



March 2005

West Midlands SEN and Disability Tribunals (SENDIST) Report

Section 1 Tribunals

1. Context.

- 1.1. This report is an analysis of the data on Special Educational Needs Tribunals (SENT) and Special Educational Needs Disability Tribunals (SENDIST) within the 14 West Midlands Local Education Authorities (LEAs). An overview of historical data from 1999-2000 is included with a detailed breakdown of the academic year 2003-2004. It forms part of the work of the West Midlands SEN Regional Partnership (WMSENRP) in providing analysis and benchmarking data for strategic management purposes.
- 1.2. The West Midlands SEN Regional Partnership, in collaboration with the South West SEN Regional Partnership, has put on a series of training events about SENDIST. One was for parental supporters, one for LEA witnesses and one for LEA officers who present at SENDIST. The latter training event for LEA officers looked at advice on quality in statements. There will be a further workshop training day on the 20th May for LEA officers who prepare case statements. This day will be in collaboration with the South West SEN Regional Partnership and East Midlands SEN Regional Partnership.
- 1.3. The events held so far have been well attended and benefited from input from a leading barrister in the field - David Wolfe (LEA witnesses and LEA presenting officers events). He gave a very clear legal summary of the relevant SEN Act and also advice about the SEN Code of Practice (COP) in relation to SENDIST hearings

2. Background - Statements

- 2.1. ¹The total school population within the West Midlands, excluding pupils in non maintained and independent schools, is 881,952. The total number of pupils with statements is 32,640; 3.7% of the whole maintained school population. In the West Midlands 658 pupils with statements are placed in non maintained and independent special schools
- 2.2. The total school population in England is 7,730,780, excluding non maintained and independent schools. The total number of pupils with statements in England is 261,070, 3.38% of the whole maintained school population. In the whole of England 12,570 pupils attend the 247 non maintained and independent special schools registered by the Department of Education and Skills (DfES). It should be noted that some of these pupils will be placed by Welsh and Scottish LEAs and independently by parents from overseas.
- 2.3. The pupil population of the West Midlands is 11.4% of the national population, the number of pupils with statements in the West Midlands is 12.5% of the national population.
- 2.4. ²The total number of new assessments under Section 323 of the Education Act 1996 during the calendar year 2003 in the West Midlands was 3670. The total number of new Statements issued was 3500.

¹ All figures calculated from Statistics of Education: Schools in England HMSO 2004

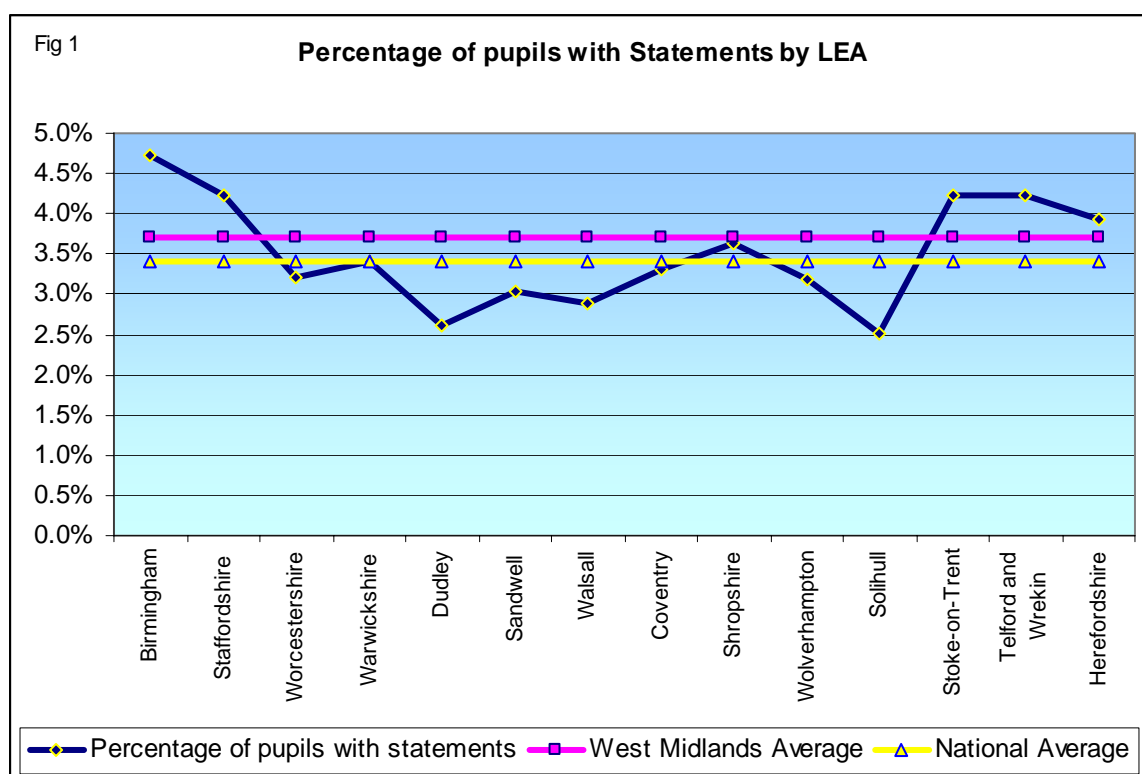
² DFES: Special Educational Needs in England January 2004 HMSO

