



The Education Tribunal for Wales

Annual Report 2023 – 2024

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Foreword

Croeso. Welcome.

This is my second annual report as President of the Education Tribunal Wales (ETW) following my first full year in post.

It has been an interesting year.

Tribunal statistics reflect the fact that appeals registered will from now onwards be against a decision of a Local Authority made under the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET). By the time this report is published, our last case registered under the Special Educational Needs legal framework will have been heard. We do not expect to have many, if any, more appeals made under this “old” law as the transfer of children on School Action/ School Action Plus or with a Statement to an Individual Development Plan (IDP) should be completed by the end of the Summer 2025 at the latest.

The total number of appeals registered with the ETW has increased from the previous year with the contents of an IDP and requests for a school or educational placement to be decided being the most common grounds of appeal. This rise in numbers is to be expected as the ALNET settles into everyday practice. It is however of concern that the number of appeals relating to young people transitioning into Further Education, children in care and those detained have been so low.

There remains an issue that LAs are not consistently and clearly informing parents, children or young people of the decision they have made under ALNET or of their right to appeal to ETW. This is required under the ALN Code for Wales 2021. Many enquiries to the ETW administration are by parents trying to identify whether a case can be registered. Where an LA is complying and providing this information, some are experiencing higher rates of appeal.

Evidence from parents, children and young people continues to support the view that there remain real differences in how the ALNET legal framework is being interpreted and implemented across the twenty-two LAs in Wales. This uncertainty was highlighted to the Welsh Government in the oral evidence that I gave to the Senedd in March 2024. The legislation remains accurately described as “intellectually challenging”.

The ETW has subsequently committed to provide evidence to Welsh Government on the barriers to the clear interpretation of ALNET, as part of the review of the legislation framework announced by Cabinet Secretary, Lynne Neagle, in October 2024.

The number of claims of Disability Discrimination against schools have remained stable over the last year.

As part of new ETW procedure, directions are issued when a case is registered which set out a timetable in an appeal or claim from registration to hearing. This has meant that cases have made timely progress over the past year and are increasingly being decided within 22 weeks. We would like to reduce this time further if possible.

The introduction of a proactive case management stage as part of that timetable, means that a Judge will review the documents in a case to ensure that it is ready to be heard and confirm the law to be applied. It ensures that any evidence required to decide a case has been provided, legal issues explored and any change of circumstances can be considered before the final hearing. The number of cases which have had to be adjourned because they were not ready to be heard and decided by the Tribunal has as a result decreased. There has also been an increase in the number of consent orders issued to conclude proceedings. These are final decisions that conclude a case, confirming the agreement reached by the parties. They are made by a Judge who has reviewed the evidence. Case management is an effective tool to support swift access to justice.

Hearings in the ETW continue to be listed to video, unless an in-person hearing is requested by a party. Feedback from users confirms this remains a popular and effective way of the Tribunal conducting business. To ensure that all hearings are accessible, we have reviewed our application forms to make it clear how to request a reasonable adjustment to the tribunal process for anyone who is disabled or has special circumstances.

The ETW is also determined to ensure that access to the Tribunal for those who are Welsh speakers remains flexible. The tribunal process, including the final hearing, can easily be conducted in a combination of English and Welsh, as well as in Welsh only. This means that all parties, their representatives and witnesses can communicate in their language of preference, which ensures views are clearly heard and are at the centre of decision making.

The ETW administration continue to work towards consistently achieving their Key Performance Indicators.

We look forward to the publishing of a Tribunal Reform Bill, which will reform the way that devolved Tribunals in Wales are structured.

Over the past year we have held four User Forums (two on-line and two in person) which attracted over 200 participants. Please contact the ETW administration to be added to the email distribution list for notification of the next round of Forum meetings. All with an interest in the ETW are welcome to attend.

This will be the last time I report on the activities of the ETW separately from the other devolved Welsh Tribunals. From now on, my report will be included in a combined report from Sir Gary Hickinbottom, President of Welsh Tribunals which will be published annually.

As we move into the last year in which SEN Law will be applicable, collaborative working between the ETW and our partners is essential to ensure that children and young people with ALN in Wales receive an appropriate education and provision under ALNET. If we fail to do this successfully, we will be failing Welsh children.

*Gan edrych ymlaen i ddal ati i weithio gyda chi'i gyd dros y flwyddyn nesaf!
Looking forward to working with you over the next year!*

Judge Jane McConnell

President Education Tribunal Wales

Section 1 – About Us

In this section:

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) is 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 and local authority's (LAs) and 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 Judges. Education Panel Members are appointed by the Welsh Ministers.

President

The President has responsibility for the overall judicial management of the Tribunal.

Deputy President

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.

