0	0	0
Carmarthenshire	0	1	0	0	0
Ceredigion	0	0	0	0	0
Conwy	0	0	0	0	0
Denbighshire	0	0	0	0	0
Flintshire	0	0	0	0	0
Gwynedd	0	0	0	0	0
Merthyr Tydfil	0	0	0	0	0
Monmouthshire	0	0	0	0	1
Neath Port Talbot	0	0	0	0	0
Newport	0	0	1	0	0
Pembrokeshire	0	0	0	0	0
Powys	0	0	0	0	0
Rhondda Cynon Taf	0	0	0	0	0
Swansea	1	0	0	2	0
Torfaen	0	0	0	0	0
Vale of Glamorgan	0	0	1	1	0
Wrexham	0	0	0	0	0
Ynys Mon	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>1</b>

Table 2.9 SEN Appeals by local authority and type (Part 2) 2021-2022

	Contents of Parts 2 & 3	Contents of Parts 2, 3 & 4	Contents of Part 3	Contents of Parts 3 & 4	Contents of Part 4
Blaenau Gwent	0	0	0	0	0
Bridgend	0	0	0	0	0
Caerphilly	0	0	0	0	0
Cardiff	0	1	1	0	1
Carmarthenshire	0	1	0	0	0
Ceredigion	0	0	0	0	0
Conwy	0	0	0	0	0
Denbighshire	0	1	0	0	0
Flintshire	0	0	0	0	0
Gwynedd	0	0	0	0	0
Merthyr Tydfil	0	0	0	0	0
Monmouthshire	0	1	0	0	0
Neath Port Talbot	0	0	0	0	0
Newport	0	0	0	0	0
Pembrokeshire	0	1	0	0	0
Powys	0	1	0	0	2
Rhondda Cynon Taf	1	0	0	0	0
Swansea	0	2	1	1	0
Torfaen	0	0	0	0	0
Vale of Glamorgan	0	2	0	0	0
Wrexham	0	0	0	0	0
Ynys Mon	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>10</b>	<b>2</b>	<b>1</b>	<b>3</b>

Chart 2.10 Appeals per 10,000 of school population in each local authority 2022-23, compared with 2021-22

