

Special Educational Needs (SEN) & Disability Tribunal Survey

Results, August 2013

Kids First is a forum for parents of children and young people with special needs or disabilities. In June 2013, we sent out a survey via national parent forums about parents' experiences of the SEND Tribunal and we received 400 responses by 31st July.

We wish to trigger a debate in Parliament about the SEND Tribunal, its shortcomings, and the way in which it severely lets down disabled and SEN children. We believe that there is still time to amend the Children and Families Bill and/or associated regulations in order to bring about an equitable system.

Brief Background

The First Tier (SEND) Tribunal hears appeals by parents against Local Authorities concerning assessments for and the content of Statements of SEN (Education, Health and Care Plans from 2014). A submission by Paula Jewes (a *Kids First* parent) to the House of Commons Scrutiny Committee highlighted 2 problems relating to the Tribunal:

1. SEND Tribunal statistics, showing the number of appeals per year against each Local Authority and Tribunal outcomes, are no longer in the public domain (since 2009). This prevents parents and parent forums from challenging those Local Authorities who choose to fight a very large number of appeals each year.
2. Parents of disabled or SEN children believe that Local Authorities often do not have a strong case with which to defend Tribunals. We strongly believe that many Local Authorities misuse the system to wear parents down, to limit access to proper educational provision to those families capable of fighting, or to delay incurring the costs associated with providing a proper level of support or a particular placement.

On point 1, Edward Timpson MP, the Minister responsible for the Children and Families Bill, said in Committee that the data are already accessible to the public. This is not evident from the links that he and the DfE have provided. The Minister later wrote a letter of apology to the Committee but did not apologise for the fact that key data are not accessible.

On point 2, the DfE told us that abuse of the Tribunal system by Local Authorities is just hearsay. They quoted the large number of parent withdrawals prior to hearings as evidence of a balanced system. The parent survey now shows that:

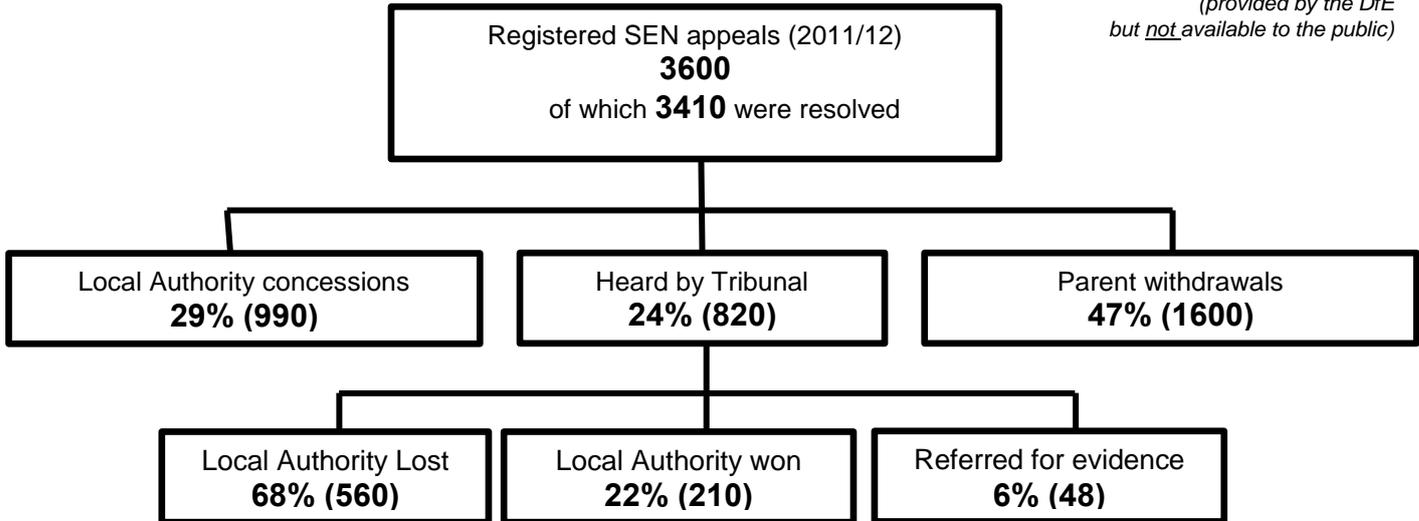
1. A large number of **parent withdrawals** prior to hearings occur because **Local Authorities concede** the main points of the case. A small number of parents give up because they cannot cope with the stress or the cost burden. Very few parent withdrawals are the result of their weak tribunal cases.
2. Local Authorities often concede appeals **extremely late in the process** (within 2 weeks of the hearing and often on the same day). Local Authorities therefore avoid paying for SEN provision for 5 – 9 months despite their case not being strong enough to take all the way to a hearing. This causes undue stress for the child and family.

Proposal: having provided evidence via this survey that misuse occurs, we are now asking Government to take action and have made detailed suggestions on page 8. Unless changes are made, some Local Authorities will use the Tribunal system to avoid fulfilling their obligations under the new Children and Families Bill. The new law will be less effective in some areas and lead to poor outcomes for many disabled or SEN children and their families.

At a Glance: Special Educational Needs (SEN) Tribunal Survey Results

Official Tribunal Statistics: 2011/12

(provided by the DfE
but not available to the public)



Appeals by Local Authorities in England over 3 years: 2009 - 2012

4 Local Authorities fought 0 appeals every year & 6 fought more than 100 appeals every year

Range: 0 to 20 per 10,000 of school population

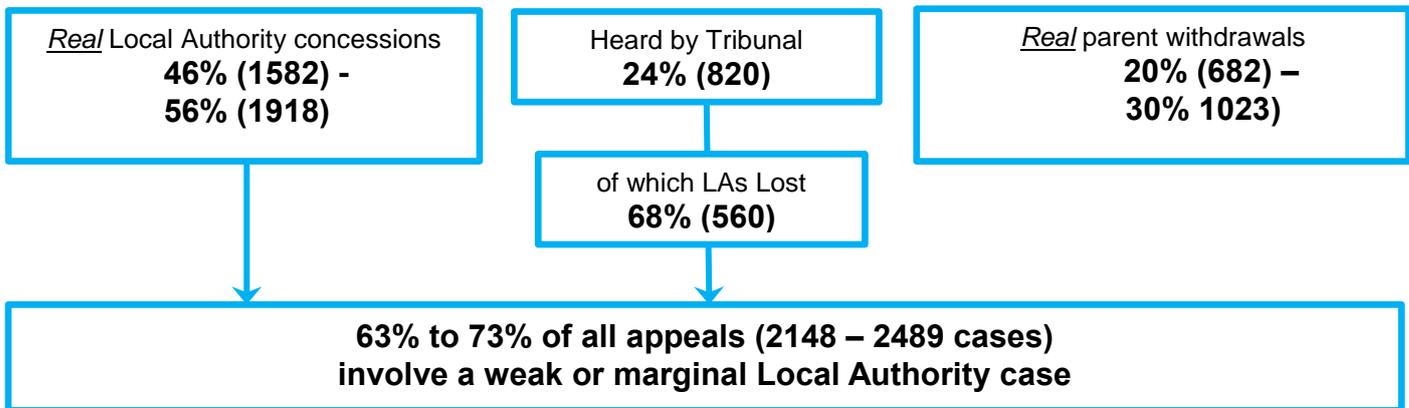
Parent Survey 2013

(from 400 respondents)

37% - 58%

of parent withdrawals occur because Local Authorities concede the main points

Therefore, the real situation is more likely to be



The survey indicates that parents rarely appeal with a weak case...