Judge

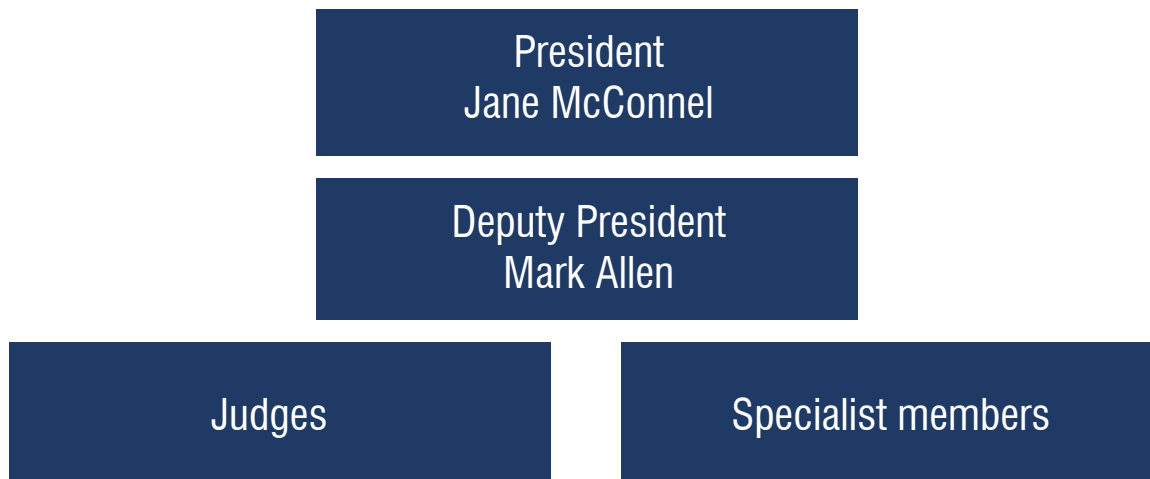
Tribunal hearings are managed by a tribunal judge, who must have a legal qualification. They will write and sign decisions, advise of adjournments and set directions where necessary.

Specialist Panel Members

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.

Secretariat

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

5 Judges and 5 specialist members were appointed during the reporting period.

Training

The Tribunal held an Annual Training Conference for its members in November 2023 and held a Disability Discrimination Training Conference in February 2024.

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

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 2023-24, compared with 2022-23	Chart 2.1
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Chart 2.1: ALN and SEN Appeals received and discharged in 2023-24, compared with 2022-23 including carried forward

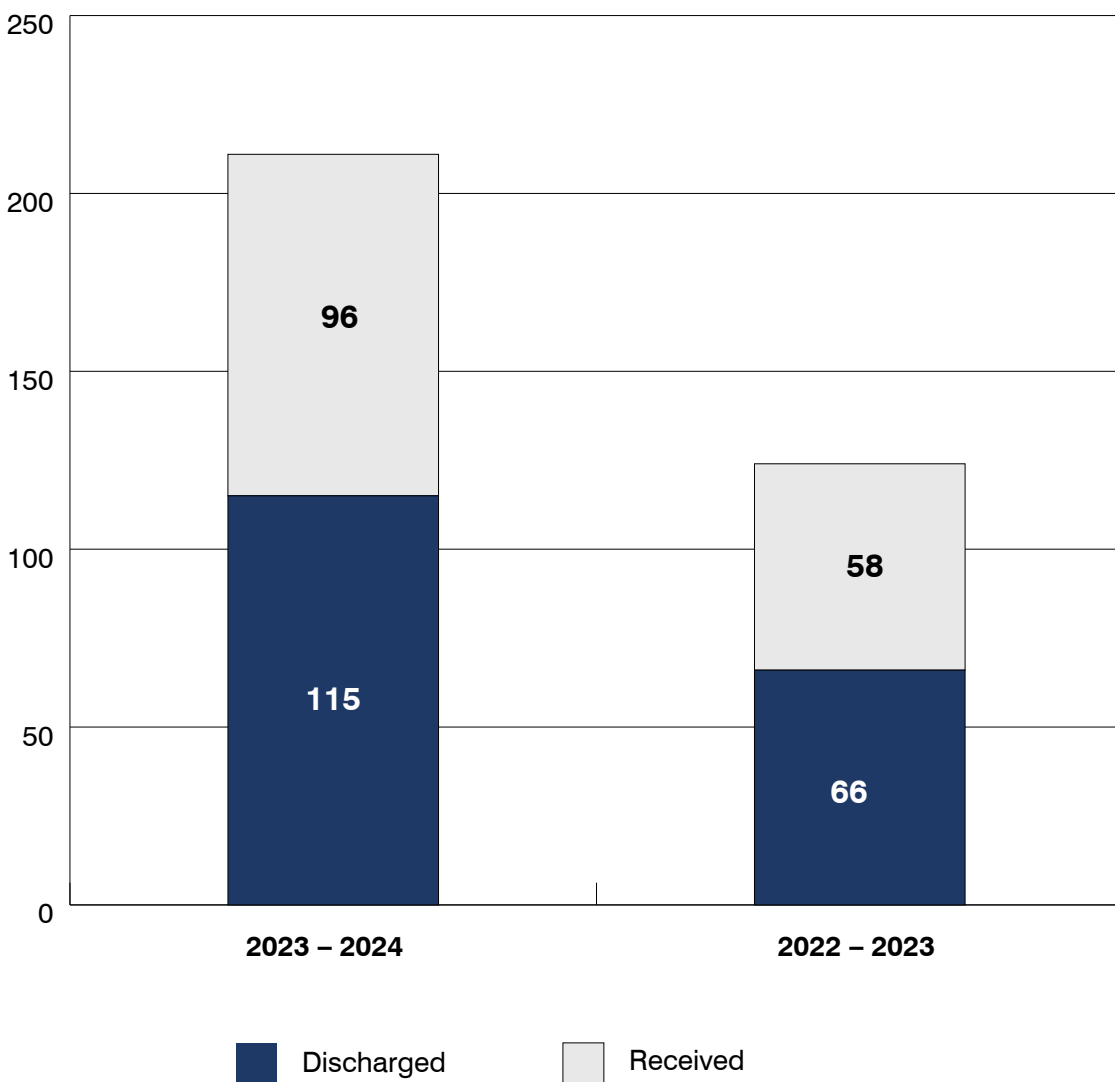


Table 2.2: Types of ALN appeals 2023-24, compared with 2022-23

Type of Appeal	2023-24	2022-23
Does the child have ALN	8	16
LA prepare and maintain and IDP	6	2
Need in an IDP	0	0
Provision in an IDP	9	4
School named in an IDP	30	9
Need & Provision in an IDP	4	0
Need, Provision and School in an IDP	29	5
Need and School in an IDP	1	0
Provision and School in an IDP	7	2
ALP in Welsh	1	0
Refusal to Change an IDP	2	0
Refusal to take over responsibility of an IDP	8	1
Cease to maintain	0	1
Refusal to decide a matter	2	0
Not confirmed	0	1
Total	107	41

