



The Education Tribunal for Wales

Annual Report September 2024 – March 2025

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Foreword

Welcome

As I explained in our 2023 – 2024 Annual Report, the Education Tribunal Wales (ETW) is amending the period over which it reports from an academic year to a financial year to align with the reporting of other devolved Welsh Tribunals. This is therefore a short report covering the past 6-months which allows us to make this change.

Appeals against Local Authority (LA) decisions made under the Additional Learning Needs (ALN) legal framework continue to rise compared with the combined number of Special Educational Needs (SEN)/ALN appeal made this time last year.

The ETW have no SEN appeals registered at this time and will no longer report statistics on appeal under the previous legislation from next year.

Of concern is the delay now experienced, when compared to the previous legislative framework, to the issuing of decisions about school placement being made for those children and young people moving to a new phase of education in the next academic year. The fact these decisions are now only issued on National School Offer Day (this year 03/03/2025 for Secondary pupils and 16/04/2025 for Primary pupils) means that appeals to the Tribunal against those decisions are being made later and fewer decision will be able to be made by the ETW before the start of the new academic year.

We have had a very limited number of appeals made concerning education placements for young people moving into Further Education from Secondary School. Enquiries to the Tribunal from parent(s) and young people making this transition who have previously had a Statement of SEN reflect a general confusion about who and when a decision has to be made concerning their ALN. Often a decision has not been made by their responsible LA and so there is no right of appeal to the Tribunal.

It is unsettling that the Tribunal have had no appeals made on behalf of Looked After Children or children/ young people detained under either Mental Health or Criminal Justice legislation.

We have questions as to whether adequate advice and representation is available to children, young persons and Case Friends under the present arrangements put in place by LAs. Also the lack of a monitoring system to ensure the quality and availability of such services.

The number of claims made of Disability Discrimination in school have continued at the same level.

A round of ETW User Forums were held in May 2025 both on-line and then face-to-face in Caernarfon. As always, it was extremely useful to hear firsthand the experience of all users coming to the Tribunal and discuss potential new way to ensure easy access justice.

New Presidential Guidance will be published over the summer clarifying the expected content of evidence bundles.

I have completed my review of the evidence from appeals made to the Tribunal under the ALN Legislation for Welsh Government. A final report will be published in the autumn on the Education Tribunal Wales website.

We continue to work with children and young people at the centre of what we do.

Judge Jane McConnell

President Education Tribunal 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 Education Tribunal Wales is an independent tribunal. The previous Special Educational Needs Tribunal for Wales (SENTW) was established in 2003 by Section 333 (1ZA) of the Education Act 1996. It 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.

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
- Additional Learning Needs and Education Tribunal (Wales) Act 2018
- Education Act 1996
- The Equality Act 2010

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.

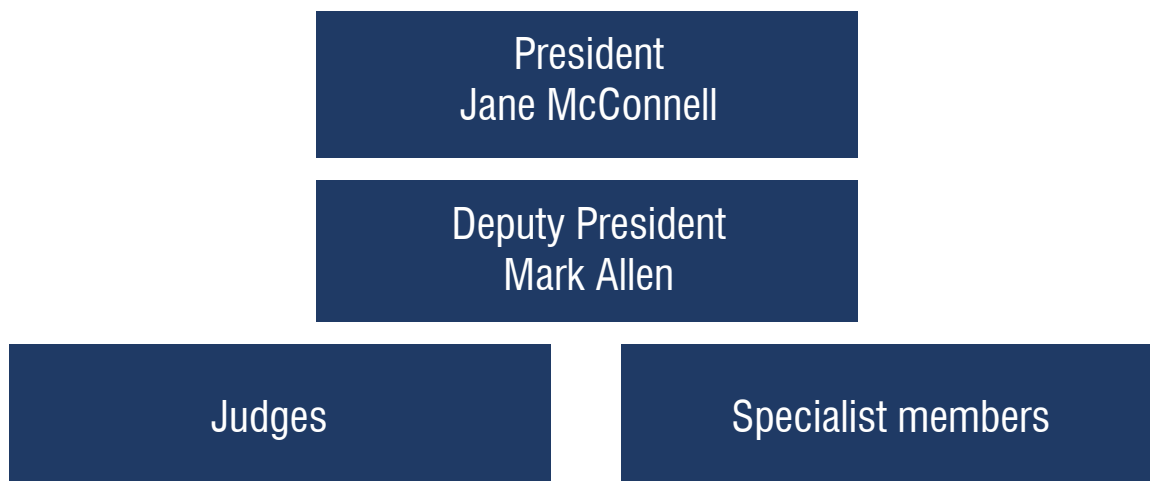
At a ETW hearing the panel is composed of a legally qualified Judge and two Education Panel Members. Education Panel Members have been appointed for their expertise and knowledge in the field of education.