Parent withdrawals because of a weak case were only

0.7% of appeals in the survey

4 out of the 6 parents who gave up before a hearing said it was due to excessive stress or high costs, not weak evidence

77 parents considered lodging an appeal but didn't

- 25% had a supportive LA
- 49% thought it would be too costly, too complex, were under pressure from their LA, or worried about retaliation against their child
- 11% said their LA conceded after they threatened a Tribunal

When do Local Authorities concede their weak Tribunal cases?

62% conceded within 2 weeks of the hearing

24% of these added that it was within 0 - 12 hours of the hearing

Note: appeals take a minimum of 5 months. Papers & evidence are submitted within 2 months.

Detailed Statistics: What do the current SEND Tribunal official statistics show?

These are the official Tribunal statistics (sent to the Scrutiny Committee by the DfE but not publicly available). We have used SEN appeals data, not disability discrimination claims.

SEN APPEALS LODGED IN 2011/12**	Total number		
SEN Tribunal appeals registered	3600		
SEN Tribunals appeals resolved	3410		
OF THOSE RESOLVED		% of resolved cases	
Withdrawn by parents	1600	47%	
Conceded by LAs	990	29%	
Reached a hearing	820	24%	
<i>Total</i>	3410	100%	
OF THOSE THAT REACHED A HEARING		% of all resolved cases	% of cases heard
Won by LA	210	6%	26%
Won by parents	560	16%	68%
Referred back for more evidence	48	1%	6%
<i>Total*</i>	818	23%	100%
		% of total appeals registered	
Appeals registered by BME families	164	5%	

* Tribunal data did not add up perfectly

** data is more or less consistent for the last 3 years

NUMBERS OF SEN TRIBUNAL APPEALS BY LOCAL AUTHORITY

Trend	Each Local Authority tends to have the same approximate number of appeals over many years
Range	3 per 10,000 of school population to 20 per 10,000 of school population
“Top” 15 Local Authorities	0 - 10 SEN Tribunal appeals every year
“Bottom” 15 London Local Authorities	40 – 60 SEN Tribunal appeals every year
“Bottom” 15 non-London Local Authorities	100 - 140 SEN Tribunal appeals every year

Analysis

68% of hearings were lost by LAs (no doubt some were finely balanced) but 29% of appeals lodged were conceded by LAs before the hearing (indicating weak LA cases).

The figure that needs further analysis is the remaining 47% that are withdrawn by parents before a hearing.

The very low number of appeals lodged by BME families highlights the barriers facing these families when accessing the Tribunal system. We believe that Tribunal appeals require parents to understand UK legal processes and have the ability to self-advocate; the system is therefore more accessible to certain social groups.

The range of Tribunal numbers lodged across England is wide. Some LAs fight no appeals whilst their neighbours fight 50 or 100 or more. This does not reflect statistical differences in pupil numbers. Added to the year-on-year consistency for individual LAs, the conclusion must be that there the data reflects a wide difference in policy or culture; some have a positive approach to communication with parents and others have a battleground approach.

SEND Tribunal Survey: Results

Total responses 400

Have you ever lodged an SEN appeal at the SEND Tribunal?		
	Responses	Percentage
Yes	287	72%
No	113	28%

Of the 113 who have not lodged an appeal, 36 either never considered doing so or have not considered it yet (e.g. because they are in the early stages of discussion with their school or LA), and 77 did consider it.

I considered lodging an appeal but did not in the end because...			
My LA was always very supportive	19	25%	Although one LA took 5 years to agree and another 2 years
The idea of a complicated or drawn out legal battle was too daunting	15	19%	"I can't win as a single parent" "My child was out of school for 2 years and finally they agreed"
We felt that this might make things difficult for my child in the future	13	17%	
The threat of Tribunal was enough to make the LA give in	8	11%	
We couldn't afford the expensive lawyers and experts	6	8%	"Devastated that the LA will not pay for her [my daughter's] 3 years of college post 19"
There was a lot of pressure from the LA not to lodge an appeal	4	5%	
Other	12	16%	"Exclusions eventually made them give in", "...they tried to force Ritalin on my child"
TOTAL who considered an appeal	77	100%	

Notes: we are concerned that 13 parents expected some retaliation against their child if they appealed, and that 4 were under such pressure from their LA not to appeal that they backed down

Of those who did appeal to the SEND Tribunal, 14 gave us no further information, leaving 273 who appealed and told us more.

What was the outcome of your appeal?		
It was heard by the Tribunal	123	45%
Our LA gave in before the hearing	106	39%
We negotiated <u>before</u> the hearing	16	6%
Our case is on-going	10	4%
We gave in before the hearing	6	2%
We negotiated <u>during</u> the hearing	4	1%
Other	8	3%
Total	273	100%

Of the 6 parents above who gave in before the Tribunal hearing,

We gave in before the hearing because...		
Our case was too weak	2	In one case, the Local Authority agreed with the parent would not support them at Tribunal, in the other, they were told their child was not far enough behind at school
We were too stressed and worn out to continue	3	"LEA staff said I would lose, this lowered my self-esteem, and I was made to feel guilty; it was so stressful"
We could not afford the legal representation and/or experts that we needed	1	

The 4 families who negotiated a settlement during the Tribunal said:

<i>I still feel like I have a noose around my neck and that they will 'come after me' every year to try and take him out of the school where he is now thriving. ...they wanted to meet his needs in mainstream, despite him suffering extremely high levels of anxiety including bed-wetting, hands scratched raw and bleeding with eczema - and now the anxieties have stopped and my child is happy and content.(LA conceded placement)</i>
<i>They hinted that I had achieved an outcome that was satisfactory and suggested I may be liable for costs if a full hearing was heard. It is not a fair process - the responsible body i.e. the Local Council can afford to defend with a top barrister as they did in my case. The whole process is very stressful for families.(Parent compromised)</i>
<i>If council had been looking after my son properly, they would have done assessments when asked to by the paediatrics and school and myself.(LA conceded main points)</i>
<i>This was a disgraceful waste of LA and our money. The LA did not produce any reports and failed in their responsibility. The outcome was obvious from the start (in our favour). How much this cost the LA to hire a barrister for the Tribunal is a question the LA has so far failed to answer.(Parent negotiated wording and some of the costs during the hearing after the LA backed down on the placement)</i>