2.5. The total number of new assessments under Section 323 of the Education Act 1996 during the calendar year 2003 in England was 30,370 The total number of new Statements issued was 28,780

2.6. The West Midlands LEAs accounted for 12% of all new assessments under Section 323 of the Education Act 1996 and 12.2% of all new Statements nationally. This is in line with the percentage figure for pupils with Statements in the West Midlands which are higher than the national average.

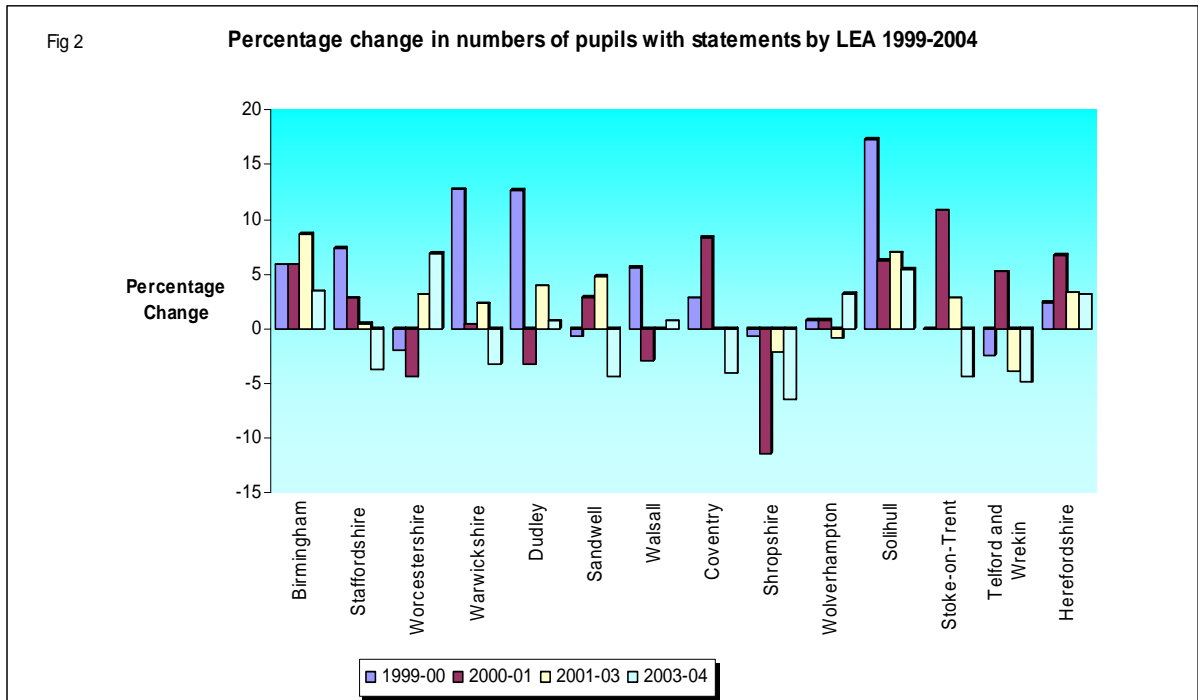
2.7.³The following graph Fig 1 shows the percentage of the maintained school population with statements by LEA within the West Midlands. These figures will vary from DfES figures as the DfES includes pupils attending non maintained and independent schools in their figures for each LEA when calculating the percentage of pupils with Statements. This favours LEAs such as Worcestershire with large populations of pupils attending non maintained and independent schools (8,980) and disadvantages LEAs such as Sandwell with very low numbers (10).

2.8. In addition to these figures the 14 West Midlands LEAs purchase 658 places for pupils in non maintained and independent special schools.