Table 2.3: ALN Appeals by Local Authority 2023-24, compared with 2022-23

	2023-24		2022-23	
	Number of Appeals	Percentage of Appeals %	Number of Appeals	Percentage of Appeals %
Blaenau Gwent	2	2%	2	5%
Bridgend	2	2%	1	2%
Caerphilly	3	3%	3	7.5%
Cardiff	8	7%	5	12%
Carmarthenshire	1	1%	1	2%
Ceredigion	1	1%	0	0%
Conwy	3	3%	2	5%
Denbighshire	2	2%	4	10%
Flintshire	2	2%	2	5%
Gwynedd	7	7%	2	5%
Merthyr Tydfil	0	0%	0	0%
Monmouthshire	1	1%	0	0%
Neath Port Talbot	2	2%	1	2%
Newport	8	7%	2	5%
Pembrokeshire	2	2%	0	0%
Powys	4	4%	4	10%
Rhondda Cynon Taf	32	30%	3	7.5%
Swansea	3	3%	3	7.5%
Torfaen	4	4%	0	0%
Vale of Glamorgan	14	13%	3	7.5%
Wrexham	4	4%	2	5%
Ynys Môn	2	2%	1	2%
Total	107	100%	41	100%

Table 2.4: Types of SEN appeals 2023-24, compared with 2022-23

Type of Appeal	2023-24	2022-23
Refusal to Assess	0	1
Refusal to Statement	0	1
Refusal to Re-assess	0	2
Contents of Statement Parts 2 & 3	1	1
Contents of Statement Parts 2, 3 & 4	3	10
Contents of Statement Part 3 only	0	2
Contents of Statement Parts 3 & 4	1	1
Contents of Statement Part 4 only	3	3
Cease to Maintain	0	3
Not recorded	0	1
Total	8	25

Table 2.5: SEN Appeals by local authority 2023-24, compared with 2022-23

	2023-24		2022-23	
	Number of Appeals	Percentage of Appeals %	Number of Appeals	Percentage of Appeals %
Blaenau Gwent	0	0%	0	0%
Bridgend	0	0%	0	0%
Caerphilly	0	0%	0	0%
Cardiff	0	0%	3	12%
Carmarthenshire	0	0%	2	8%
Ceredigion	0	0%	0	0%
Conwy	1	13%	0	0%
Denbighshire	0	0%	1	4%
Flintshire	0	0%	0	0%
Gwynedd	0	0%	0	0%
Merthyr Tydfil	0	0%	0	0%
Monmouthshire	1	13%	2	8%
Neath Port Talbot	1	13%	0	0%
Newport	0	0%	1	4%
Pembrokeshire	0	0%	1	4%
Powys	0	0%	3	12%
Rhondda Cynon Taf	3	38%	1	4%
Swansea	1	13%	7	28%
Torfaen	0	0%	0	0%
Vale of Glamorgan	0	0%	4	16%
Wrexham	1	13%	0	0%
Ynys Môn	0	0%	0	0%
Total	8	100%	25	100%

Table 2.6: ALN Appeals by Local Authority and type (Part 1) 2023-24

	Does the child have ALN	LA prepare and maintain and IDP	Need in an IDP	Provision in an IDP	School named in IDP	Need and Provision in an IDP	Need, Provision & School in IDP
Blaenau Gwent	0	0	0	0	0	0	2
Bridgend	1	1	0	0	0	0	0
Caerphilly	0	0	0	0	1	0	0
Cardiff	0	1	0	0	2	0	5
Carmarthenshire	0	0	0	0	0	0	0
Ceredigion	0	0	0	1	0	0	0
Conwy	0	0	0	0	2	0	0
Denbighshire	0	0	0	1	0	0	1
Flintshire	0	0	0	0	0	1	1
Gwynedd	0	0	0	1	2	0	2
Merthyr Tydfil	0	0	0	0	0	0	0
Monmouthshire	0	0	0	0	0	0	1
Neath Port Talbot	0	0	0	0	1	1	0
Newport	0	1	0	1	1	0	3
Pembrokeshire	0	0	0	1	1	0	0
Powys	0	0	0	1	0	1	0
Rhondda Cynon Taf	4	3	0	1	17	0	2
Swansea	1	0	0	0	0	0	2
Torfaen	0	0	0	0	1	0	1
Vale of Glamorgan	1	0	0	2	0	0	8
Wrexham	1	0	0	0	1	1	0
Ynys Môn	0	0	0	0	1	0	1
Total	8	6	0	9	30	4	29