Note: 2 families spent over £20,000, 1 spent £10–15,000, and 1 handled it themselves at no cost

The 16 families who negotiated a settlement before the hearing said,

We decided to negotiate before the hearing because...		How did the 12 whose LA conceded the main points officially record the outcome?	
Our LA gave in on enough important points that we decided to avoid a hearing	6	Parents withdrew their appeal	8
The key matter had been conceded by the LA so we decided to avoid the stress/cost of a hearing	6	The LA officially conceded	1
Our solicitor advised us to negotiate	1	Can't remember	1
No further information	3	Other	2
Total	16	Total	12

Outcomes of the 123 Tribunal hearings

What was the result of your hearing?	Number	%
Found in favour of the Local Authority	27	22%
Found in favour of the parents	84	68%
Partially found in parents favour	9	7%
Referred back for further evidence	2	2%
Other (with no further information)	1	1%
Total	123	100%

Note: this closely matches the official statistics so our survey respondents appear to be a representative sample

75% of cases that were negotiated prior to a hearing were a direct result of LA concessions, and 50% of those were officially withdrawn by parents. To complete the picture about parent withdrawals, look at the 106 below who said that their LA conceded prior to the hearing.

How was the appeal officially resolved after your LA conceded?	Number	%
LA officially conceded	49	46%
We withdrew our appeal	29	28%
We don't know or can't remember	15	14%
Our solicitor handled it so we don't know	12	11%
Other	1	1%
Total	106	100%

Note: 26% did not know or did not remember and many commented that they did not think this was important or were not aware that there was an official record.

Of the 106 parents whose LA conceded prior to the hearing...

When did your LA concede the case?	Number	%	Comments
Early – prior to 2 weeks before the hearing date	40	38%	
Late – within 2 weeks of the hearing date	66	62%	16 parents (24%) added that it was within 12 hours of the hearing
Total	106	100%	

Note: parents have commented that late concessions, within a few hours of the hearing or just outside the Tribunal door, are particularly upsetting because witnesses have made the journey and been paid so it adds to their stress even though they have won their case. Of course, it also costs the LA money (public money) to arrange for staff and witnesses to go to the Tribunal unnecessarily.

260 parents told us about the costs they incurred by lodging a case at the SEN Tribunal

	Amount spent	Number of parents
Average cost of registering a Tribunal	£5,522	260
<i>Average cost of registering a Tribunal for those who paid professionals (i.e. did not have free support services from a charity or could not self-advocate)</i>	£9,572	150
Average cost for those who won or partially won their case (including where LAs conceded or backed down on main points during negotiation)	£5,258	207
Average cost for those who lost their case (including those who withdrew or backed down in negotiation)	£6,742	33
Average cost for those who negotiated a compromise solution	£7,917	6
Average cost for those whose cases are on-going at the moment	£5,536	14

How much does it cost to appeal?	Number of parents	Percentage
Incurring no cost	110	42%
Less than £5,000	72	28%
£5,000 - £20,000	53	20%
Over £20,000	25	10%

This indicates that parents are **not** more likely to win their case if they spend a large amount of money on the Tribunal process.

The other good news is that nearly half of all parents spent nothing on their Tribunal because they had access to free advocacy services from charities, or their evidence won the case on its own merits requiring only some self-advocacy.

We are concerned that some legal firms run free support meetings for parents where they state that parents cannot expect to win a Tribunal without paid, professional help. Parents should be wary of such advice and of the lawyers who make these claims.

Note that 25 families spent over £20,000 on their Tribunal case and some of these spent well over £30,000, with one family saying that they are now £80,000 in debt after paying for an appeal to the second tier Tribunal.

The number of Tribunals will increase significantly after the new Code of Practice is implemented, partly because more families will have access to the Tribunal (for example, those with children between the ages of 16 and 25). There may also be a rush of appeals because some LAs have announced that they will implement tighter eligibility criteria for EHC Plans. This should result in many appeals to the Tribunal although, sadly, this route is not accessible to all families equally.

Conclusions

The survey appears to be generally representative of Tribunal appellants and shows clearly that many parent withdrawals prior to Tribunal hearings are, in fact, concessions by their LA or partial concessions on major points of dispute.

Using data from the survey, we could reasonably revise the official statistic of 29% Local Authority concessions to 46% – 56% (the higher figure allows for the likelihood that there are withdrawals by some of the 26% of parents who either can't remember how their appeal was officially recorded or who left it to their solicitor). Almost all parents who enter negotiations (after their LA concedes the main points) withdraw their appeal.

Our contention is that the cases that **Local Authorities concede** should not reach the appeal stage at all. We know that it is possible to avoid Tribunals in most situations because some Local Authorities do this already.

(We also suspect that the Local Authorities who fight a large number of appeals each year do not actually achieve lower SEN costs.)

Our second contention, based on the survey, is that **too many appeals are won by parents**. 63% - 73% of all cases are either conceded by Local Authorities, partially conceded, lost at a hearing, or partially lost at a hearing. This means that around 2/3 of all appeals are potentially avoidable. The strain and long term impact of a Tribunal on a family is immense. (See parent comments below in appendix 4). Even those who eventually win their case, normally after years of fighting, are worn down and bitter about the system. We would like to see Government make changes to achieve a more equitable and civilised approach to SEN disputes. Tackling the misuse of Tribunals would be a good start.

We have proved that Local Authorities often concede cases very late. This causes distress to families and affects outcomes for children. We hope that Parliament and the DfE will now act upon this evidence.

Proposals

- A. We would like the Government to amend the Children and Families Bill or its regulations to place a duty on the DfE to **publish the statistics** showing Tribunal outcomes by Local Authority and the outcomes of all SEN Tribunals.
- B. We would like the DfE (or Ofsted) to review the statistics each year and **investigate the working practices of Local Authorities who fight large numbers of Tribunals**. It would help if the First Tier Tribunal could also monitor Local Authority concessions and parent withdrawals in a more robust way.
- C. We would like the DfE to have the power to impose **penalties on Local Authorities who regularly concede Tribunal cases very close to a hearing date**.
- D. We would like a robust, independent **complaints process** that will follow up all claims about misconduct against Local Authorities and applies penalties where necessary

This report is available online at www.mertonmencap.org.uk. Questions and comments can be addressed to Paula Jewes (jewes@hotmail.com)

Appendix 1: Explanation of Methods Used

We accept that this is not completely one-sided. Some parents are misguided in their use of SEN law and the Tribunal System but it would appear that these cases are relatively few.

We are not suggesting that all Local Authorities behave poorly. Indeed, our argument is that some are excellent and that the official statistics should highlight beacons of good practice.