No. appeals per 10,000 of school population

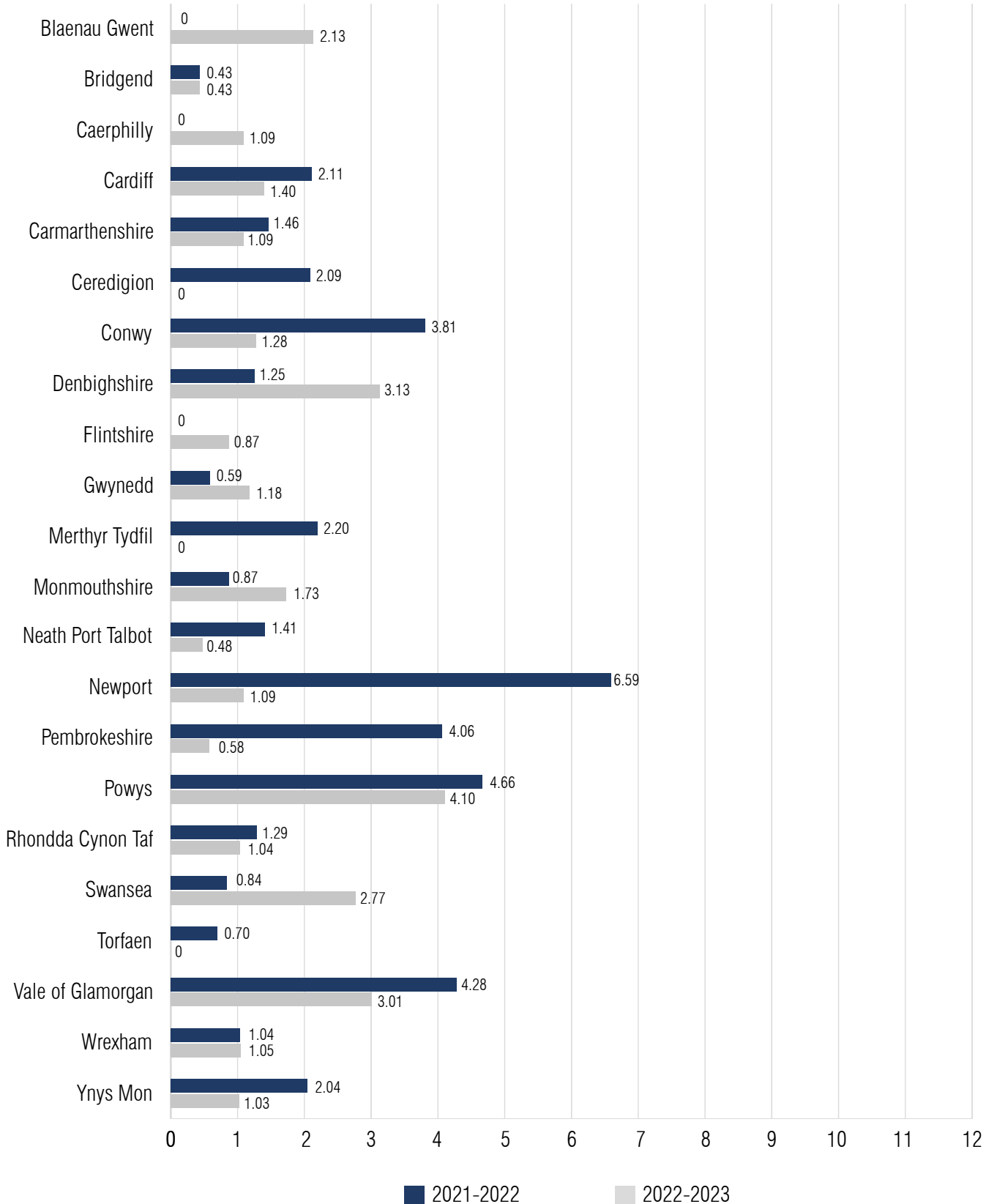


Table 2.11 ALN Appeals by school age and type of appeal 2022-2023

	Nursery	Nursery transition	Primary	Primary Transition <sup>1</sup>	Secondary	Secondary Transition
Need, Provision and School	0	0	4	1	0	0
Does the child have ALN	2	1	12	1	0	0
LA take over maintenance	0	0	2	0	1	0
School named in IDP	1	0	4	2	2	0
Provision in IDP	1	1	2	0	0	0
Provision and School	0	0	2	0	0	0
Cease to Maintain	0	0	0	0	1	0
Not confirmed	0	0	0	0	1	0
<b>Total</b>	<b>4</b>	<b>2</b>	<b>26</b>	<b>4</b>	<b>5</b>	<b>0</b>

1 Primary transition – the final year of primary education before starting secondary school.

Table 2.12 SEN Appeals by school age and type of appeal 2022-2023

	<b>Nursery transition</b>	<b>Primary</b>	<b>Secondary</b>
Refusal to Assess	1	0	0
Refusal to Statement	0	1	0
Contents of Statement Parts 2 & 3	0	1	0
Contents of Statement Parts 2, 3 & 4	0	2	8
Contents of Statement Part 3	0	1	1
Contents of Statement Parts 3 & 4	0	1	0
Not confirmed	0	0	1
Contents of Statement Part 4	0	2	1
Refusal to Re-assess	0	2	0
Cease to Maintain	0	0	3
<b>Total</b>	<b>1</b>	<b>10</b>	<b>14</b>

Table 2.13 ALN Appeals by school age and local authority 2022-2023

	Number of appeals				
	Nursery	Nursery transition	Primary	Primary Transition	Secondary
Blaenau Gwent	0	0	2	0	0
Bridgend	0	0	1	0	0
Caerphilly	2	0	0	0	1
Cardiff	0	0	5	0	0
Carmarthenshire	0	0	0	1	0
Ceredigion	0	0	0	0	0
Conwy	0	0	1	0	1
Denbighshire	0	1	2	0	1
Flintshire	0	0	2	0	0
Gwynedd	0	0	1	0	1
Merthyr Tydfil	0	0	0	0	0
Monmouthshire	0	0	0	0	0
Neath Port Talbot	1	0	0	0	0
Newport	0	0	1	1	0
Pembrokeshire	0	0	0	0	0
Powys	0	0	4	0	0
Rhondda Cynon Taf	0	0	1	1	1
Swansea	1	1	1	0	0
Torfaen	0	0	0	0	0
Vale of Glamorgan	0	0	3	0	0
Wrexham	0	0	1	1	0
Ynys Mon	0	0	1	0	0
<b>Total</b>	<b>4</b>	<b>2</b>	<b>26</b>	<b>4</b>	<b>5</b>