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

0 Judges and 0 specialist members were appointed during the reporting period.

Training

The Tribunal held an Annual Training Conference for its members in November 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
- Complaints

Numbers and Statistics

The Tribunal collects the following data for statistics:

ALN & SEN Appeals received and discharged September 2024 – March 2025	Chart 2.1
Types of ALN appeals September 2024 – March 2025	Table 2.2
ALN Appeals by Local Authority September 2024 – March 2025	Table 2.3
SEN Appeals by local authority September 2024 – March 2025	Table 2.4
ALN Appeals by Local Authority and type (Part 1) September 2024 – March 2025	Table 2.5
ALN Appeals by Local Authority and type (Part 2) September 2024 – March 2025	Table 2.6
Appeals per 10,000 of school population in each local authority September 2024 – March 2025	Chart 2.7
ALN Appeals by school age and type of appeal September 2024 – March 2025	Table 2.8
ALN Appeals by school age and local authority September 2024 – March 2025	Table 2.9
ALN Appeals by outcome September 2024 – March 2025 (including carried over appeals)	Table 2.10
ALN Appeals by outcome and type September 2024 – March 2025 (including carried over appeals)	Table 2.11
ALN Appeals by outcome and local authority September 2024 – March 2025 (including carried over appeals)	Table 2.12
Claims of alleged disability discrimination received and discharged September 2024 – March 2025 (including carried over claims)	Chart 2.13
Types of claims received September 2024 – March 2025	Table 2.14
Claims of alleged disability discrimination by outcome September 2024 – March 2025 (including carried over claims)	Chart 2.15

Chart 2.1: ALN & SEN Appeals received and discharged in September 2024 – March 2025 including carried forward