We accept that Local Authorities who concede cases late in the process are not necessarily intending to be malicious. Sometimes SEN staff do not have time to monitor cases until the last minute due to lack of resources. However, the impact on families and children is such that we believe that it constitutes maladministration, whatever the motivation.

The survey was carried out in a balanced and unbiased way. Parents were only asked for their general experiences of the SEND Tribunal. The questions could have resulted in general praise of Local Authorities equally as much as criticism of them. We were careful to make all outcomes possible. Appendix 2 below shows the letter that went to parent forums with the link to the survey. Of course, parents could have read the Scrutiny Committee minutes and been aware of the debate, but this would be a tiny minority.

We are happy for the DfE or a professional market researcher appointed by the DfE to audit the whole database of responses and the survey itself (Survey Monkey). They can check the analysis, the authenticity of responses (including the 400 individual IP addresses) and the unbiased nature of the questions. We are confident that these results will stand up to full scrutiny.

Appendix 3 shows the actual survey questions.

Appendix 4 is a selected list of parent comments. Although a long list, these are extremely illuminating and bring to life the statistics presented in this report.

Appendix 2: suggested letter to parent forums

Dear Parents and Carers,

Have you ever lodged an education case at the SEND Tribunal or considered lodging one (otherwise known as the First Tier (SEND) Tribunal or SENDIST)?

If you have, we would be very grateful if you would spend 1 to 3 minutes completing a simple survey.

Here is a link directly to the survey www.surveymonkey.com/s/Y6ZGF3D

The questions are multiple choice although you have the option to add more information at the end. Your answers will be completely anonymous.

Background

Discussions have recently taken place in the House of Commons about the draft Children and Families Bill. This Bill will change the way that children and young people with special educational needs will be supported from 2014. The operation of the SEND or First Tier Tribunal System was the subject of some debate at the Scrutiny Committee stage in the House of Commons, and, as a result, the Government Department for Education has suggested that we find out more about parents' and carers' actual experiences of the SEND Tribunal system.

The results of the survey will be published on the following website within the next 2 – 3 months www.mertonmencap.org.uk.

Thank you very much for your participation!

Appendix 3: SEND Tribunal Questionnaire

1. Have you registered an education appeal with the SEND Tribunal in the last 10 years?

Yes
No

2. What was the outcome of the appeal?

Heard by the Tribunal
My Local Authority gave in before the hearing
We negotiated a settlement before the hearing
We compromised and negotiated a settlement during the hearing
We gave in before the hearing
Other (you may add text at the end of the survey)

3. What was the result of the hearing?

It was found in our favour
It was found partially in our favour
The case was referred back for further evidence to be gathered
It was found in favour of the Local Authority
We negotiated a settlement at the hearing with the help of the judges
Other (you may add text at the end of the survey)

4. Why did you give in?

We decided that our case was too weak
We could not afford the legal representation and/or experts that we needed
Our child's needs changed therefore we no longer needed to appeal
We were too stressed and worn out to continue
The Local Authority had conceded all or enough key points such that we no longer needed the hearing
We engaged in independent mediation which led to a compromise
Other (you may add text at the end of the survey)

5. Why did you negotiate a settlement before the hearing?

Our Local Authority gave in on enough important points that we decided a compromise would be best
Our Local Authority put pressure on us to negotiate
Our solicitor or advocate advised us to negotiate rather than go through the full hearing
We decided that as the key matter had been conceded by the Local Authority, we ought to give in on the detailed points to avoid the stress and/or cost of a hearing
Other (you may add text at the end of the survey)

6. How long before the hearing date did your Local Authority give way on the key points?

Late – within 2 weeks of the hearing date
Earlier than 2 weeks from the hearing date

7. What was the official process for cancelling the Tribunal hearing?

My Local Authority officially conceded
We contacted the Tribunal and withdrew our appeal
We don't know because our solicitor handled this
We can't remember
Other (you may add text at the end of the survey)

8. Did you consider lodging an education appeal with the Tribunal?

Yes, but we believed it would involve paying expensive lawyers or experts and we can't afford this

Yes, but we felt that this might make things difficult for our child in the future

Yes, but there was a lot of pressure from our Local Authority not to do this

Yes, but the idea of a complicated or drawn out legal battle was too daunting

No, our Local Authority was always extremely helpful and supportive

**9. As a result of lodging an appeal at the Tribunal, did you incur any costs?
If so, how much did you spend in total?**

We did not incur any significant costs

We spent 0 - £5,000

We spent £5,000 - £10,000

We spent £10,000 - £15,000

We spent £15,000 - £20,000

We spent over £20,000

10. If you wish, please add more information

Note: the exact questions presented to respondents depended on their previous selections

Appendix 4: SEND Tribunal Survey, Parent Comments

We have included 104 parent comments below out of over 200 received. Whilst they are overwhelmingly similar in their basic message, each one has a slightly different angle or point to make. We feel that these really convey the feelings of parents as well as the facts.

The comments bring to life the following:

- the incredible stress experienced by families who go through a Tribunal; equally hard for winners and losers
- the clear use of delaying tactics and late concessions by some Local Authorities
- the children who are out of school for long periods during these battles or who are home educated when parents “just give up” on the system
- the misuse of public money – Local Authorities will fight Tribunals using barristers and large teams of staff even when there is no real chance of winning
- an example of Tribunal judges calling Local Authority representatives into the chamber to ask why a better case was not prepared for the hearing (this happens regularly, but they are not recorded and are merely dealt with on a case by case basis)
- the impact of Tribunals on outcomes for children and young people as well as their parents
- the strong feeling from families that many Tribunals are unnecessary and could have been avoided
- the social return on investment points that are not considered by Local Authorities e.g. parents having to give up work to fight a Tribunal (often many Tribunals), young people destined for failure as adults by the poor provision offered by Local Authorities
- the lack of suitable specialist places available in certain areas of the country
- the rare but real incidences of Local Authorities not complying with a Tribunal ruling, some of whom delay for months or even years after they have lost a case
- the valuable job performed by charities such as IPSEA
- confirmation that parents are sometimes asked to withdraw their case by Local Authorities who concede, and that many parents do not realise that the official record may be important
- we have included the comments of the 2 parents who felt that they received a good service from the SEND Tribunal

1	I was fortunate to get legal aid and funding through IPSEA. I won on all parts but it put me and my children through emotional hell and took nearly a year. It's disgusting that LEAs are allowed to be so useless.
2	As well as the financial cost, the trauma of not being able to carry out the recommended transition process to high school has had lasting effects on my child. The local council have no suitable provision for children with special needs but insisted on naming a school 90 minutes travel away within the county to avoid my child going to a suitable school 40 minutes away in another county. I realise that in conceding days before the end of his time at primary school and asking us therefore to withdraw the appeal, they have avoided conceding defeat.
3	I see the option of the Local Authority conceding officially which I did not realise was an option at the time, otherwise I would have gone for that route so it was recorded as such rather than us withdrawing the appeal.
4	Had a more open approach been taken at the start time and money would have been saved on both sides. It was also only with the support of an advocacy team and our own knowledge that we were able to get to such a position which in the end benefited both sides.
5	In the end it cost me about £400 plus transport costs to my sons new school at £60 per week. There were no places left at schools in my area. They will not pay for a teaching assistant to go and be with my son at mainstream school even though it would cost far less than the £37,000 it costs to send him to a special needs school.
6	I have now been to 2 Tribunals. In both cases LEA did not have suitable provision in both cases they insisted on mainstream schools, in both cases they lost. We have £40,000 of debt, they incurred no costs. It's just not fair.
7	It's a shame that parents have to go to these lengths just to get their children a fair education.
8	If the LA were to consider cases in a fair and appropriate manner there may be less Tribunals.