Table 2.14 SEN Appeals by school age and local authority 2022-2023

	Nursery transition	Primary	Secondary
Blaenau Gwent	0	0	0
Bridgend	0	0	0
Caerphilly	0	0	0
Cardiff	0	1	2
Carmarthenshire	0	2	0
Ceredigion	0	0	0
Conwy	0	0	0
Denbighshire	0	0	1
Flintshire	0	0	0
Gwynedd	0	0	0
Merthyr Tydfil	0	0	0
Monmouthshire	0	0	2
Neath Port Talbot	0	0	0
Newport	0	1	0
Pembrokeshire	0	0	1
Powys	0	1	2
Rhondda Cynon Taf	0	1	0
Swansea	1	3	3
Torfaen	0	0	0
Vale of Glamorgan	0	1	3
Wrexham	0	0	0
Ynys Mon	0	0	0
<b>Total</b>	<b>1</b>	<b>10</b>	<b>14</b>

Chart 2.15 Appeals by gender 2022-23

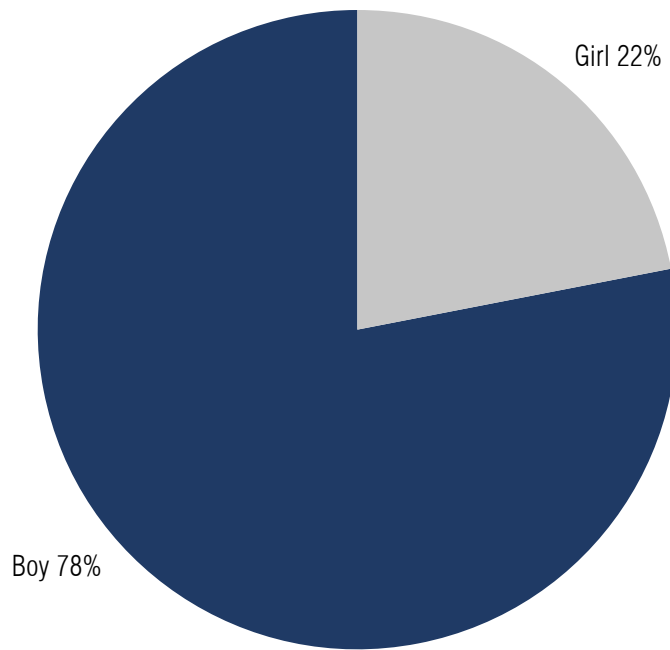


Table 2.16 ALN Appeals by outcome 2022-23 (including carried over appeals), compared with 2021-22

	2022-2023		2021-2022	
	Actual	Percentage	Actual	Percentage
Conceded <sup>2</sup>	1	2%	0	0%
Withdrawn <sup>3</sup>	12	26%	0	0%
Upheld in Full	4	9%	0	0%
Upheld in Part	2	4%	0	0%
Dismissed/struck out	5	11%	0	0%
Pending <sup>4</sup>	22	48%	6	100%
<b>Total</b>	<b>46</b>	<b>100%</b>	<b>6</b>	<b>100%</b>

2 Conceded – a case is conceded when a LA notifies the Tribunal that they no longer oppose the appeal and have agreed to do what the appellant requested in their appeal.

3 Withdrawn – a case is withdrawn when the applicant no longer wishes to continue with their appeal. An appeal is withdrawn by consent when the parties have reached agreement and the parent agrees to withdraw their appeal on the basis of agreed amendments.

4 Pending – a case is on going with the tribunal.



Table 2.17 SEN Appeals by outcome 2022-23 (including carried over appeals), compared with 2021-22

	2022-2023		2021-2022	
	Actual	Percentage	Actual	Percentage
Conceded <sup>5</sup>	2	4%	39	28%
Withdrawn <sup>6</sup>	15	31%	43	31%
Upheld in Full	1	2%	5	4%
Upheld in Part	1	2%	16	12%
Dismissed/struck out	15	31%	12	9%
Pending <sup>7</sup>	14	30%	22	16%
<b>Total</b>	<b>48</b>	<b>100%</b>	<b>137</b>	<b>100%</b>