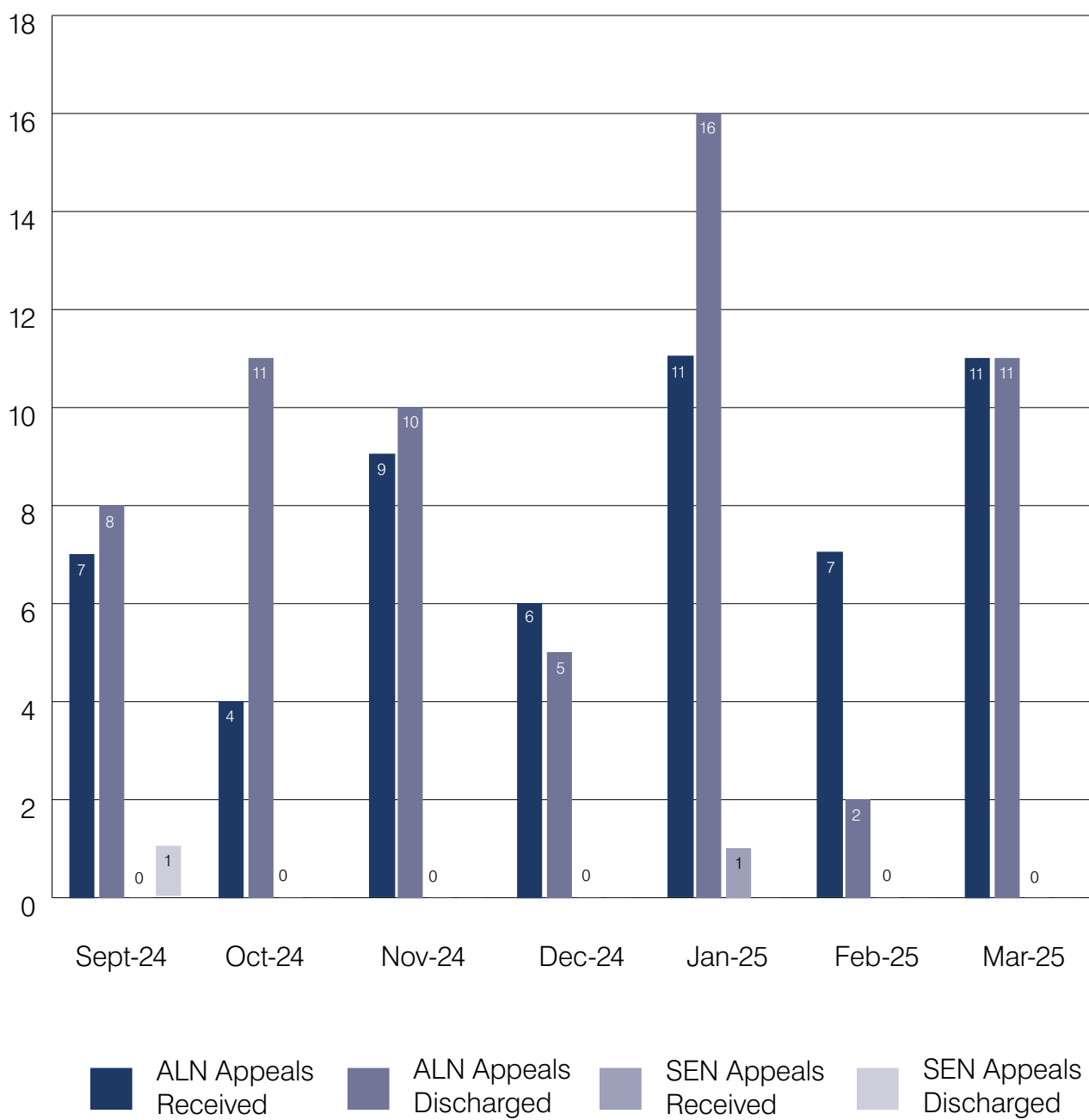


Table 2.2: Types of ALN appeals September 2024 – March 2025

Type of appeal	Number
Does the child have ALN	12
LA prepare and maintain an IDP	9
Refusal to Change an IDP	10
Refusal to take over responsibility of an IDP	13
Cease to maintain	4
Refusal to decide a matter	4
Need	1
Provision	6
School	7
Need & Provision	5
Need and School	0
Provision & School	7
Need, Provision and School	12
Total	90

Table 2.3: ALN Appeals by Local Authority September 2024 – March 2025

	Number of Appeals	Percentage of Appeals %
Blaenau Gwent	0	0%
Bridgend	1	2%
Caerphilly	3	5%
Cardiff	8	14%
Carmarthenshire	2	4%
Ceredigion	0	0%
Conwy	2	4%
Denbighshire	1	2%
Flintshire	2	4%
Gwynedd	2	4%
Merthyr Tydfil	1	2%
Monmouthshire	1	2%
Neath Port Talbot	0	0%
Newport	8	14%
Pembrokeshire	0	0%
Powys	5	9%
Rhondda Cynon Taf	4	7%
Swansea	1	2%
Torfaen	2	4%
Vale of Glamorgan	9	15%
Wrexham	1	2%
Ynys Mon	2	4%
Total	55	100%

Table 2.4: Types of ALN Appeals by Local Authority (Part 1) September 2024 – March 2025