Table 2.7: ALN Appeals by Local Authority and type (Part 2) 2023-24

	Need and School in an IDP	Provision & School in IDP	ALP in Welsh	Refusal to change an IDP	Refusal to take over responsibility of an IDP	Cease to maintain	Refusal to decide a matter
Blaenau Gwent	0	0	0	0	0	0	0
Bridgend	0	0	0	0	0	0	0
Caerphilly	0	2	0	0	0	0	0
Cardiff	0	0	0	0	0	0	0
Carmarthenshire	0	0	1	0	0	0	0
Ceredigion	0	0	0	0	0	0	0
Conwy	0	0	0	0	1	0	0
Denbighshire	0	0	0	0	0	0	0
Flintshire	0	0	0	0	0	0	0
Gwynedd	0	1	0	0	1	0	0
Merthyr Tydfil	0	0	0	0	0	0	0
Monmouthshire	0	0	0	0	0	0	0
Neath Port Talbot	0	0	0	0	0	0	0
Newport	1	0	0	0	1	0	0
Pembrokeshire	0	0	0	0	0	0	0
Powys	0	0	0	0	2	0	0
Rhondda Cynon Taf	0	1	0	1	2	0	1
Swansea	0	0	0	0	0	0	0
Torfaen	0	1	0	0	0	0	1
Vale of Glamorgan	0	1	0	1	1	0	0
Wrexham	0	1	0	0	0	0	0
Ynys Môn	0	0	0	0	0	0	0
Total	1	7	1	2	8	0	2

Table 2.8: SEN Appeals by local authority and type (Part 1) 2023-24

	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	0	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	0
Neath Port Talbot	0	0	0	0	0
Newport	0	0	0	0	0
Pembrokeshire	0	0	0	0	0
Powys	0	0	0	0	0
Rhondda Cynon Taf	0	0	0	0	0
Swansea	0	0	0	0	0
Torfaen	0	0	0	0	0
Vale of Glamorgan	0	0	0	0	0
Wrexham	0	0	0	0	0
Ynys Môn	0	0	0	0	0
Total	0	0	0	0	0

Table 2.9: SEN Appeals by local authority and type (Part 2) 2023-24

	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	0	0	0	0
Carmarthenshire	0	0	0	0	0
Ceredigion	0	0	0	0	0
Conwy	1	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	1	0	0	0
Neath Port Talbot	0	0	0	1	0
Newport	0	0	0	0	0
Pembrokeshire	0	0	0	0	0
Powys	0	0	0	0	0
Rhondda Cynon Taf	0	1	0	0	2
Swansea	0	0	0	0	1
Torfaen	0	0	0	0	0
Vale of Glamorgan	0	0	0	0	0
Wrexham	0	1	0	0	0
Ynys Môn	0	0	0	0	0
Total	1	3	0	1	3

Chart 2.10: Appeals per 10,000 of school population in each local authority 2023-24, compared with 2022-23