Table 2.18 ALN Appeals by outcome and type 2022-23 (including carried over appeals)

	Conceded	Withdrawn	Upheld in Full	Upheld in Part	Dismissed/struck out	Pending
Need, Provision and School	0	1	0	2	0	3
Does the child have ALN	0	6	1	0	1	10
LA take over maintenance	0	2	2	0	0	1
School named in IDP	0	1	0	0	1	7
Provision in IDP	0	1	0	0	2	1
Provision and School	0	1	1	0	0	0
Cease to Maintain	1	0	0	0	0	0
Not confirmed	0	0	0	0	1	0
Need, Provision and School	0	0	0	0	0	0
<b>Total</b>	<b>1</b>	<b>12</b>	<b>4</b>	<b>2</b>	<b>5</b>	<b>22</b>

5 Conceded – a case is conceded when a LA notifies the Tribunal that they no longer oppose the appeal and have agreed to do what the appellant requested in their appeal.

6 Withdrawn – a case is withdrawn when the applicant no longer wishes to continue with their appeal. An appeal is withdrawn by consent when the parties have reached agreement and the parent agrees to withdraw their appeal on the basis of agreed amendments.

7 Pending – a case is on going with the tribunal.

Table 2.19 SEN Appeals by outcome and type 2022-23 (including carried over appeals)

	Conceded	Withdrawn	Upheld in Full	Upheld in Part	Dismissed/ struck out	Pending
Refusal to Assess	0	0	0	0	1	0
Refusal to Statement	1	0	1	0	0	0
Refusal to Re-assess	0	2	0	0	0	1
Cease to Maintain	0	1	0	0	3	0
Contents of Statement Part 2	0	0	0	0	1	0
Contents of Statement Parts 2 & 3	0	1	0	1	1	2
Contents of Statement Parts 2, 3 & 4	1	6	0	0	4	8
Contents of Statement Part 3	0	1	0	0	2	1
Contents of Statement Parts 3 & 4	0	0	0	0	0	1
Contents of Statement Part 4	0	4	0	0	2	1
Not confirmed	0	0	0	0	1	0
<b>Total</b>	<b>2</b>	<b>15</b>	<b>1</b>	<b>1</b>	<b>15</b>	<b>14</b>

Table 2.20 ALN Appeals by outcome and local authority 2022-23  
(including carried over appeals)

	Conceded	Withdrawn	Upheld in Full	Upheld in Part	Dismissed/ struck out	Pending
Blaenau Gwent	0	1	0	0	0	1
Bridgend	0	1	0	0	0	0
Caerphilly	0	1	0	0	1	1
Cardiff	0	2	0	0	0	3
Carmarthenshire	0	1	0	0	0	0
Ceredigion	0	0	0	1	0	0
Conwy	0	0	0	0	0	2
Denbighshire	0	0	1	0	1	2
Flintshire	0	3	0	0	0	0
Gwynedd	1	0	0	0	0	2
Merthyr Tydfil	0	0	0	0	0	0
Monmouthshire	0	0	0	0	0	0
Neath Port Talbot	0	1	0	0	0	0
Newport	0	0	0	0	1	1
Pembrokeshire	0	0	0	0	0	0
Powys	0	0	2	0	0	2
Rhondda Cynon Taf	0	1	1	0	0	2
Swansea	0	0	0	0	1	2
Torfaen	0	0	0	0	0	0
Vale of Glamorgan	0	1	0	1	0	2
Wrexham	0	0	0	0	1	1
Ynys Mon	0	0	0	0	0	1
<b>Total</b>	<b>1</b>	<b>12</b>	<b>4</b>	<b>2</b>	<b>5</b>	<b>22</b>

Table 2.21 SEN Appeals by outcome and local authority 2022-23  
(including carried over appeals)