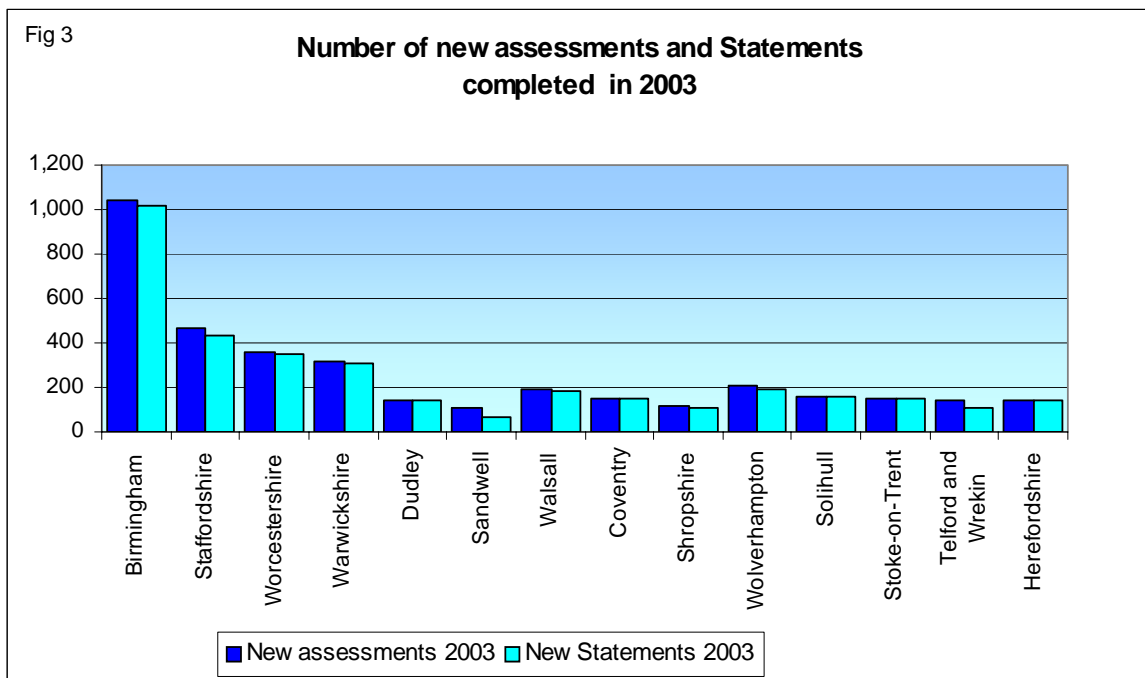


2.9. Fig. 2 shows the percentage change in the number of Statements by LEA from 1999 to 2004. The figures for 2002 are omitted as the DfES do not have published figures for that year.

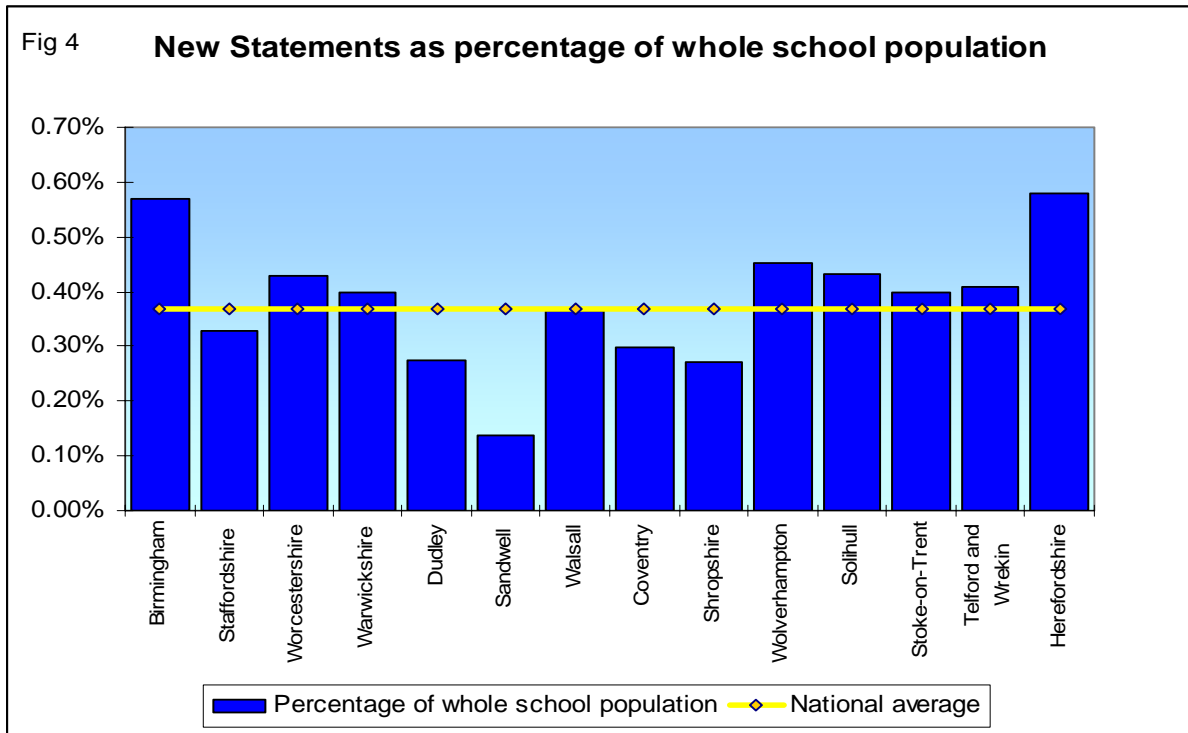
³ LEA Benchmarking returns and from Statistics of Education: Schools in England HMSO 2004
West Midlands Regional SEN Partnership Tribunals March 2005