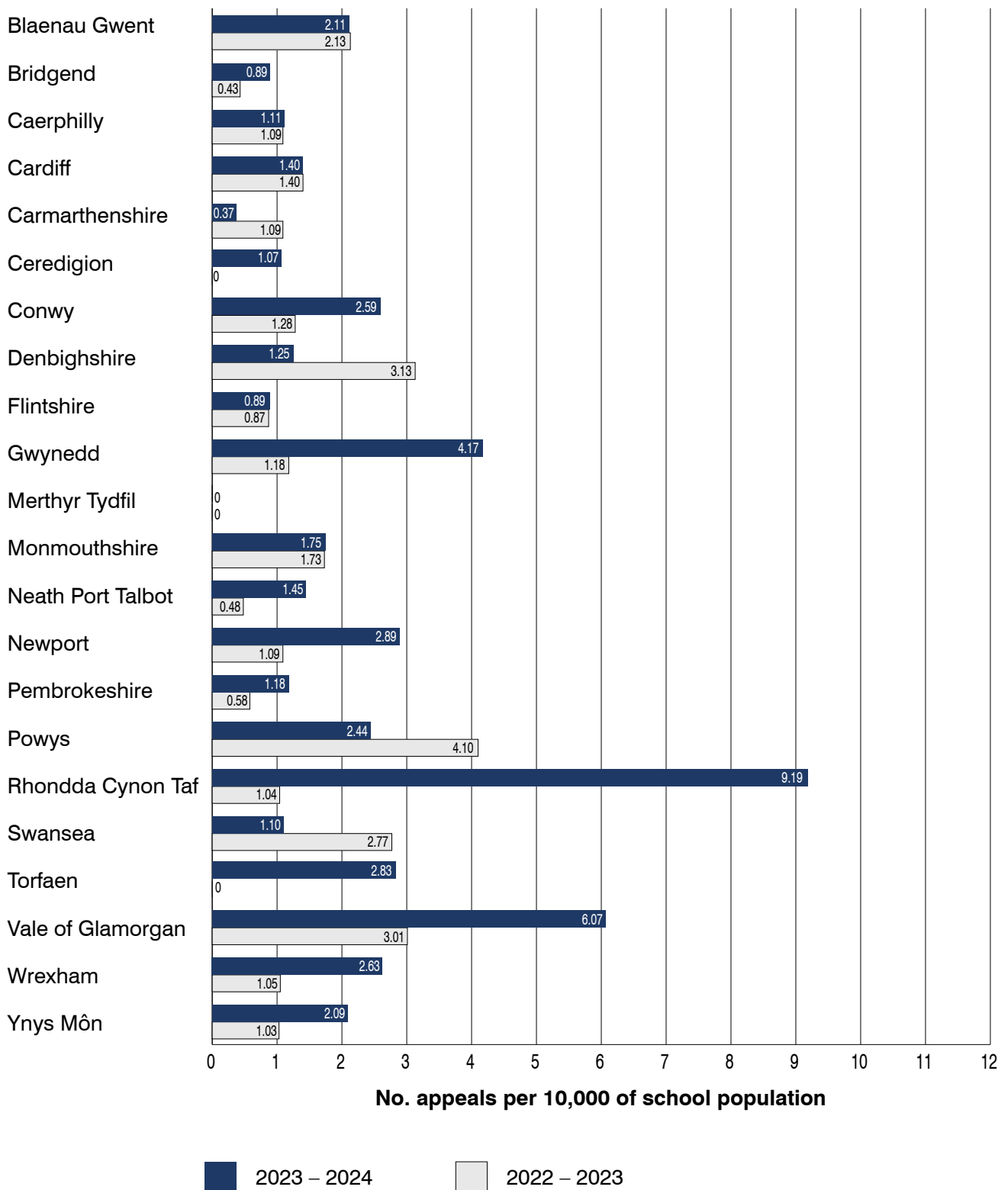


Table 2.11: ALN Appeals by school age and type of appeal 2023-24

	Nursery	Nursery transition	Primary	Primary Transition ¹	Secondary	Secondary Transition
Does the child have ALN	0	0	3	0	5	0
LA prepare and maintain an IDP	0	0	3	0	3	0
Need in an IDP	0	0	0	0	0	0
Provision in an IDP	0	0	5	0	4	0
School named in an IDP	3	1	17	1	8	0
Need & Provision in an IDP	0	0	2	0	2	0
Need, Provision and School in an IDP	1	0	15	1	12	0
Need and School in an IDP	0	0	1	0	0	0
Provision and School in an IDP	2	0	0	2	3	0
ALP in Welsh	0	0	0	0	1	0
Refusal to Change an IDP	1	0	1	0	0	0
Refusal to take over responsibility of an IDP	0	1	5	0	2	0
Cease to maintain	0	0	0	0	0	0
Refusal to Decide a matter	0	0	0	2	0	0
Total	7	2	52	6	40	0

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 2023-24

	Nursery	Nursery transition	Primary	Primary transition	Secondary
Refusal to Assess	0	0	0	0	0
Refusal to Re-assess	0	0	0	0	0
Refusal to Statement	0	0	0	0	0
Cease to Maintain	0	0	0	0	0
Contents of Statement Part 2	0	0	0	0	0
Contents of Statement Part 3	0	0	0	0	0
Contents of Statement Part 4	0	0	0	0	3
Contents of Statement Parts 2 & 3	0	0	0	0	1
Contents of Statement Parts 2 & 4	0	0	0	0	0
Contents of Statement Parts 3 & 4	0	0	1	0	0
Contents of Statement Parts 2, 3 & 4	0	0	2	0	1
Total	0	0	3	0	5

Table 2.13: ALN Appeals by school age and local authority 2023-24

	Number of appeals				
	Nursery	Nursery transition	Primary	Primary transition	Secondary
Blaenau Gwent	0	0	1	0	1
Bridgend	0	0	2	0	0
Caerphilly	1	0	1	0	1
Cardiff	0	0	6	0	2
Carmarthenshire	0	0	0	0	1
Ceredigion	0	0	0	0	1
Conwy	0	0	3	0	0
Denbighshire	0	0	2	0	0
Flintshire	0	0	2	0	0
Gwynedd	0	1	3	0	3
Merthyr Tydfil	0	0	0	0	0
Monmouthshire	0	0	0	0	1
Neath Port Talbot	0	0	1	0	1
Newport	1	0	4	0	3
Pembrokeshire	0	0	2	0	0
Powys	0	0	3	0	1
Rhondda Cynon Taf	5	1	11	2	13
Swansea	0	0	1	0	2
Torfaen	0	0	1	1	2
Vale of Glamorgan	0	0	8	1	5
Wrexham	0	0	1	1	2
Ynys Môn	0	0	0	1	1
Total	7	2	52	6	40

Table 2.14: SEN Appeals by school age and local authority 2023-24

	Nursery	Nursery transition	Primary	Primary transition	Secondary
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	0	0	0	0
Ceredigion	0	0	0	0	0
Conwy	0	0	0	0	1
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	1	0	0
Neath Port Talbot	0	0	1	0	0
Newport	0	0	0	0	0
Pembrokeshire	0	0	0	0	0
Powys	0	0	0	0	0
Rhondda Cynon Taf	0	0	1	0	2
Swansea	0	0	0	0	1
Torfaen	0	0	0	0	0
Vale of Glamorgan	0	0	0	0	0
Wrexham	0	0	0	0	1
Ynys Môn	0	0	0	0	0
Total	0	0	3	0	5

Table 2.15: ALN Appeals by outcome 2023-24 (including carried over appeals), compared with 2022-23

	2023-24		2022-23	
	Actual	Percentage	Actual	Percentage
Conceded ²	0	0%	1	2%
Withdrawn ³	19	15%	12	26%
Upheld in Full	11	8%	4	9%
Upheld in Part	4	3%	2	4%
Consent Order	34	27%	0	0%
Dismissed/struck out	6	5%	5	11%
Declined to register	1	1%	0	0%
Pending	52	41%	22	48%
Total	127	100%	46	100%

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.

Table 2.16: SEN Appeals by outcome 2023-24 (including carried over appeals), compared with 2022-23

	2023-24		2022-23	
	Actual	Percentage	Actual	Percentage
Conceded ⁴	0	0%	2	28%
Withdrawn ⁵	3	14%	15	31%
Upheld in Full	3	14%	1	4%
Upheld in Part	6	28%	1	12%
Consent Order	3	14%	15	9%
Dismissed/struck out	5	24%	0	0%
Declined to register	1	3%	0	0%
Pending ⁶	1	3%	14	16%
Total	22	100%	48	100%

⁴ 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.