	Does the child have ALN	LA prepare and maintain an IDP	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
Bridgend	1	1	0	0	0	0
Caerphilly	1	2	1	1	0	1
Cardiff	1	1	1	1	0	2
Carmarthenshire	0	0	0	1	0	0
Ceredigion	0	0	0	0	0	0
Conwy	0	0	1	0	0	0
Denbighshire	0	0	0	0	0	0
Flintshire	1	0	0	0	0	0
Gwynedd	0	0	0	0	0	0
Merthyr Tydfil	1	1	0	0	0	0
Monmouthshire	0	1	0	0	0	0
Neath Port Talbot	0	0	0	0	0	0
Newport	0	0	2	3	0	0
Pembrokeshire	0	0	0	0	0	0
Powys	2	1	1	2	1	0
Rhondda Cynon Taf	1	1	0	1	0	0
Swansea	1	0	0	0	0	0
Torfaen	0	0	0	0	2	0
Vale of Glamorgan	2	0	3	3	1	0
Wrexham	1	1	0	0	0	0
Ynys Mon	0	0	1	1	0	1
Total	12	9	10	13	4	4

Table 2.5: Types of ALN Appeals by Local Authority (Part 2) September 2024 – March 2025

	Need	Provision	School	Need & Provision	Need & School	Provision & School	Need, Provision & School
Blaenau Gwent	0	0	0	0	0	0	0
Bridgend	0	0	0	0	0	0	0
Caerphilly	0	1	0	0	0	1	0
Cardiff	0	0	1	1	0	0	3
Carmarthenshire	0	0	0	0	0	2	0
Ceredigion	0	0	0	0	0	0	0
Conwy	0	0	1	0	0	0	1
Denbighshire	0	0	0	1	0	0	0
Flintshire	0	0	0	0	0	1	0
Gwynedd	0	0	0	0	0	1	1
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	0	2	2	1	0	1	2
Pembrokeshire	0	0	0	0	0	0	0
Powys	0	0	2	0	0	0	2
Rhondda Cynon Taf	0	0	0	0	0	1	1
Swansea	0	0	0	0	0	0	0
Torfaen	0	0	0	0	0	0	0
Vale of Glamorgan	1	1	1	2	0	0	2
Wrexham	0	0	0	0	0	0	0
Ynys Mon	0	2	0	0	0	0	0
Total	1	6	7	5	0	7	12