	Conceded	Withdrawn	Upheld in Full	Upheld in Part	Dismissed/ struck out	Pending
Blaenau Gwent	0	0	0	0	0	0
Bridgend	0	1	0	0	0	0
Caerphilly	0	0	0	0	0	0
Cardiff	0	0	0	0	2	3
Carmarthenshire	2	0	0	0	0	1
Ceredigion	0	0	0	0	0	0
Conwy	0	1	0	0	0	0
Denbighshire	0	1	0	0	0	1
Flintshire	0	0	0	0	0	0
Gwynedd	0	1	0	0	0	0
Merthyr Tydfil	0	0	0	0	0	0
Monmouthshire	0	0	0	0	1	1
Neath Port Talbot	0	0	0	0	0	0
Newport	0	0	1	0	2	1
Pembrokeshire	0	0	0	0	2	0
Powys	0	3	0	0	1	2
Rhondda Cynon Taf	0	0	0	1	1	2
Swansea	0	2	0	0	3	2
Torfaen	0	0	0	0	1	0
Vale of Glamorgan	0	5	0	0	2	1
Wrexham	0	1	0	0	0	0
Ynys Mon	0	0	0	0	0	0
<b>Total</b>	<b>2</b>	<b>15</b>	<b>1</b>	<b>1</b>	<b>15</b>	<b>14</b>

Chart 2.22 Claims of alleged disability discrimination received and discharged including carried forward in 2022-23, compared with 2021-22

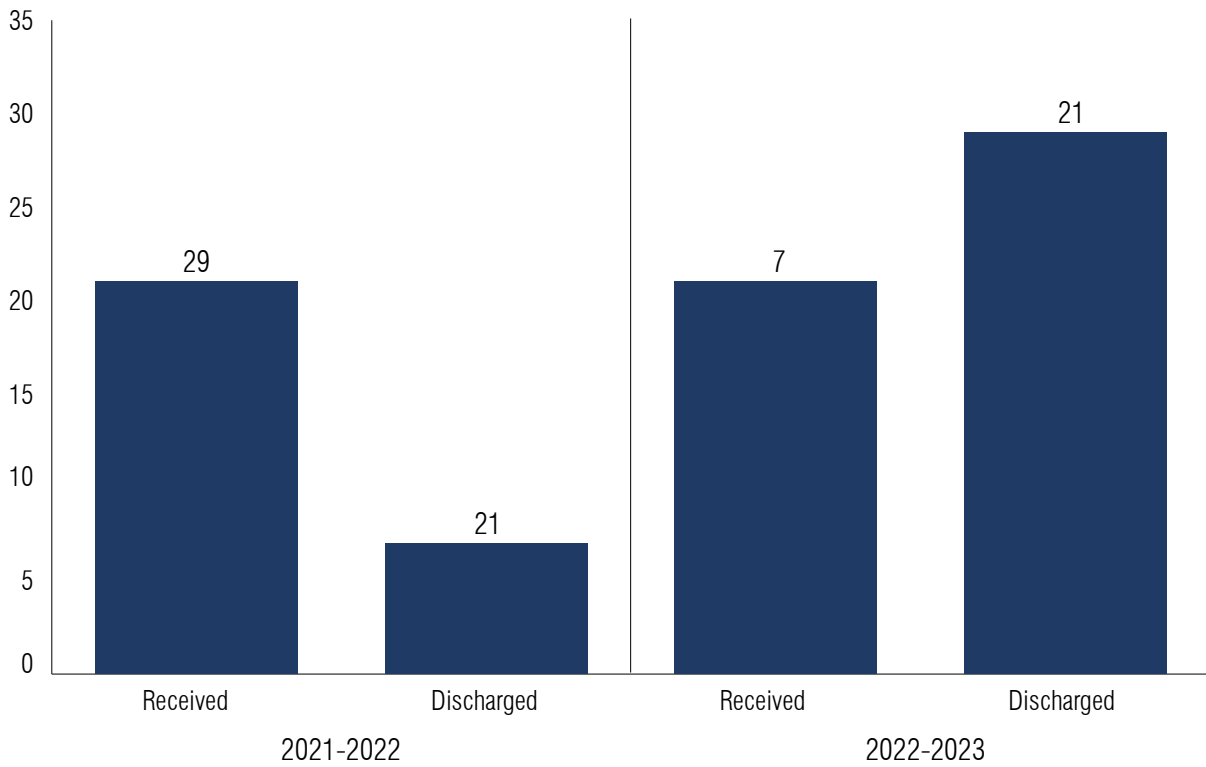
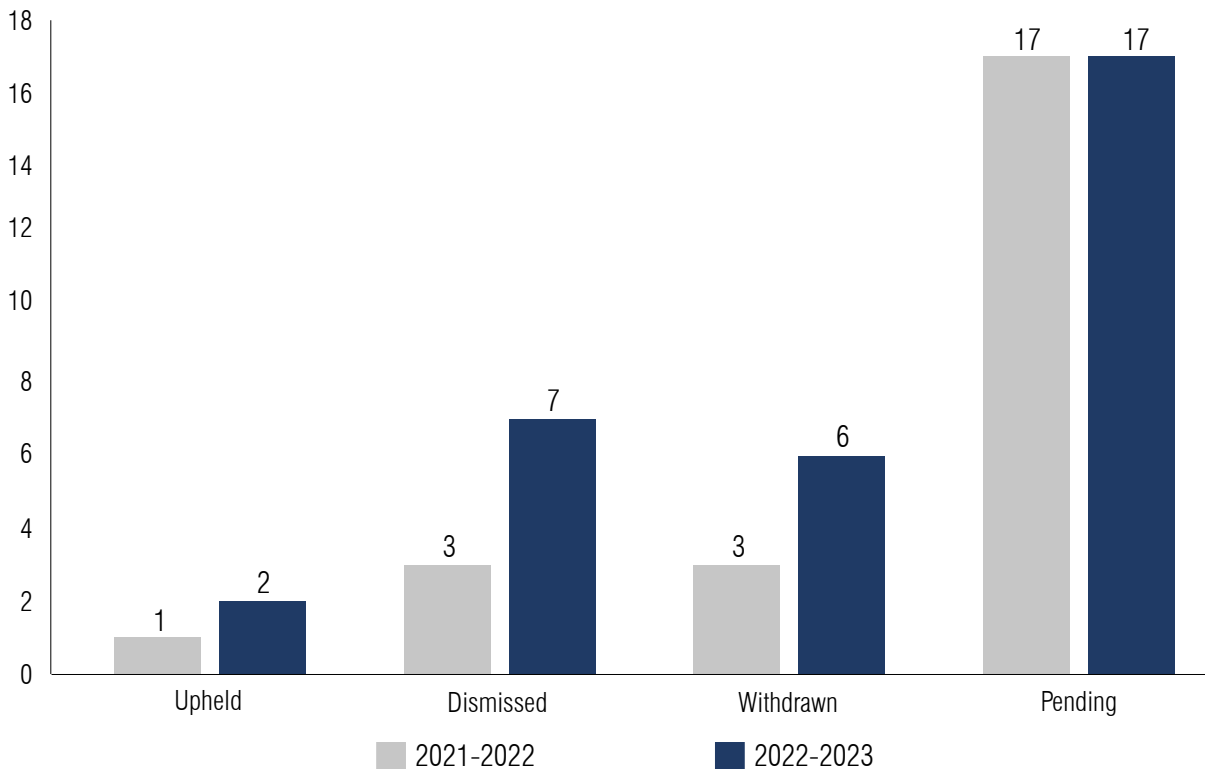