2.10. Fig 3 shows the number of new assessments carried out by each West Midlands LEA under Section 323 of the Education Act 1996 during the calendar year 2003, and how many new statements were issued.



2.11. Figure 4 shows the number of statements written as a percentage of the whole school population compared with the national average. It can be seen from this data that Birmingham and Herefordshire have written proportionately more statements than other West Midlands LEAs and significantly more (nearly 40%) than the national average.

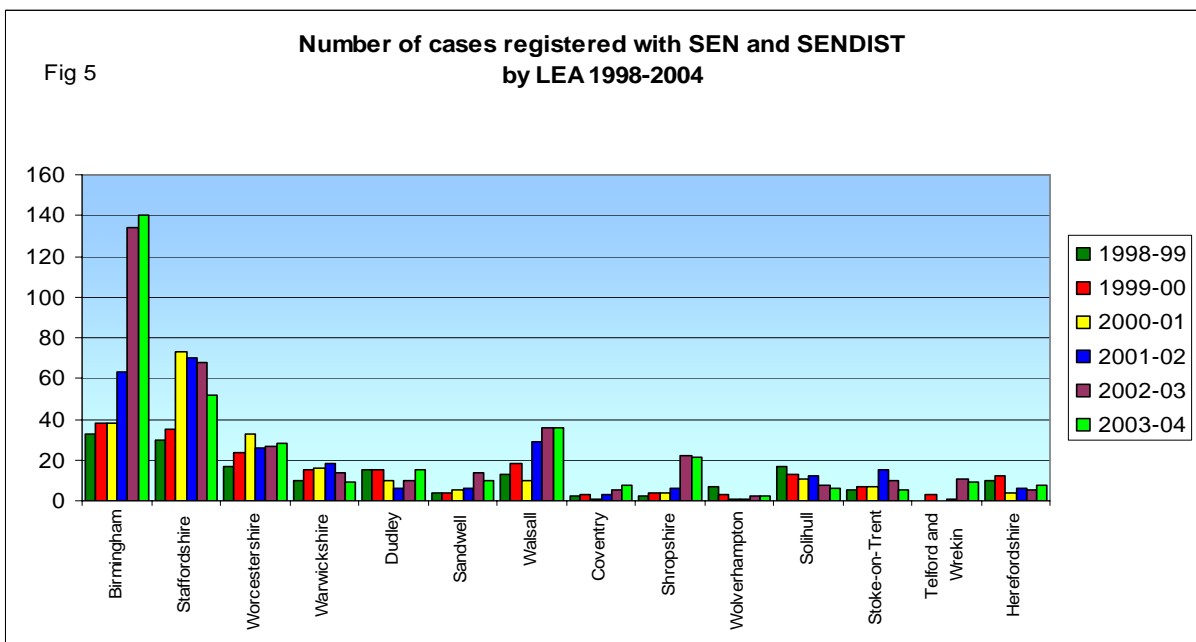


2.12. Staffordshire, Dudley, Sandwell, Coventry and Shropshire have all completed statements less than the national average, with Sandwell significantly less, (approximately 60%), than the national average.