9	Our son has a severe and complex speech delay (Down syndrome). The LA would not provide SALT. We tried to reason with the LA - we had assessments and reports carried out which supported our son's need but they would not budge. At the Tribunal, the LA rep was aggressive but their own therapist supported our claim. The judges ruled unanimously in our favour. It was a complete waste of our time, very stressful and time consuming, and also very expensive for us with travel, private reports, private assessments and a day each off work. It cost around £1,000 to secure what should have been allocated to our son from the start.
10	We have had to do paperwork for 3 SEN Tribunal hearings for two children. The first one was negotiated between us and LA before hearing, the second went to Tribunal and was found in our favour and the third the LA agreed to assess which meant we did not have to go to Tribunal.
11	We have had to take the LA to Tribunal 3 times, once at 7 years old, then at 11 and again at 16. Always the same issue - they did not understand the complexity of our sons disability and assumed an SEN general school taking all sorts of disabilities would be good enough.
12	We were appealing parts 2, 3, & 4 after the LA assigned my son a place in a special school we considered could not meet his needs at the point of secondary transfer. Eventually the weight of evidence in our favour, including from their own witnesses forced them to agree with us. We did not withdraw from the Tribunal until we had secured all we wanted in parts 2 and 3 of the statement as well as part 4. Monumental waste of public money, but because they were determined not to be flexible we had to do it the hard way!
13	We have had 3 Tribunals and we have won all 3 - the last one the LA gave in the week before. It has cost a fortune for us and has all been for therapies and resources for our very disabled son. Then the LA did not the make the required provision which required 2 further LGO cases which we also won. It has been unnecessary for a very disabled child and has cost too much money and our health.
14	As a single parent who works, the whole prospect of a time consuming appeal is too daunting, also I feel that whatever you say - the school will pull rank and you won't stand a chance.
15	An immensely traumatic and stressful situation that everyone, apart from our LEA, agreed should never have needed to go to Tribunal. I wish there was some way of making LEAs accountable for their appalling management of real children's lives!
16	Before the Education Panel meeting we were told that there was 'no way' the borough would agree to the school we wanted (despite medical experts saying it was the best school for the child, the school having assessed her and accepted her subject to funding etc) so I told the borough that if it was refused I would start Tribunal procedures. The Panel found in favour of the school of our choice, and we didn't need to go to Tribunal.
17	The whole experience was very stressful and time consuming. I didn't feel our hearing was heard fairly but because of time issues and lack of confidence I didn't feel able to take this further. We lost our hearing because of cost. Our son ended up going to the school of LA choice, and 6 months later tried to end his life as he felt nobody had listened to him. Here we are less than a year from our previous Tribunal and we will be fighting again for a correct placement.
18	I feel that in our case (and I know that it does happen in other cases too) the child is judged on previous paperwork for statements (sometimes up to a year old) and it is not necessarily a true representative of that child at that moment in time. My child was judged to be in need of a special needs school on paperwork, even though all those working with her and assessing her confirmed that she would be better suited academically in a mainstream secondary school with a resources base which was available just around the corner from our home address instead of the ASD school that was 40+mins drive away, I couldn't take her as I have 2 other children in primary school and am a single parent so she would be expected to travel on a minimum of 2 buses to school as she wasn't severe enough to warrant a taxi, in and out of the city centre instead of walk 10mins round the corner. My case was deemed by Parent Partnership as one of the more 'pathetic' cases bought before them and that I had been more than reasonable in my choice of school. The LA had no choice but to agree in the end and she was granted her choice of school 2 weeks prior to the Tribunal. The amount of unnecessary stress and worry this caused us as a family was unbelievable and could have so easily been resolved with the correct and up to date information being provided, it is a waste of man hours to continue on in the way that the system runs at the moment in my opinion.
19	The stress of going through an appeal only to have it cancelled by the Local Authority 2 weeks before the hearing was damaging both physically and mentally to the whole family but particularly to the mother. For the child the effects are life long and the loss of education is costly to society and to him and will last his whole life.
20	Did not spend money on legal fees. However spent excessive amount of hours and valuable family time doing my research for the Tribunal. Very stressful!!!
21	It was a very stressful experience and my son did not know where he was going to go to secondary school until very late in the year. We also had access to a charity that gave us great advice so we did it with their help but it took up all of our spare time. It would have been very easy to give up!