⁵ 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.

⁶ Pending – a case is on going with the tribunal.

Table 2.17: ALN Appeals by outcome and type 2023-24 (including carried over appeals)

	Withdrawn	Upheld in Full	Upheld in Part	Dismissed/ struck out	Decline to register	Consent order	Pending
Does the child have ALN	0	3	1	4	1	6	2
LA prepare and maintain an IDP	0	1	0	0	0	3	3
Need in an IDP	0	0	0	0	0	0	0
Provision in an IDP	2	2	1	0	0	3	2
School named in an IDP	9	0	1	2	0	7	16
Need & Provision in an IDP	0	1	0	0	0	0	3
Need, Provision and School in an IDP	4	2	1	0	0	9	17
Need and School in an IDP	0	1	0	0	0	0	0
Provision and School in an IDP	2	1	0	0	0	1	3
ALP in Welsh	0	0	0	0	0	1	0
Refusal to Change an IDP	1	0	0	0	0	1	0
Refusal to take over responsibility of an IDP	1	0	0	0	0	2	5
Cease to maintain	0	0	0	0	0	0	0
Refusal to Decide a matter	0	0	0	0	0	1	1
Total	19	11	4	6	1	34	52

Table 2.18: SEN Appeals by outcome and type 2023-24 (including carried over appeals)

	Withdrawn	Upheld in Full	Upheld in Part	Dismissed/ struck out	Transferred	Consent order	Pending
Refusal to Assess	0	0	0	0	0	0	0
Refusal to Statement	0	0	0	0	0	0	0
Refusal to Re-assess	0	1	0	0	0	0	0
Cease to Maintain	0	0	0	0	0	0	0
Contents of Statement Part 2	0	0	0	0	0	0	0
Contents of Statement Parts 2 & 3	0	1	0	1	0	1	0
Contents of Statement Parts 2, 3 & 4	1	1	6	0	0	0	0
Contents of Statement Part 3	0	0	0	0	0	1	0
Contents of Statement Parts 3 & 4	2	0	0	0	0	0	0
Contents of Statement Part 4	0	0	0	2	1	0	1
Not confirmed	0	0	0	0	0	3	0
Total	3	3	6	3	1	5	1

Table 2.19: ALN Appeals by outcome and local authority 2023-24 (including carried over appeals)

	Withdrawn	Upheld in Full	Upheld in Part	Dismissed/struck out	Decline to register	Consent order	Pending
Blaenau Gwent	2	0	0	0	0	0	1
Bridgend	0	0	0	0	0	1	1
Caerphilly	2	0	0	0	0	1	1
Cardiff	1	0	1	1	0	3	3
Carmarthenshire	0	0	0	0	0	1	0
Ceredigion	0	0	0	0	0	0	1
Conwy	1	1	0	0	0	1	2
Denbighshire	1	1	0	0	0	2	0
Flintshire	0	0	0	0	0	0	2
Gwynedd	0	1	0	1	0	1	6
Merthyr Tydfil	0	0	0	0	0	0	0
Monmouthshire	0	0	1	0	0	0	0
Neath Port Talbot	1	1	0	0	0	0	0
Newport	0	2	0	1	0	5	1
Pembrokeshire	0	1	0	0	0	0	1
Powys	1	1	0	1	0	2	1
Rhondda Cynon Taf	5	0	0	1	0	9	19
Swansea	0	0	1	1	1	0	2
Torfaen	1	0	0	0	0	2	1
Vale of Glamorgan	2	1	1	0	0	5	8
Wrexham	1	2	0	0	0	1	1
Ynys Môn	1	0	0	0	0	0	1
Total	19	11	4	6	1	34	52

Table 2.20: SEN Appeals by outcome and local authority 2023-24 (including carried over appeals)

	Withdrawn	Upheld in Full	Upheld in Part	Dismissed/ struck out	Decline to register	Consent order	Pending
Blaenau Gwent	0	0	0	0	0	0	0
Bridgend	0	0	0	0	0	0	0
Caerphilly	0	0	0	0	0	0	0
Cardiff	0	0	1	1	0	1	0
Carmarthenshire	0	0	1	0	0	0	0
Ceredigion	0	0	0	0	0	0	0
Conwy	0	0	0	1	0	0	0
Denbighshire	0	0	1	0	0	0	0
Flintshire	0	0	0	0	0	0	0
Gwynedd	0	0	0	0	0	0	0
Merthyr Tydfil	0	0	0	0	0	0	0
Monmouthshire	0	0	0	0	0	2	0
Neath Port Talbot	1	0	0	0	0	0	0
Newport	0	1	0	0	0	0	0
Pembrokeshire	0	0	0	0	0	0	0
Powys	0	1	1	0	0	0	0
Rhondda Cynon Taf	0	1	1	0	1	1	1
Swansea	1	0	1	1	0	0	0
Torfaen	0	0	0	0	0	0	0
Vale of Glamorgan	0	0	0	0	0	1	0
Wrexham	1	0	0	0	0	0	0
Ynys Môn	0	0	0	0	0	0	0
Total	3	3	6	3	1	5	1

Chart 2.21: Claims of alleged disability discrimination received and discharged including carried forward in 2023-24, compared with 2022-23