3. Tribunals

3.1. ⁴Figures are available for cases registered with SEN and SENDIST from 1997 to 2004. Figures for 1997-1998 have been omitted as Local Government Re-organisation affected a number of LEAs and therefore comparative data is not available.

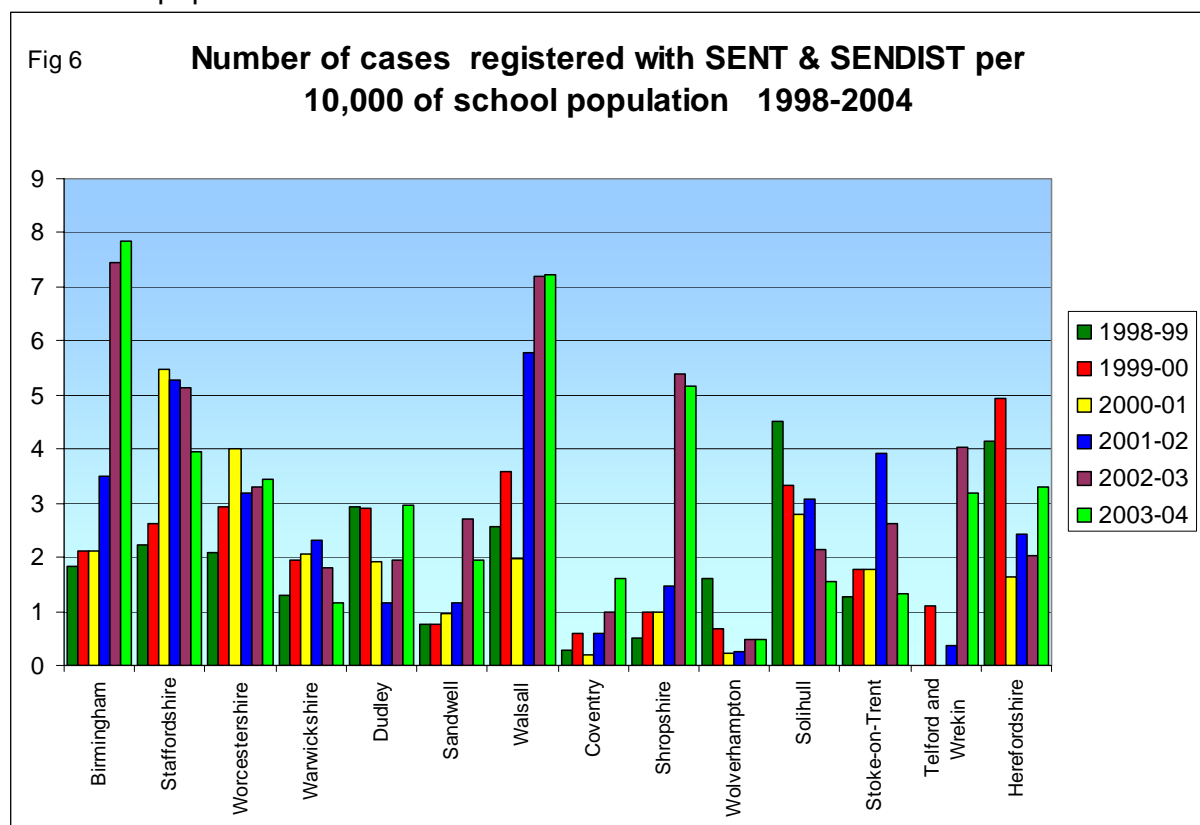
3.2. Fig 5 shows the actual numbers of cases registered by LEA over the six year period. The data source is shown in the table overleaf.



⁴ SENDIST Annual Report 2003/2004
West Midlands Regional SEN Partnership Tribunals March 2005

Data Table of cases registered with SENT & SENDIST 1998-2004						
	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04
Birmingham	33	38	38	63	134	140
Staffordshire	30	35	73	70	68	52
Worcestershire	17	24	33	26	27	28
Warwickshire	10	15	16	18	14	9
Dudley	15	15	10	6	10	15
Sandwell	4	4	5	6	14	10
Walsall	13	18	10	29	36	36
Coventry	2	3	1	3	5	8
Shropshire	2	4	4	6	22	21
Wolverhampton	7	3	1	1	2	2
Solihull	17	13	11	12	8	6
Stoke-on-Trent	5	7	7	15	10	5
Telford and Wrekin	0	3	0	1	11	9
Herefordshire	10	12	4	6	5	8