22	It was an extremely harrowing, difficult process - made all the more so by the extremely unhelpful approach and attitude of the local education authority and with inevitable impact on the whole family/child in question for the duration .
23	It was the most distressing time of our lives.
24	It was the worst experience of my life - very one sided. The education department came with a solicitor and 5 other people.
25	It was too expensive and stressful to continue
26	It was very bad experience. The local authority rep was rude and harrassed and mocked me.
27	It has been a nightmare. Our son has had no school place since Nov 2012. His provision outlined in his statement has not been provided since then. The system has to change as it damages children.
28	Our child has multiple special needs & everyone including the teachers, professionals & officials agreed that he needed a specialist setting. We cooperated with the council at every step but still had to go to Tribunal. It was the undue stress that we had to undergo for almost a year that makes us sad. It affects the health of the family relationships besides being a financial expense .
29	The process was very stressful and time consuming. Luckily we were educated enough to be able to deal with the process. I worry about those who may not have the ability to deal with the LA.
30	The Tribunal seemed very one sided almost them against us. (LA against Parents and Solicitor). My sons Social Worker had to give evidence against us with regard to placement as she was working for the Local Authority. She said she never wanted to be put in that position again. A very exhausting and stressful time for our whole family but would do it again to get my sons needs meet.
31	The Tribunal was immensely expensive financially and emotionally. We are still dealing with the financial fall out. Other families have it far, far worse. The system is there to frighten parents to the detriment of the young people involved.
32	The whole process was very stressful from the start to the finish. I was made to feel guilty, told I was fabricating evidence and told by LEA staff I didn't stand a chance which mentally lowered my self esteem and belief in what I felt was right. I don't think priority is founded on caring about the best interests of a child or their needs but purely manipulated by a focus on funding.
33	Very stressful, time consuming and completely unnecessary
34	We found it intrusive and humiliating and the teachers lied during the hearing. It left us devastated and affected our home life adversely. I wouldn't recommend anyone follow in our footsteps.
35	It is still ongoing at the moment and is one of the most stressful things I have ever had to go through in my life. Why does the whole thing have to be such a fight? We are the parents that need the help the most the ones who are put through months/years of expensive, stressful, intimidating, intrusive hell.
36	What upset us most was the LEA being prepared to give inaccurate information to Tribunal. Accusing me of effectively bribing a witness, accusing me of telling our daughter not to try hard at school, not listening. Not considering evidence they were given, accusing me of flouting the sendist rules, getting witnesses (teachers) from school to say something to Tribunal, ignoring information/evidence from far better placed/qualified individuals than themselves, and still maintain that they are correct...i could go on...
37	My experience with the SEN Tribunal been very emotional and traumatic. I did not have any support whatsoever from any one. The school messed up my child's statement with false information which did not reflect my child's needs. My child was seen by a Senior Clinical Psychologist who did not supply with us with a report. The whole system is a shame. Having a special needs child is enough pressure for parents and siblings. No one cares and no wonder why so many parents are on anti depressants or giving up on their children who are ending up in care.
38	I am devastated that my daughter, now aged 18, does not meet the criteria to be funded for an educational place post 19. This is going to have a massive impact on us, both socially [she thrives in the therapeutic enviroment she is presently in at school, stimulated by her peers and the input from the staff] and physically [how am i supposed to recreate that enviroment at home , and maintain my job, I believe the decision to close down day care facilities and now deny these young adults their 3 years at college is going to impact massively and I wonder who is gointo pick up the pieces.
39	I did it all myself rather than pay for help, however it did incur costs because in the end I gave up my work, I nearly went insane, and in the end I would say it took its toll on my marriage. So social costs huge, financial costs part time earning for 2 years at least. I went to Tribunal twice, once for assessment and once to get the wording right. Won both times no question. I wasn't too demanding and I didn't go for special school as didn't have the energy, so stuck with mainstream and got a B band. Thinking about it, costs to society of me now being a single parent with 2 children, one with additional needs, is huge and still incurring. No family should have to go through that trauma. We have all the SROI figures for this.
40	I was fortunate to receive Legal Aid. I have my own disability and would not have managed without my wonderful solicitor. It worries me that so many parents cannot get legal help. Councils appear not to have any concern for the needs of SEN children or their families. The long term costs of not meeting the needs of

	these children will end up costing our country so much more money because they will need extensive help in adulthood.
41	Needed days off work , buying a photocopier, paying an advocate, travelling to private assessment appointments and staying overnight for assessment , private Ed Psyc assessment, private speech and language and OT assessments, paying for copies of documents held by the LEA and requested under freedom of info act and phone calls.
42	The cost amount and the survey does not take into account that I went to Tribunal three times and had to give up work when my son was in Year 4 and couldn't resume work until Year 13 as he effectively was not in appropriate education all that time.
43	The process was costly and stressful taking money away from uses such as trips out and adaptations for disability.
44	The cost does not cover loss of earnings for having my daughter out of school for 12 months whilst we 'fought' the LEA.
45	The whole experience was costly and hugely stressful for our family. Our Authority banks on this to put off as many people as possible for standing up for the rights of disabled children, because the provision they have in place is woefully inadequate for children with autism. The trauma our son went through, not knowing about his post 16 placement and with no transition plan in place is still affecting his life a year later and triggered an escalation in his mental health difficulties. In terms of cost, this is potentially huge as long term mental health problems could affect his ability to get work, even voluntary work and feel good about being an active citizen in society. In moral terms, it says a lot about how our Authority treats its most vulnerable young people at a key transition stage in their lives. It's very wrong and hugely short-sighted. Instead of preparing our young people for rewarding and fulfilling lives in adulthood, we are preparing them for high cost settings in Adult Services.
46	This was our third Tribunal appeal. But none of the costs take into account the fact that I gave up my career to fight my son's cases before employing a Lawyer, and whilst having a Lawyer, so that I could learn the legalities of fighting a Tribunal case, and also be able to fight the outrageous practices of the Local Authority in their wish to deprive my son of the help he needed and to deprive him of a Statement. Costing my time at a minimum wage of £6.00 per hour at 18 hours a day added another £108.00 per day to the total cost over the years for the time I committed to this. For the third Tribunal alone, from the time the LA issued the Statement, to the appeal hearing date 7 months later, this amounted to £22,680 of my time at minimum wage. This doesn't take into account the many many hours over a number of years previously, that I had committed to fighting for my son's needs to be met. And obviously that doesn't take into account my lost career and my lost earnings, not only over those years but also subsequently, where I had been on a far higher salary than minimum wage. It also doesn't take into account the lost earnings of my husband who could not resume his career because he had to look after the children/household duties whilst I spent 18 hours a day learning the law and fighting our cases and, together with my husband, supporting our son in daily therapy/medical operations/hospital visits etc. Most importantly, it does not take into account the impact and damage done to my son and his future, because of the number of years we had to wait to get vital support in order for him to be able to make progress. Had he been given the support/therapies etc that he needed when he was a toddler, he would not be in the situation he is in now. Had we not had the Tribunal to go to, the Local Authority (and, I might add, the NHS Occupational and Speech and Language therapy departments) would have just written off our child, as they have done to so many others who have not been able to fight their corner.
47	We didn't incur any significant costs - but spent huge amounts of our own time researching, gathering evidence, phoning, preparing. It was an extremely intimidating process. I was only able to face it because of how strong I felt our case was.
48	We should not have been put through this process. It cost us financially and mentally more than we had
49	I have twin daughters. The first one has more severe difficulties and we went to Tribunal for her first. We ended up going to Tribunal 3 times despite having the best education lawyer and SLT and Ed Psyc who gave independent reports proving there was a need for specialist input. After being slated as a parent by the representative of the county council verbally and within her reports during 3 Tribunals, we finally won SLT support twice a week. Then nothing happened. The professionals we were using were so incensed (and we had no more money) that they gave their time and effort free to go to high court... one week prior to the court hearing, an independent SLT turned up at the secondary school! This took years, meaning that by the time my daughter got the input, she had been through primary school with no SLT support and her language levels hardly changed. College was a better experience, suddenly help came out of the wood work! Now she is at university and even more understanding and support is available.... lucky they got there really...