Table 2.23 Types of claims received during 2022-23, compared with 2021-22

Type of Claim	2022-2023		2021-2022	
	Count	Percentage	Count	Percentage
Admissions	0	0%	0	0%
Education	15	71%	14	67%
Exclusions	5	24%	7	33%
Not recorded	1	5%	0	0%

Chart 2.24 Claims of alleged disability discrimination by outcome 2022-23 including carried forward, compared with 2021-22



## Hearings Data

During 2022-2023 the Tribunal held 74 hearings, of those, 1 hearing was held on the basis of the papers only, 67 held as virtual hearings, including 13 case management hearings and 6 hearings were held in person.

Type	Number of days
Appeal	40
Claim	34
Paper	1 (Appeal)

## Reviews and onward appeals

Applications for a review of a Tribunal decision can be made by parties on limited grounds and parties may also request permission of the Tribunal to make an application to the Upper Tribunal if they think that the Tribunal's decision is wrong on a point of law.

Over the period of this report, a review application from the previous reporting period was refused, with the decision amended by certificate. Two applications for permission to appeal to the Upper Tribunal from the previous reporting period were considered, one was reviewed with a new decision issued and the other was refused.

Two applications for permission, received in this reporting period, were refused by the Tribunal, with one also being refused by the Upper Tribunal.

