


## Notice of Meeting

# Cabinet-Supplementary Agenda



| <u>Date and Time</u>                    | <u>Place</u>   | <u>Contact</u>  | <u>Web:</u>   |
|---|--|---|---|
| Tuesday, 17<br>December 2024<br>2.00 pm | Council Chamber,<br>Surrey County<br>Council,<br>Woodhatch Place,<br>11 Cockshot Hill,<br>Reigate,<br>Surrey,<br>RH2 8EF | Huma Younis or Sarah<br>Quinn<br>huma.younis@surreycc.gov.uk<br>or<br>sarah.quinn@surreycc.gov.uk | <a href="https://www.surreycc.gov.uk/council-and-democracy">Council and<br/>democracy<br/>Surreycc.gov.uk</a><br><br>@SCCdemocracy |

#### 4 PROCEDURAL MATTERS

##### b PUBLIC QUESTIONS

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There is one public question. A response from Cabinet is attached.

**Terence Herbert**  
**Chief Executive**  
Published: 16 December 2024

## **MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE**

Members of the public and the press may use social media or mobile devices in silent mode during meetings. Public Wi-Fi is available; please ask the committee manager for details.

Anyone is permitted to film, record or take photographs at Council meetings. Please liaise with the committee manager prior to the start of the meeting so that the meeting can be made aware of any filming taking place.

The use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to any Council equipment or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

Thank you for your co-operation.

## **QUESTIONS AND PETITIONS**

Cabinet and most committees will consider questions by elected Surrey County Council Members and questions and petitions from members of the public who are electors in the Surrey County Council area.

### **Please note the following regarding questions from the public:**

1. Members of the public can submit one written question to a meeting by the deadline stated in the agenda. Questions should relate to general policy and not to detail. Questions are asked and answered in public and cannot relate to “confidential” or “exempt” matters (for example, personal or financial details of an individual); for further advice please contact the committee manager listed on the front page of an agenda.
2. The number of public questions which can be asked at a meeting may not exceed six. Questions which are received after the first six will be held over to the following meeting or dealt with in writing at the Chairman’s discretion.
3. Questions will be taken in the order in which they are received.
4. Questions will be asked and answered without discussion. The Chairman or Cabinet members may decline to answer a question, provide a written reply or nominate another Member to answer the question.
5. Following the initial reply, one supplementary question may be asked by the questioner. The Chairman or Cabinet members may decline to answer a supplementary question.

## CABINET – 17 DECEMBER 2024

## PROCEDURAL MATTERS

**Public Questions:****Question (1): Deborah Fitzgerald**

What reasons does the council think that over 95% of SEN cases that are brought to tribunal are upheld?

**Reply:**

Nationally appeals to the Special Educational Needs and Disability Tribunal (SENDIST) have increased each year since the Children and Families Act was introduced in 2014. SENDIST are reporting an increase in the total number of appeals registered from 18,000 in 2014 to 24,000 in the year 2023-24. The numbers in Surrey very much reflect this national picture.

Where an appeal is upheld by the tribunal, it is not the case that the decision originally made by the Local Authority was incorrect or unlawful. It is often the case that decision made by SENDIST are made using a different set of evidence that the original decision.

Section 39 (4) of The Children and Families Act allows local authorities to defend appeals should they feel that the placement of a child or young person in a particular setting would amount to unreasonable public expenditure; this is not always considered at a tribunal hearing.

Of the total number of appeals registered from Surrey residents in 2023-4 which was 1068, the rate of resolution prior to hearing is 39%. This is a significant number when factoring in that 35% of appeals registered against Surrey CC in 2023-24 are still to be heard.

Not all cases that are registered against the council's decisions progress to a hearing, as evidenced by the high levels of resolution. Where the council feels that a case is best determined through consideration by a tribunal, it has been successful in its defence of appeals 10% of the time in 2023-4. If appeals that are partially upheld in favour of the council, that figure rises to 10.5%.

Whilst these statistics provide an overview of appeals in Surrey during the year 2023-4, it is helpful to consider the breakdown of individual types of appeal as different parts of the legislation apply to different types of appeal

| Type of appeal (heard)   | % upheld | % dismissed | Upheld in part |
|--|----------|-------------|----------------|
| • Refusal to assess a child or young person's educational, health and care (EHC) needs | 97%      | 3%          | 0              |

|   |     |     |     |
|---|-----|-----|-----|
| • Refusal to issue an EHC plan  | 80% | 20% | 0   |
| • Refusal to change what's in a child or young person's EHC plan - sections (B&F) | 0%  | 33% | 67% |
| • Refusal to change what's in a child or young person's EHC plan (BFI)            | 30% | 70% | 0   |
| • Refusal to maintain the EHC plan  | 0   | 0   | 0   |

Live appeals to the tribunal are continuously monitored and reviewed at all points throughout the stages of the appeal. Should Tribunal Officers need to, they can refer the case back for further reconsideration by the SEN teams.

Tribunal Officers act on instruction from the service and as part of their role they liaise with the area SEN teams and other LA professionals, as necessary, regarding the LA's position in accordance with case law and the relevant legislation.

The council is piloting the use of a Mediation and Dispute Resolution Office (MADRO) team which is evidencing some successful outcomes for families and children. Since the pilot began in December 2023, MADROs have been able to resolve 53% of all potential appeals where they have worked with families, which has been 127 cases to date. 5% of the potential appeals have gone back into the Tribunal team. The remaining cases are still ongoing with a view to resolving them before a hearing, wherever possible.

**Clare Curran**  
**Cabinet Member for Children, Families and Lifelong Learning**  
**17 December 2024**