

## **Advisory Group Meeting, 2 June 2015**

### **Summary**

The Chair explained that following the General Election Edward Timpson had returned as Minister responsible for SEN and disability, and had reaffirmed his support for the Review and Tribunal pilot.

DfE reported on key developments since the previous meeting:

- the Department had appointed the Centre for Educational Development Appraisal and Research (CEDAR) at Warwick University to gather evidence for the Review and to evaluate the effect of the Tribunal pilot
- Mott Macdonald had been contracted to facilitate the pilot
- The Department was making arrangements to secure an adviser on mediation issues arising in the Review
- Tribunal guidance had been produced on the pilot as well as guidance for pilot local authorities

Judge Meleri Tudur set out the background to and context for the Tribunal's work and gave an update on preparations for the pilot.

The Tribunal was established in 1993 to take on the role of hearing SEN appeals from local authorities. Following the SEN and Disability Act 2001 it assumed responsibility for hearing disability discrimination claims and in 2008 became part of the Tribunals Service. SEN appeals are forward looking, considering evidence down to the date of hearing and if an appeal is successful, the Tribunal Orders action to be taken to put support in place for children and young people. In contrast, disability discrimination claims are retrospective and focus on making findings of fact about past allegations of discrimination and failures to make reasonable adjustments.

The Tribunal is an expert tribunal with specialist members selected for their knowledge of children with special educational needs and disability. Lead time for hearing newly registered appeals is a maximum of 20 weeks, though it is earlier for some. Tribunal guidance for the current pilot had been developed and is due to be issued shortly. The guidance sets out a framework for handling cases and new forms have been prepared for registering cases from parents and young people in the pilot areas and they can be submitted and handled electronically.

The process will be as user friendly as possible and hearings will aim to be as informal as circumstances permit to put people at ease. Guidance for Tribunal users will be available online at [WWW.GOV.UK](http://WWW.GOV.UK) and will be disseminated widely through user groups. A telephone helpline is available to answer queries. For the pilot, additional expertise in health care and social care matters will be required and judicial office holders with the requisite experience and expertise will be cross

ticketed from SEN and Disability; Care Standards, and Primary Health Lists to sit on pilot appeals.

DfE will keep under review the number of cases generated to ensure robust evidence is available and assess by November 2015 whether it is necessary to add further local authority areas to the pilot and/or extend the timespan. The progress on implementation being made by individual pilot LAs was raised as relevant context to the pilot. DfE would be monitoring this.

Mott Macdonald explained their role as pilot facilitator. A helpline and email box will be available to pilot LAs. Three network meetings will be set up to focus on particular aspects of the pilot with the aims of sharing key learning and collective problem solving. There will be some additional support to pilot authorities as needed.

CEDAR at the University of Warwick presented their approach to gathering evidence for the Review and evaluating the effect of the pilot.

On the qualitative study of the pilot the group emphasised:

- it would be important to secure a balanced sample of parents and young people and a range of ages of children and young people interviewed.
- it would be necessary to ensure a mix of experience was included in the sample of appellants, to include those families with a new Education, Health and Care plan as well as families that were in the process of transition.
- views of parent representatives as well as parents should be obtained.
- the need to consider the number of interviews with independent supporters, and to also include interviews with Independent Advice and Support Service (IASS) representatives.

The next meeting will be held in November 2015.

**DfE August 2015**