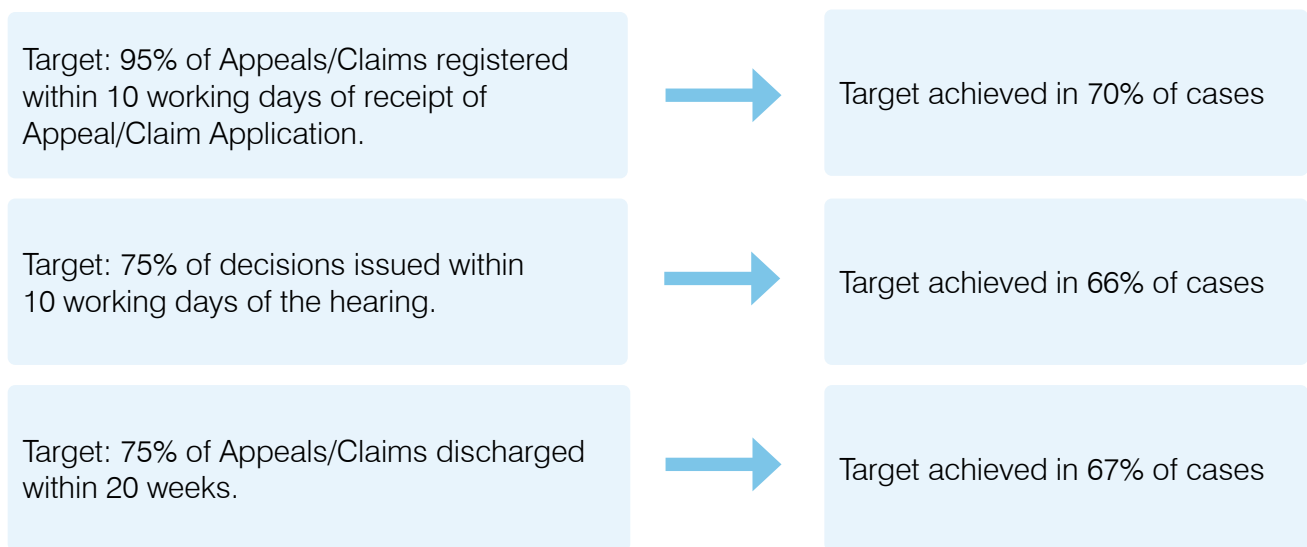
Two applications for permission to appeal were still pending at the end of the reporting period.

## Achievement against key performance indicators

To monitor how effectively services are delivered, we have key performance indicators aimed at measuring two key aspects of our business; the speed of our service and the quality of service through customer satisfaction.

To measure the speed of our service, we have a series of primary performance indicators based on the time taken to process an application – from receipt to the hearing or disposal (see below). To measure customer satisfaction, we used an indicator that is derived from periodic customer surveys issued at the conclusion of a case (see section 3).

### Speed of our service



### Complaints

The Tribunal received 2 complaints during the year, one of which was upheld and the other was not upheld.

## Section 3 – Our Customers

In this section:

- Customer satisfaction survey

### Customer satisfaction survey

The Tribunal strives to improve customer service delivery and aims to put our customers at the heart of everything we do.

Customer satisfaction surveys are issued at the conclusion of a case. The survey results enable us to gain a better understanding of our customers' needs and give us a valuable insight into what the Tribunal is doing well, as well as highlighting those areas where the Tribunal needs to improve.

We collate information in respect of communication and service, satisfaction with the hearing venue, staff assistance and the tribunal's website.



## Section 4 – Business Priorities

In this section:

- **Business priorities for 2022-2023**

It is important that the ETW continues to develop in order to deliver the best possible service for our customers. This section is about how the ETW will build on its achievements through focusing on business priorities and our commitment to our users.

- Ensure effective access to justice for children and young people with SEN, ALN and Disabilities.
- Review and deliver Judicial Training focusing on Disability Discrimination and ALN Law.
- Provide flexible hearings in Welsh and English as requested by parties.
- Plan and deliver User Forum meetings across Wales and on-line.
- Continue to monitor and update the Education Tribunal Wales and Special Educational Need Tribunal Wales' websites and resources.
- Implement changes to the tribunal administration and its processes to deliver fair, just and timely decisions.
- Prepare to move to any new Tribunal structure introduced in Wales.

## Section 5 – Expenditure

In this section, our:

- Expenditure for the financial year April 2022 to March 2023

### Expenditure for financial year 2022-2023

Content	Amount
Members Fees and Expenses for tribunal proceedings	£186,214
Other Tribunal costs	£8,000
<b>Total</b>	<b>£201,156</b>