50	Even though the Tribunal found in our favour, Council still refused to pay the fees of the named school in the statement and it took us a further year & 1/2 and an appeal to the LGO to get them to adhere to the Tribunal judgement.
51	Our son was out of school for 1 yr + 1 term after 1 year of appalling attacks in secondary school. He had caught the school bus for his 1st week, but was bullied and had to be driven to and from school thereafter. Whilst in primary school, we had to collect him from school every lunchtime as school couldn't guarantee his safety.
52	As a last resort, I would have gone to a Tribunal but after almost 2 years of my son missing school, the local authority offered a suitable place.
53	... my son was out of school for 9 months.
54	I had my special needs child out of school for 4 and a half months because my local authority was refusing my request which was lawful and fair. However, they dug their heels in knowing this and the local authority then pulled out just a week before the Tribunal date. This caused us all a great deal of unnecessary stress and duress.
55	We have been through three Tribunals for my son, lost everything in the process - currently he is not in school while we are fighting the fourth Tribunal. There is no such thing as a free education in this country for children with special educational needs.
56	We waited nine months for an appeal date with SENDIST during which time no education was provided and he was educated at home by his mother and carers with no help from education at all. Morning of SENDIST Tribunal we got a phone call from the council stating they would provide the home education we had requested originally. Disgusting show of power and neglect.
57	We won but the LA did not follow the recommendations so we are going back to Tribunal.
58	It was awful! It was difficult enough getting an education for our autistic eldest son but our youngest (going through mainstream education and the one we went to Tribunal for) was failed from the beginning to the end of his school life. I really think that if we had had more money the outcome would have been different. Our son is now 20 years old and in the doldrums of employment - washing up. I'm proud he's working but will he be earning minimum wages for the rest of his life, I really feel for him.
59	We initially went to mediation but the LEA representative made it quite clear that he was not prepared to negotiate. Therefore we went to Tribunal hearing and were given help from IPSEA who were an invaluable support.
60	Nothing ever changes we still have the same old battles each year with a corrupt LEA who make everything as difficult as they can for parents of children with disabilities and additional educational needs
61	I have very serious concerns about the impartiality of the Tribunal. We were able to demonstrate several points where the local authority had attempted to mislead the Tribunal, but this was not reflected in any way in the judgement. Tribunals should be held under oath, with appropriate consequences for knowingly submitting false evidence.
62	I requested mediation. I then backed down on my most important request for my son but the school had to compromise after threat of Tribunal. The school agreed to place my son with his mainstream peers for one third of his timetable - this they could reasonably have been expected to be doing anyway and appeared to be little effort to them. I had clear, recorded evidence that the school management lied repeatedly in my son's case but would not have been allowed to present this at the Tribunal. This was why I was keen to mediate. The LEA representatives verbally informed me that they agreed with our perspective in my son's case but were 'powerless' to do anything about it at the time, the school was not an academy (which it now is, so heaven help the SEN children now)
63	... in my opinion the whole system is corrupt!
64	Although we lost, nothing was done to prevent the LEA fabricating evidence on the day. This was all taken as fact by the judges and proved later as false. Had they not have lied, we would have won. My son has been out of education a full year now after the school they decided on caused 2 mental breakdowns. Totally disgusted with the process
65	Awaiting Tribunal & possible mediation meeting. Local authority sends letters /documents after deadlines but lateness doesn't seem to matter to the Tribunal.
66	I have had two Tribunals. On both occasions the LA conceded the day before the hearing date. The second time I was called into meet the LA head of SEN the morning before the hearing date and presented with a revised statement with all amendments requested at Annual Review included. Still don't understand why they made us wait six months for this!
67	It was worth going to Tribunal. Local Authority offered a better deal 48 hours before the Tribunal but we had already had to spend so much money ready for Tribunal that we refused it and the judge upped the hours of support for us to 24.5 hours a week. The offer at the last minute from the authority was for 20 hours so we felt it was well worth going to Tribunal. (this was for primary school support). We have just been negotiating

	for secondary support 5 years later and we knew our son needed a specialist educational setting for secondary and the authority wanted to say no, but they gave up after the first hurdle this time because they knew we would go to Tribunal and also knew we would win because we had all the evidence on our side. Tribunal was a scary process but, when we got to Tribunal, the local authority were the ones who had not done their home work, not submitted within the deadlines and were not very well prepared. We felt that they thought that we would back off with threat of Tribunal and a last minute offer on their part - it was not so. Local authorities are bullies and only interested in the pot of money rather than the right support and we need Tribunals to help address the balance.
68	LA conceded at the 11th hour the day before Tribunal, having refused to negotiate on first draft of statement.
69	LA drew it out as long as possible. Judge had asked twice for information to be submitted but LA ignored requests.
70	LA tried lots of stalling, moving the dates, saying we needed to get another EP because we were using the LAs EP who they wanted to use. When we were called and offered our school place, they wanted us to contact the Tribunal asap as the hearing was in two days time. We wanted part 4 with the school named in print first.
71	LEA agreed to all our requests and preferred placement after about 5 mins in the Tribunal as they had no case.
72	LEA conceded 30 minutes before the hearing because all mainstream schools which had been approached refused admission and judge would not grant another delay. LEA had already had 3 delays granted to look for appropriate place. Tribunal eventually saw through their delaying tactics but every delay cost us more money.
73	LEA part conceded two big issues the evening before but there was still a full day Tribunal on the following day for other issues - some of which were petty for the LEA to contest. Great waste of our money and public money. LEA would be better just funding the Statement as there was plenty of evidence!
74	LEA pulled out 45 minutes before the hearing because they had no secondary school place to offer. The LEA reports were vague, non-specific, incomplete and useless. We paid for independent assessments which identified: atypical autism, ADHD, speech and language impairment separate to autism, dyslexia, sensory processing disorder and oppositional defiance disorder. The LEA had only identified "mild autism" not the actual complex special needs and co-morbid diagnoses.
75	The LA conceded at 5.30pm the day before the tribunal. Therefore we withdrew from the Tribunal. The LA made no effort to make a case and cost us nearly £20,000
76	The Local Authority capitulated at 5.30 the evening before our Tribunal was due to be heard. They had not made any effort to create a case and in my opinion had deliberately pushed us to the wire!
77	The Local Authority gave in during Case Management on the day of the hearing.
78	The local authority gave in half way through the hearing which they had extended over 2 days
79	The local authority had no case, the school they wanted to send him had already said they could not meet his needs then retracted due to pressure from the LA. They agreed on the placement the day before Tribunal but not to transport. We did not want to risk a judge stating he had to go to the LA School so we are now transport him which take 4 hrs plus in the car/200 miles a day. They now pay a contribution but we only found this out after settling as we did not know ins and outs of law.
80	The Local Authority named a completely inappropriate placement, made no real effort to put a case together and capitulated at 5.30pm the evening before our Tribunal was due to be held - they faxed the final signed Statement through to us. This exercise as well as being extremely stressful cost us nearly £20k.
81	The process to go to Sendist was to fight for the LEA to name the school I wanted my child to attend and a few wks before, the LEA offered me a place if I dropped the Tribunal, Obviously I did as that was all I wanted a decent chance of an education with support for my child. He had been removed from his previous school on medical grounds due to his anxiety reaching very high levels.
82	They actually gave in on the morning of the Tribunal in the reception of the hotel! I had paid for a barrister to come down from London and stay overnight.
83	Very stressful, costs incurred were in the region of £35,000, local education authority were in agreement with our case but social services were not, so although the LEA wanted to agree sooner they couldn't. Social services backed down two days before the Tribunal so we incurred full costs for our solicitor and barrister and for our witnesses. It is a very unfair system as even though we won we still had to pay out the full costs. The whole system takes far too long, is too drawn out and is very expensive which puts poorer families at a disadvantage and because the LEA have their own barrister acting on their behalf this puts the parents in the situation of having to have one, which was at a cost of £750.00 an hour. Even though we won our case only 18 months ago, social services are now trying to reduce the placement which could again go back to Tribunal at a huge cost to us as parents. The placement should remain for the rest of the children's education unless the parents feel the school is not meeting the child's needs anymore.