**Chart 2.6: Appeals per 10,000 of school population in each local authority
September 2024 – March 2025**

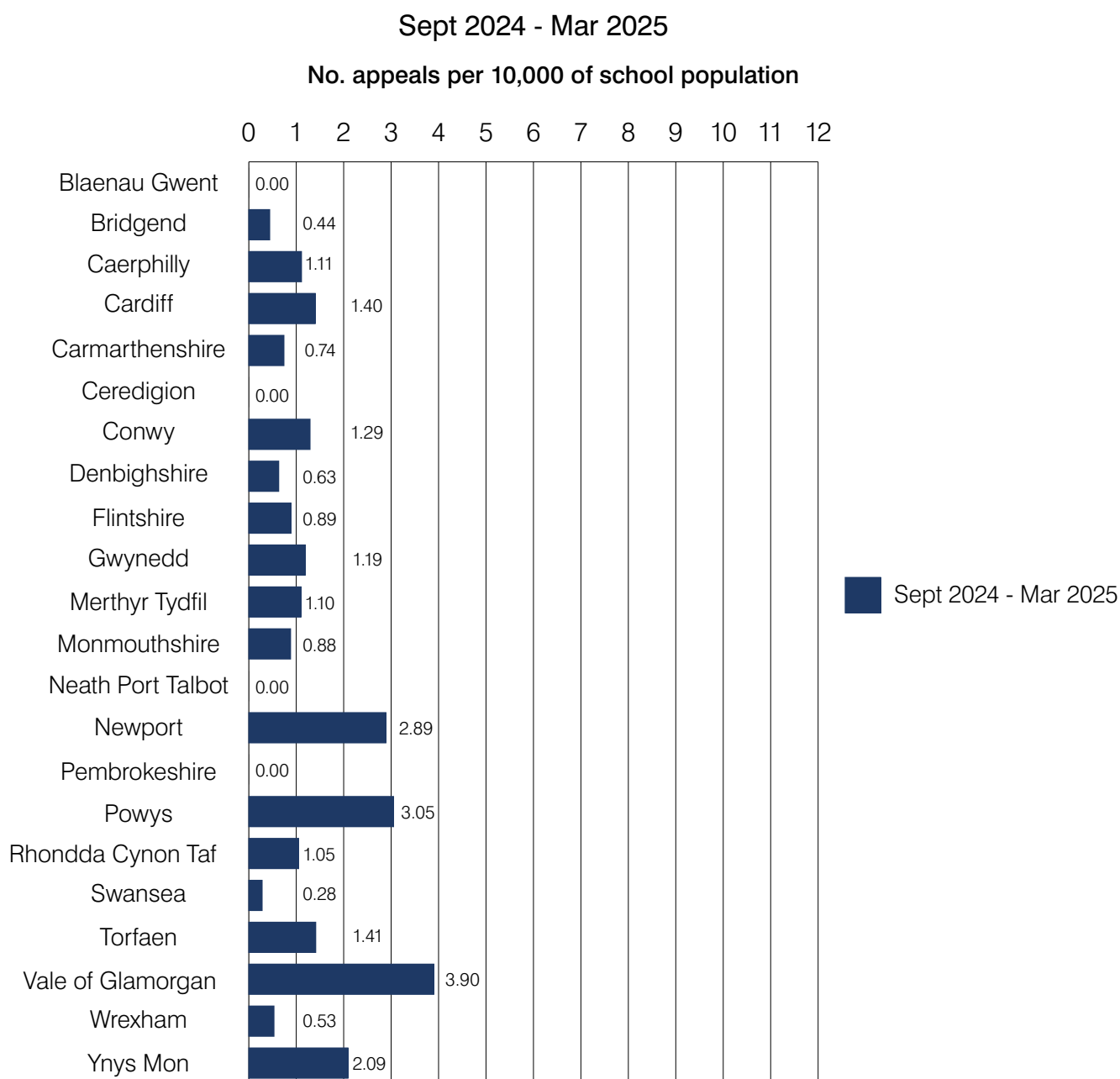


Table 2.7: Types of ALN Appeals by school age September 2024 – March 2025

	Nursery	Nursery transition	Primary	Primary Transition ¹	Secondary	Secondary Transition
Does the child have ALN	0	0	6	0	6	0
LA prepare and maintain an IDP	0	0	6	0	3	0
Refusal to Change an IDP	1	0	5	0	4	0
Refusal to take over responsibility of an IDP	1	0	8	0	4	0
Cease to maintain	0	0	0	0	4	0
Refusal to decide a matter	0	0	2	0	2	0
Need in an IDP	0	0	0	0	1	0
Provision in an IDP	1	0	3	0	2	0
School in an IDP	1	1	3	1	0	1
Need & Provision in an IDP	0	0	2	0	3	0
Need & School in an IDP	0	0	0	0	0	0
Provision & School in an IDP	1	0	3	0	3	0
Need, Provision & School in an IDP	2	0	4	0	5	1
Total	7	1	42	1	37	2

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

Table 2.8: ALN Appeals by school age and local authority September 2024 – March 2025 – to be updated

	Number of appeals					
	Nursery	Nursery transition	Primary	Primary Transition	Secondary	Secondary Transition
Blaenau Gwent	0	0	0	0	0	0
Bridgend	0	0	1	0	0	0
Caerphilly	0	0	2	0	1	0
Cardiff	0	0	6	0	2	0
Carmarthenshire	0	0	2	0	0	0
Ceredigion	0	0	1	0	0	0
Conwy	0	0	2	0	0	1
Denbighshire	0	0	0	0	1	0
Flintshire	0	0	0	0	2	0
Gwynedd	0	0	0	0	0	0
Merthyr Tydfil	0	0	1	0	0	0
Monmouthshire	0	0	1	0	0	0
Neath Port Talbot	0	0	0	0	0	0
Newport	1	1	3	1	2	0
Pembrokeshire	0	0	0	0	0	0
Powys	0	0	3	0	1	1
Rhondda Cynon Taf	2	0	1	0	1	0
Swansea	0	0	0	0	1	0
Torfaen	0	0	0	0	2	0
Vale of Glamorgan	1	0	3	0	5	0
Wrexham	0	0	1	0	0	0
Ynys Mon	1	0	0	0	1	0
Total	5	1	27	1	19	2

Table 2.9: ALN Appeals by outcome September 2024 – March 2025
(including carried over appeals)

	September 2024 – March 2025	
	Actual	Percentage
Pre-Registration	4	4%
Declined to register	2	2%
Upheld in Full	21	20%
Upheld in Part	8	7%
Consent Order	21	20%
Dismissed/struck out	9	8%
Withdrawn ²	8	7%
Pending	34	32%
Total	107	100%

² Withdrawn – a case is withdrawn when the applicant no longer wishes to continue with their appeal including where they have reached agreement with the LA.