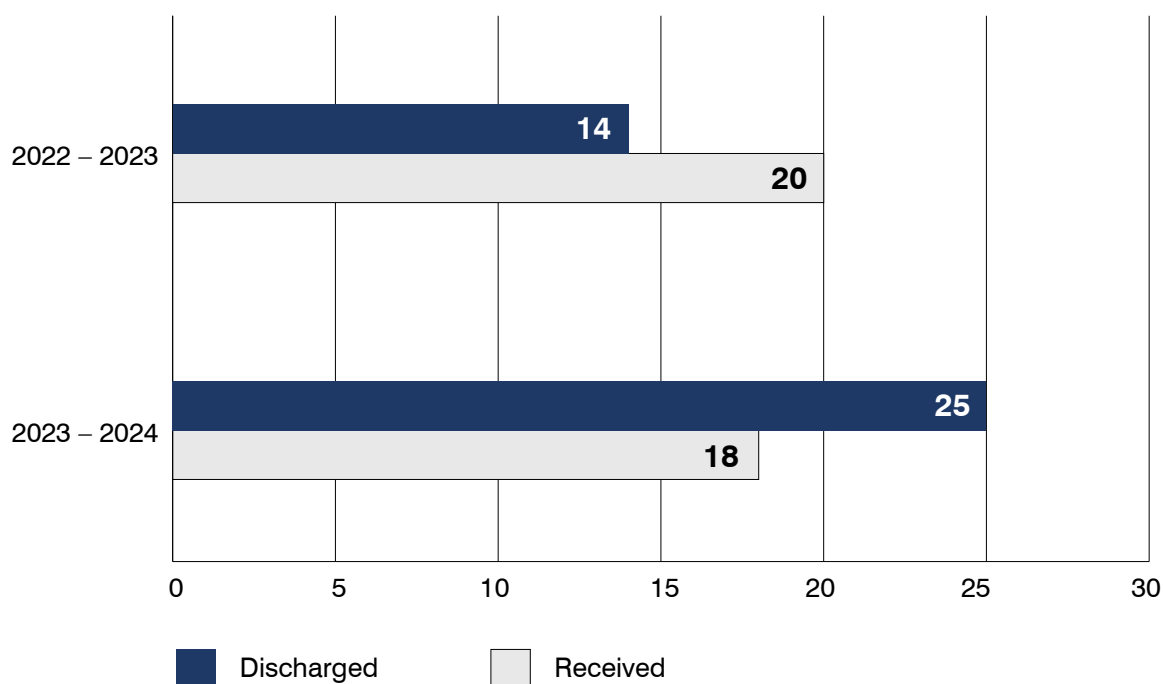
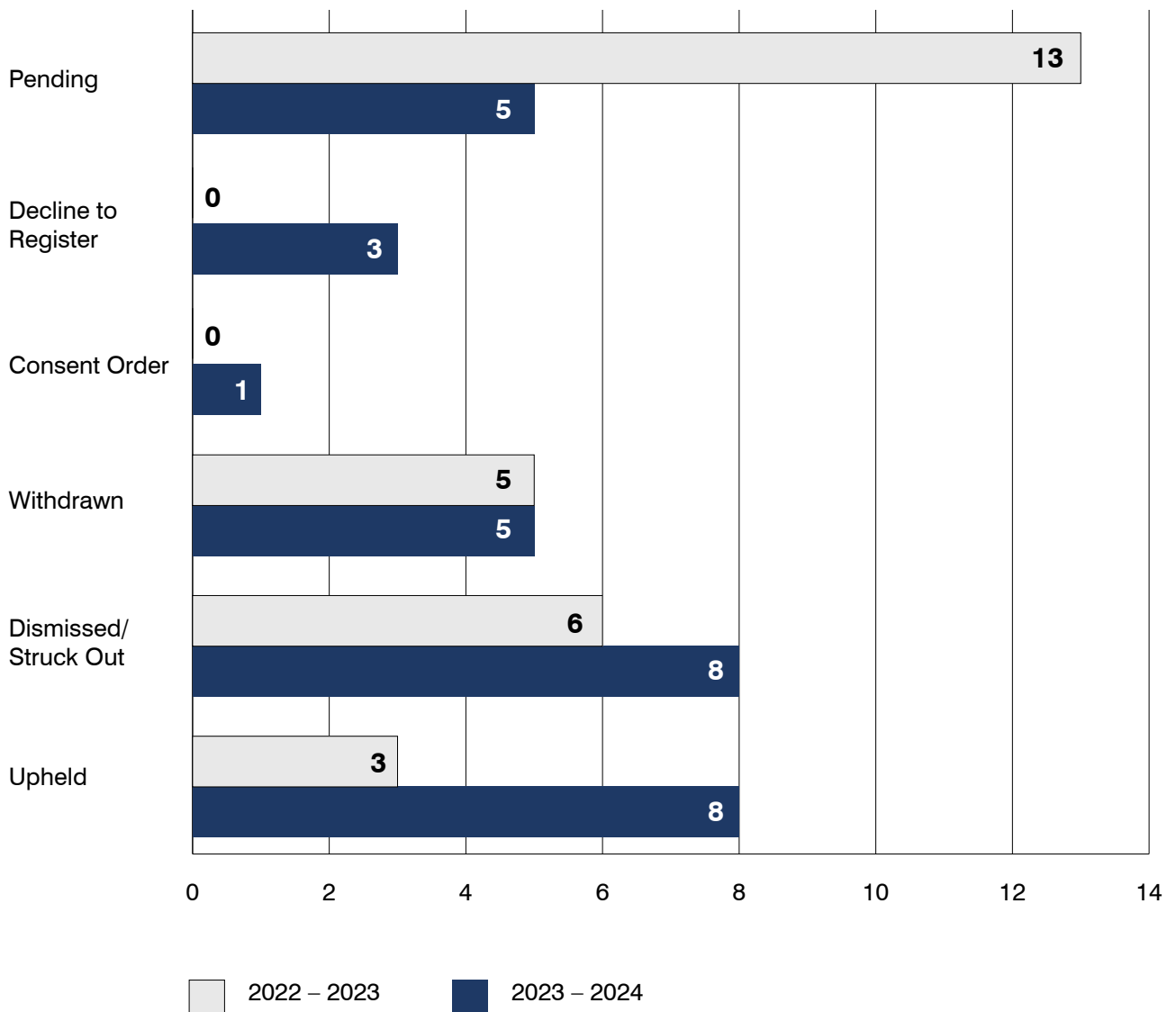