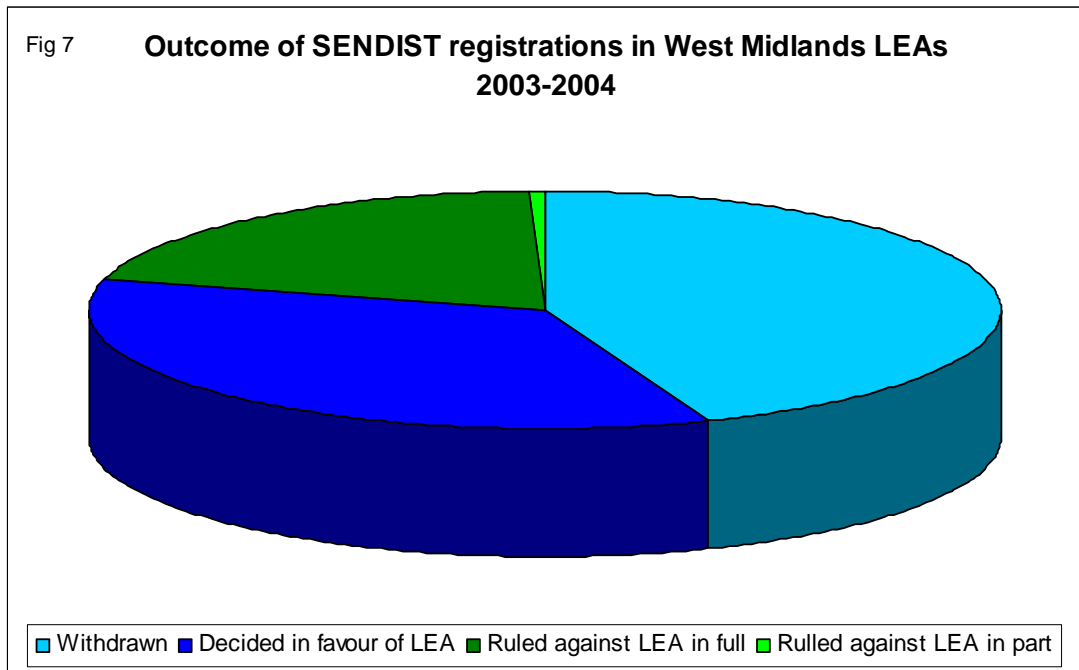
3.3. The raw figures need to be viewed in the context of the size of LEA and the following graph Fig 6 shows the numbers of cases registered per 10,000 of school population.



3.4. It can be seen from the above graph that in 2003-04 Birmingham (7.83) and Walsall (7.22) have the highest numbers of SENT/SENDIST registrations and Wolverhampton has the lowest (0.48). The national average for 2003 – 2004 is 4.32 per 10,000 and 11 of the 14 LEAs in the West Midlands have tribunal registrations lower than that. Only Birmingham (7.83) Walsall (7.22) and Shropshire (5.17) have figures higher than average. The national range is from

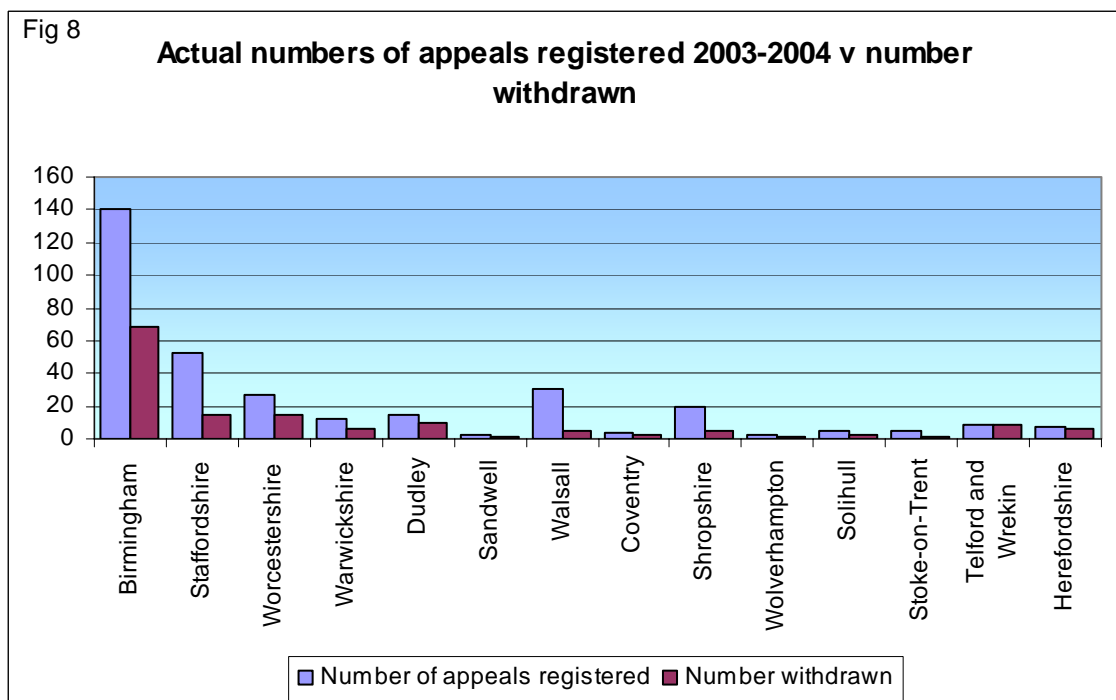
Lambeth at 20.98 per 10,000, to City of London, Isles of Scilly and Rutland with no cases registered.

