

cost of SEND challenges NCC-033485-18

Hello, hope you're well!

I'd like to request the following information under FOIA:

For each of the academic years 2014/15, 2015/16, 2016/17, 2017/18 and as much of 2018/19 as you have data for:

- 1) How many times was the council challenged at the SEND tribunal for **refusing to assess** a child's special educational needs?
 - a. Of those, how many were:
 - i. *conceded by the LA ahead of the tribunal hearing*
 - ii. *withdrawn by the parent/carer/young person*
 - iii. *upheld by the SEND tribunal*
 - iv. *not upheld by the SEND tribunal*
 - b. What was the cost to the council of defending all of these appeals, both successful and unsuccessful?*

- 2) How many times was the council challenged at the SEND tribunal for **refusing to issue a SSEN or an EHCP**?
 - a. Of those, how many were:
 - *conceded by the LA ahead of the tribunal hearing*
 - *withdrawn by the parent/carer/young person*
 - *upheld by the SEND tribunal*
 - *not upheld by the SEND tribunal*
 - b. What was the cost to the council of defending all of these appeals, both successful and unsuccessful?*

- How many finalised EHCPs or SSENs resulted in an application to the SEND tribunal to **challenge any part** of the EHCP/SSEN?
 - a. Of those, how many were:
 - *conceded by the LA ahead of the tribunal hearing*
 - *withdrawn by the parent/carer/young person*
 - *upheld by the SEND tribunal*
 - *not upheld by the SEND tribunal*
 - b. What was the cost to the council of defending all of these appeals, both successful and unsuccessful?*

- How much compensation or legal costs were paid to parents in the above cases?

*when calculating 'cost to the council', please include in-house legal costs, representation and barristers, expert witnesses including the cost of attending tribunal, professional reports, tribunal preparation costs, admin etc

Please contact me at your earliest convenience if I need to refine my request, and thank you in advance for your help.

Dear Requester,

Further to your recent Freedom of information request below, please find attached the details as requested.

NB: "in 2014/14 and 2015/16 Nottinghamshire County Council purposefully had a policy whereby an agreement to assess automatically led to an agreement to issue a Plan other than in extenuating circumstances. Consequently there are no recorded tribunal cases against a decision not to issue a Plan over this period."

We trust this resolves your enquiry, however should you have any further queries please do not hesitate to contact me directly on the details below.

Nottinghamshire County Council regularly publishes previous FOIR,s and answers on its website, under Disclosure logs. (see link) <http://site.nottinghamshire.gov.uk/thecouncil/democracy/freedom-of-information/disclosure-log/>

You can use the search facility using keywords.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to the Team Manager, Complaints and Information Team, County Hall, West Bridgford, Nottingham, NG2 7QP or email complaints@nottscc.gov.uk.

Kind Regards