Table 2.22: Types of claims received during 2023-24, compared with 2022-23

Type of Claim	2023-24		2022-23	
	Count	Percentage	Count	Percentage
Admissions	0	0%	1	5%
Education	8	44%	8	40%
Exclusions	1	6%	2	10%
Admissions and Education	2	11%	1	5%
Admissions and Exclusions	0	0%	0	0%
Education and Exclusions	4	22%	4	20%
Admissions, Education and Exclusions	1	6%	3	15%
Not recorded	2	11%	1	5%
Total	18	100%	20	100%

Chart 2.23: Claims of alleged disability discrimination by outcome 2023-24 including carried forward, compared with 2022-23



During 2023-24 the Tribunal held 112 hearings, of those, 36 were Case Management Hearings. Of the 76 full hearings, 72 were held as virtual hearings, 3 hearings were held in person and 1 hearing was held on the basis of the papers only. 2 hearings were held in the Welsh Language.

Type	Number of days
Appeal	58
Claim	18
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, an application for permission to appeal from the previous year was refused.

2 applications for review were received during the reporting period, 1 was refused and the other was reviewed.

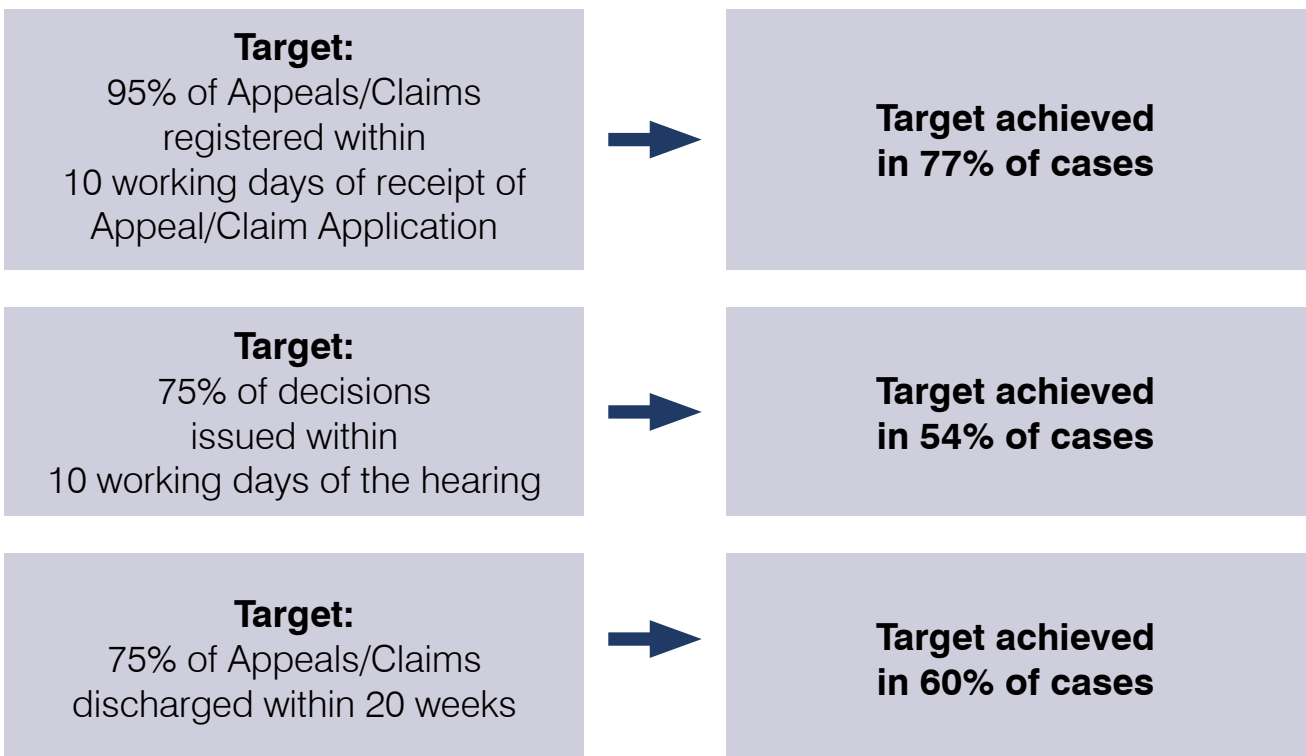
4 applications for permission to appeal were received during the reporting period. 1 was reviewed and the other 3 were refused.

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.

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 2023-24.

Business priorities for 2023-24

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.
- 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.
- Update the Education Tribunal for 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:

Expenditure for the financial year April 2023 to March 2024.

Expenditure for financial year 2023-24

Content	Amount
Members Fees and Expenses for tribunal proceedings	£288,000
Other Tribunal costs	£17,000
Total	£306,000

* rounded to the nearest £1,000