3.5. The number of cases registered with SENT/SENDIST needs to be viewed in the context of those cases which actually get to Tribunal and should include take account of those cases which are withdrawn prior to tribunal. See Fig 7



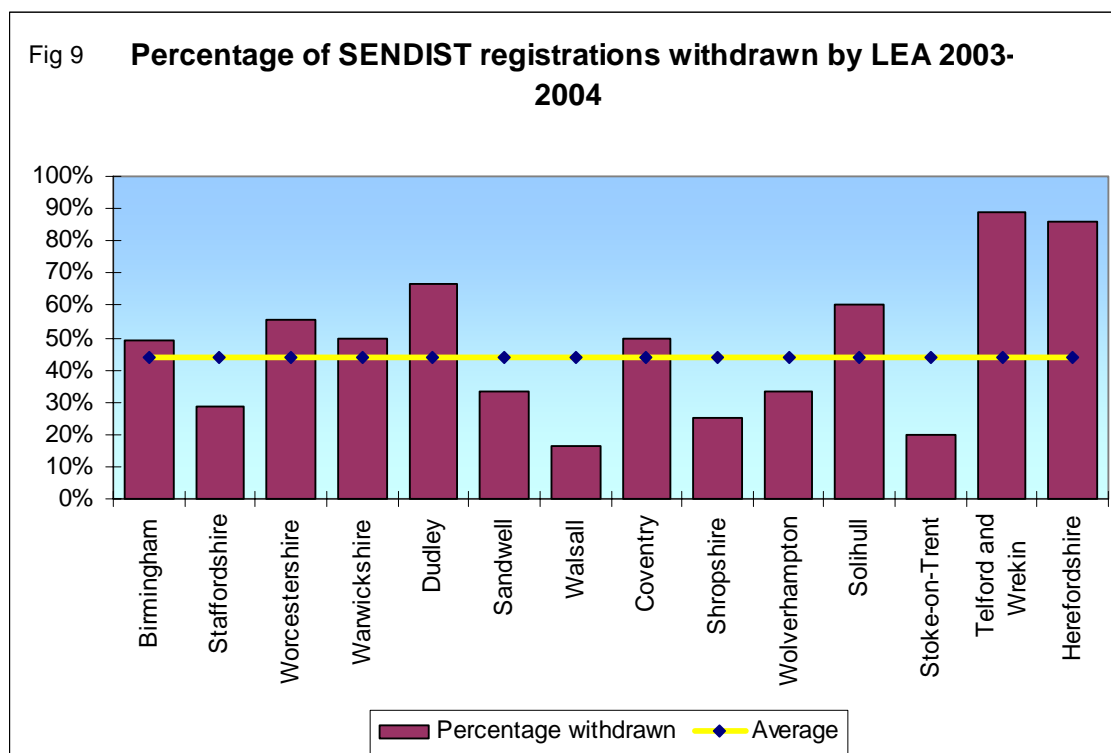
3.6. Nationally, the total number of appeals registered with SENDIST in England was in the academic year 2003-2004 was 3,625 of which 1,528 (45%) were withdrawn before reaching tribunal.

3.7. Detailed data is not available for the West Midlands authorities prior to 2003; the following graph Fig 8 represents the actual cases registered during 2003-2004 by LEA with the numbers withdrawn prior to reaching tribunal.