Consent – An appeal is concluded by consent when the parties have reached full agreement and a Judge issues a decision which confirms the agreement reached. This decision is legally binding.

Table 2.10: ALN Appeal types by outcome and type September 2024 – March 2025 (including carried over appeals)

	Pre-Registration	Declined to register	Upheld in Full	Upheld in Part	Consent Order	Dismissed/struck out	Withdrawn	Pending
Does the child have ALN	0	0	2	1	3	2	2	7
LA prepare and maintain an IDP	0	0	1	1	1	1	3	6
Refusal to Change an IDP	0	0	3	0	2	3	1	7
Refusal to take over responsibility of an IDP	1	0	5	2	4	2	0	9
Cease to maintain	0	0	0	0	1	0	1	1
Refusal to decide a matter	0	2	1	0	1	2	1	1
Need in an IDP	0	0	0	0	0	0	0	1
Provision in an IDP	1	0	3	1	4	1	0	1
School in an IDP	1	0	6	0	6	0	1	8
Need & Provision in an IDP	0	0	3	1	1	1	0	3
Need & School in an IDP	0	0	0	0	0	0	0	0
Provision & School in an IDP	0	0	3	1	0	0	0	5
Need, Provision & School in an IDP	2	0	3	4	5	3	2	10
ALP in Welsh	0	0	0	0	0	0	0	1
Total	5	2	30	11	28	15	11	60

Table 2.11: ALN Appeal types by outcome and local authority
September 2024 – March 2025 (including carried over appeals)

	Pre-Registration	Declined to register	Upheld in Full	Upheld in Part	Consent Order	Dismissed/struck out	Withdrawn	Pending
Blaenau Gwent	0	0	0	0	0	1	0	0
Bridgend	0	0	0	0	1	0	0	1
Caerphilly	0	0	0	1	0	0	0	3
Cardiff	0	2	1	0	1	1	1	5
Carmarthenshire	0	0	0	0	0	0	0	2
Ceredigion	0	0	1	0	0	0	0	0
Conwy	1	0	1	0	1	0	0	1
Denbighshire	0	0	0	0	0	0	0	1
Flintshire	0	0	1	2	0	0	1	0
Gwynedd	0	0	3	0	0	1	1	3
Merthyr Tydfil	0	0	0	0	0	0	0	1
Monmouthshire	0	0	0	0	0	0	1	0
Neath Port Talbot	0	0	0	0	0	0	0	0
Newport	2	0	0	0	3	0	1	3
Pembrokeshire	0	0	1	0	0	0	0	0
Powys	0	0	1	0	1	0	0	4
Rhondda Cynon Taf	1	0	7	3	6	3	0	3
Swansea	0	0	2	0	0	1	0	0
Torfaen	0	0	0	0	1	0	2	0
Vale of Glamorgan	0	0	2	2	6	1	0	6
Wrexham	0	0	1	0	0	0	1	0
Ynys Mon	0	0	0	0	1	1	0	1
Total	4	2	21	8	21	9	8	34

Chart 2.12: Claims of alleged disability discrimination received and discharged including carried forward September 2024 – March 2025