84	We attended a Tribunal hearing but the Local Authority arrived with inadequate information and we had to have it adjourned. The Local Authority named our preferred school 2 weeks before the second hearing.
85	We complained to the ombudsman and received compensation for the delay of the statement. Our LA conceded within 20 mins of our hearing - they had no evidence to support a move of school. We felt they put our family through an ordeal at cost us and public money without any evidence of meeting/assessing her needs. This same thing happened to over 9 families at our school.
86	We lodged 2 appeals - first was refusal to assess - conceded by LA about 3 weeks before. Second - refusal to issue a statement- was withdrawn by us due to LA stalling the entire process, my daughter would have been well over 17 by the time of any decision, and therefore too old to go to the school of our preference. Also the LA applied to have this appeal struck out, therefore placing on us the additional stress of having to attend another hearing to explain why we wanted to go ahead. Their grounds - that she was over compulsory school age and therefore outside Tribunal's remit, although they had agreed to assess within 6 months of her ceasing to be of compulsory school age! We just got sick of their lies, deception and games, basically, so we dropped the whole thing and luckily she was offered an FE placement which was reasonably adequate so no longer any need for a statement.
87	We were supported by IPSEA who did not charge for the service that they provided - which was excellent. The LA conceded on the morning of the appeal. The Tribunal panel issued a consent order and questioned the LA officer as to why they did not do so before. She said it was because she could not - her LA would not allow it despite the evidence being clear. Thank god for IPSEA!
88	My experience throughout the Statutory Assessment & Statement process is that the LEA will refuse as much as they can, but will back down in the face of us threatening appeal & Tribunal.
89	It was a most unsatisfactory experience. I did not understand what was going on. The judges did not show any signs of having read our evidence. The LA witnesses made misleading statements which the Tribunal accepted. The procedure was never clear to me and I entirely missed my opportunity to make a statement. The decision was completely wrong. It was based on cost but the LA (who won and produced misleading figures at the Tribunal) discovered afterwards that the provision they forced on us was vastly more expensive than they had told the Tribunal. As a way of reaching a reasoned decision it was useless. Better and cheaper to flip a coin. We ended up home educating as the least worst option and not being able to face/fund another appeal.
90	My experience at the Tribunal was not pleasant and moreover, I felt the decision in favour of the local authority was biased. As a result, I have now decided to home school my son with little support from the local authority.
91	We were able to navigate our way through the Tribunal process and got the right outcome. However, we are both well-educated and have experience of working in the public sector. I don't think that others without the same advantages would be able to been able to navigate the system as well and might not have got the right outcome for their child.
92	I found the SEND Tribunal process easy to understand and the Tribunal itself fair and impartial. As parents we felt listened to. Occasionally, attention to detail was lost in papers that were sent to us, in the run up to Tribunal. Otherwise, we had a very good service from the SEND Tribunal process.
93	My son was already in the school I wanted him to go to. The judge was great he only had my son's best interests in mind.
94	We were going to appeal but the LEA agreed to letting us apply for a statement after my son received more exclusions.
95	SENDIST allowed the lawyer for the Council to procrastinate and thereby extend our hearing to another day incurring an extra £5000 legal costs to us.
96	This was about getting a place at a non-catchment special school. Our parent support group (government funded) helped us through the procedure. We could never have done this without their guidance.
97	Although the case went in our favour, the school chosen was not entirely suitable for our child. I believe this to have been a financial decision rather than one of the correct education for my child. I was tremendously lucky in that I was put in touch with a charity who supported me, otherwise I would not have been able to represent my child with the information I had available or the funding. Plus finding your way through the minefield of a process; you are left at their mercy! There is no real assistance with the vast amount of correspondence you have to cope with or in some cases the unprofessionalism you experience.
98	Couldn't of done it without the help of IPSEA
99	IPSEA provided an education advocate free of charge. I appealed the LA's decision not to carry out a stat. assess of SEN. The Tribunal ordered the LA to assess. Outcome: LA issued SSEN, placement in Special School.
100	The Tribunal was the only way we could assess any support for our child. We felt we were bullied by the local authority to pull out leading up to Tribunal.

101	The Tribunal was deeply scathing of the LA and gave them 6 weeks to comply. The LA found ways to delay for another 9 months after that. The LA brought nurse managers to advocate against us, contrary to the NMC rules that are supposed to make nurses advocates of those in their care. We complained to the NMC later, and at the Tribunal we demonstrated that the nurse managers' evidence was seriously at fault. The LA had also failed to produce their witness list, contrary to statutory judicial procedures, to hide from us who their witnesses would be. Our key witness was the head of the school that the LA wanted him at - she was a witness against her own employers, the LA, and she was a star. Our son had hitherto been denied access to any education for 4 years by the LA.
102	Our LA lodged an appeal for an extension the day before our hearing date and this was granted (despite them having 9 months to prepare). They then waited until THE DAY BEFORE the rescheduled hearing date (three months later) before agreeing to all our requests. They refused to officially 'concede' but told us that they would grant all our requests only if we withdrew our appeal. Their actions put us through 12 months of misery and cost us hundreds of pounds in time, in admin, and in sourcing reports etc. It is our firm view that our LA put us through all of this just to see if they could 'wear us down'. They indicated that they would grant our requests so late that our witnesses had already booked train tickets and hotel rooms and they also lost money. Previously, we also took our LA to Tribunal. That time they agreed to almost all our requests via formal mediation following a lengthy and emotionally and financially draining stand-off over therapy provision and 1-2-1 support. We compromised in order to put an end to it because it was so emotionally draining. We have lost all respect for our LA. We think they play games and use SEND TRIBUNAL in order to test parents' nerve and determination to be good advocates for their children - and in the hope that they can escape the financial obligations.
103	Personally, I think it was shocking that even though the LA conceded; part of the 'agreement' was that we could not claim back costs even though it was blatantly obvious the LA had wasted everyone's time and conceded in the last hour the day before the Tribunal!
104	The one generic senior special school in the area is inadequate but there is nowhere else to send the children. Shocking state of affairs.