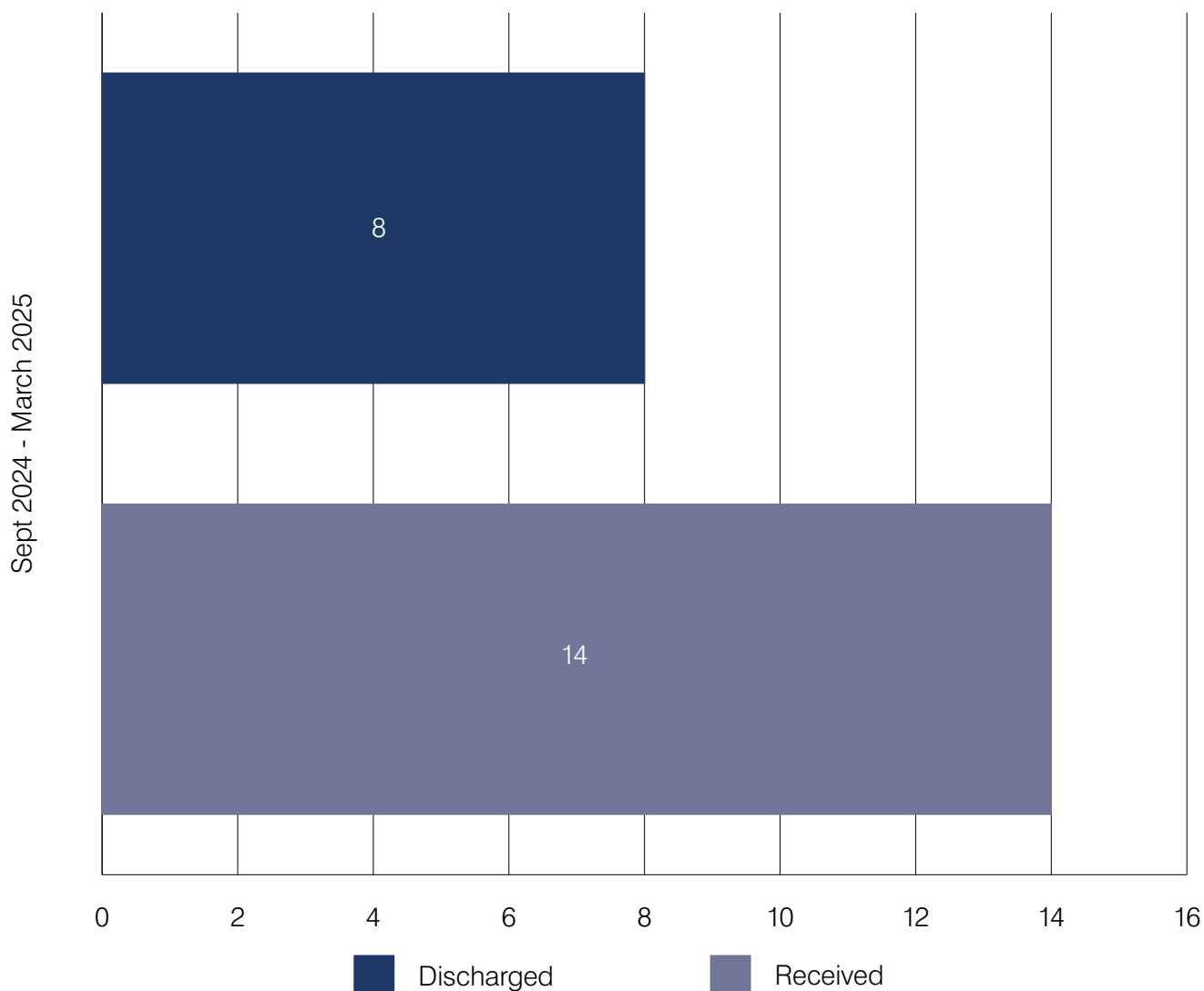
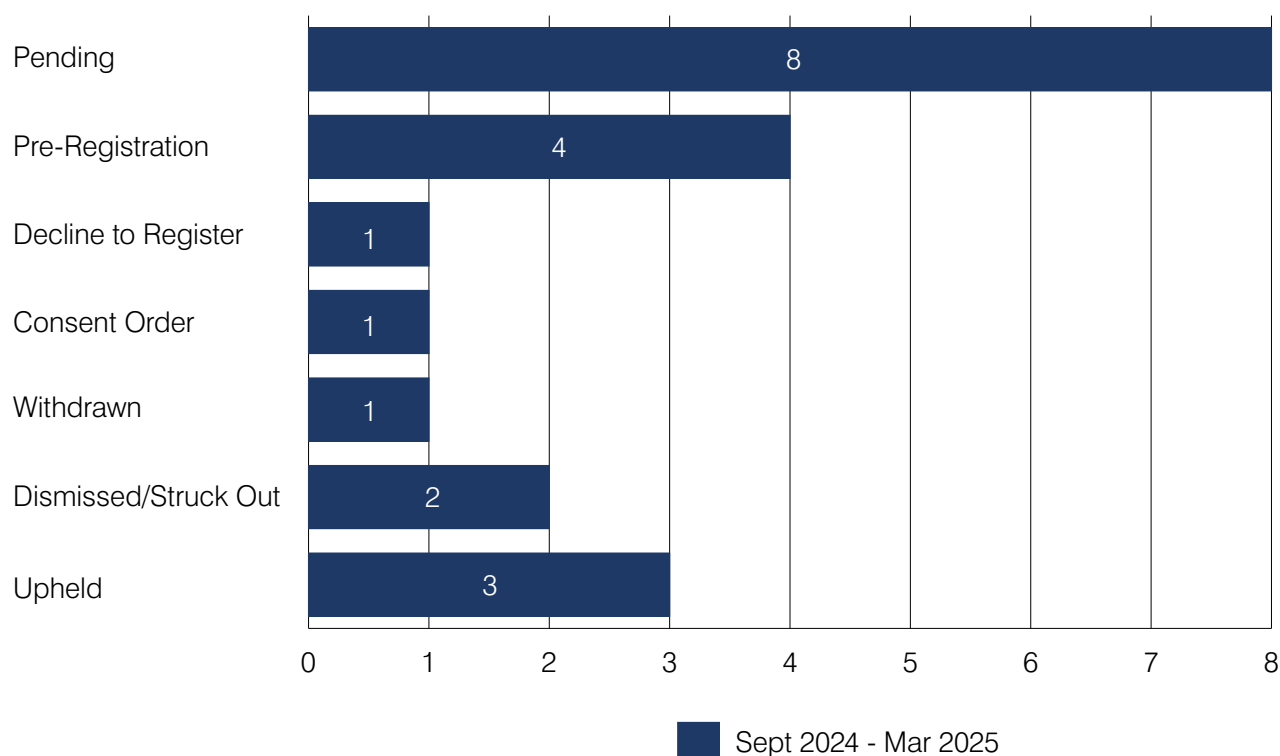


Table 2.14: Types of claims received during September 2024 – March 2025

Type of claim	Number	Percentage
Admissions	0	0%
Education	8	58%
Exclusions	3	21%
Admissions and Education	0	0%
Admissions and Exclusions	0	0%
Education and Exclusions	3	21%
Admissions, Education and Exclusions	0	0%
Not recorded	0	0%
Total	14	100%

**Chart 2.13: Claims of alleged disability discrimination by outcome
September 2024 – March 2025 including carried forward**



Hearings Data

During September 2024 to March 2025 the Tribunal held 88 hearings of those, 32 were Case Management Hearings. Of the 56 full hearings, 53 were held as virtual hearings, 2 hearings were held in person and 1 hearing was held on the basis of the papers only. 2 full hearings and 1 Case Management Hearing were held in the Welsh Language.

Type	Number of days
Appeal	47
Claim	9

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, 9 applications for permission to appeal were made, 8 were refused, 1 was given permission in part.

1 application for review was received during the reporting period and was refused.

Complaints

The Tribunal received no complaints during the reporting period.

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 2025-2026

Business priorities for 2025-2026

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 and advice and support for children and young people with ALN and Disabilities
- Make effective use of case management and judicial dispute resolution
- Issue Practice Directions to assist parties to prepare for hearings
- Promote information about the right to appeal or make a claim by Looked After Children and those children/ young people who are detained
- Deliver Judicial update Training focusing on Disability Discrimination and ALN Law
- Develop judicial skills through mentoring and training
- 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 website
- Publish ETW decisions made under ALN Law and provide access to them effectively
- Review tribunal administration and its processes to deliver fair, just and timely decisions
- Prepare to move to any new Tribunal structure introduced in Wales.

	†
	£453,000
	£49,000

† Rounded to the nearest £1000