3.8. The figures for the West Midlands show an average of 44% of registered cases withdrawn after registration with the range from 17% in Walsall to 89% in Telford and Wrekin. The full range is shown in Figure 9. In the authorities most affected by this discrepancy between registration and proceeding to tribunals there are significant local factors as the underlying cause. There is an in-built pressure for registration in the process as LEAs and Parent Partnership Services are required to inform parents of their rights to register with SENDIST and as such many do this as part of the negotiating tool when dealing with LEAs. The affected authorities are working closely with parent groups and parent partnerships to address these issues.

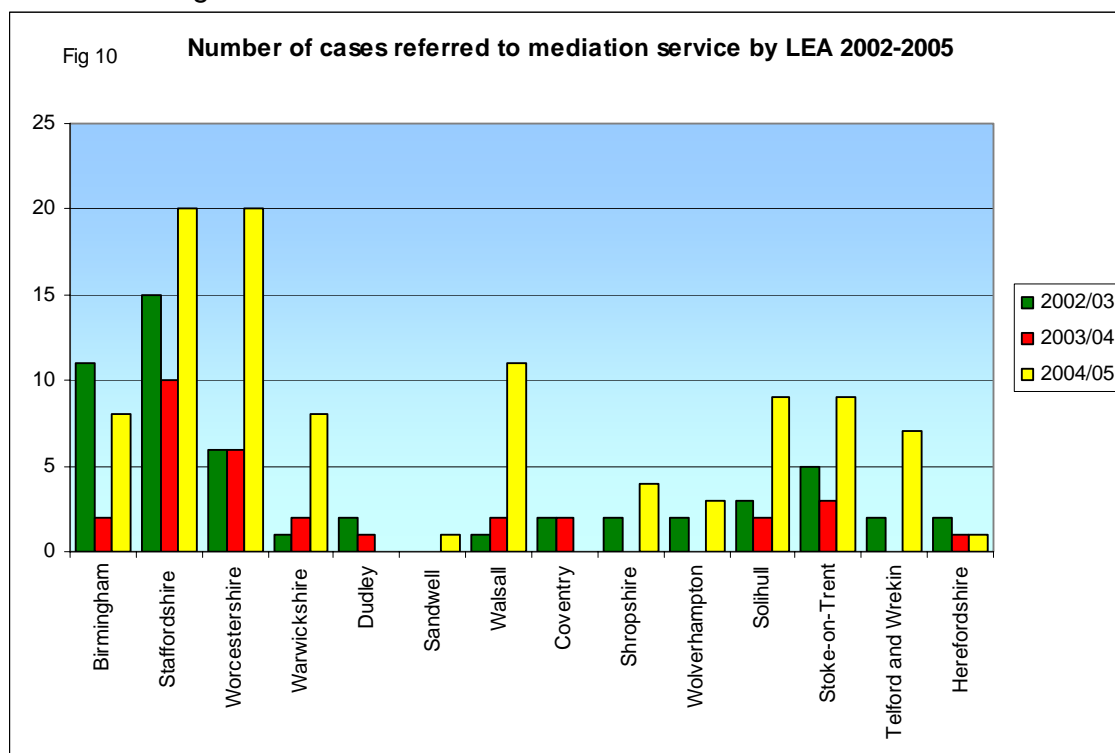
3.9. The lowest number of registrations with SENDIST is Wolverhampton with only three registrations one of which was withdrawn. The lowest number of actual tribunal cases heard by SENDIST was in Herefordshire where although they had 7 cases registered only 1 actually reached Tribunal. Similar figures were shown by Telford and Wrekin who had 9 cases registered with only 1 case reaching Tribunal.



4. Mediation Service

4.1. This registration and withdrawal is a very expensive and time consuming exercise for LEAs and not an efficient use of resources. It was hoped that the mediation service conceived and initiated in 2001 -2002 would address this particular issue. The Special Educational Needs (SEN) 2001 and Disability Act placed a new duty on local education authorities (LEAs) to make independent arrangements available for the resolution of disagreements between parents of children with special educational needs and schools and/or LEAs. The aim is to ensure disagreements are resolved as quickly as possible, ensuring minimum disruption to the child's education.

- 4.2. As a result, LEAs now have to provide parents with access to an independent mediation service to see if it is possible to come to an agreement before going to the Education Tribunal. In the West Midlands this Service is provided by the Midlands SEN Mediation Service, using specially trained mediators.
- 4.3. In 2002-2003 there were 54 referrals to the Mediation service from the 14 West Midlands authorities. The greatest number of referrals was from Staffordshire with 15 referrals. Sandwell was the only authority which had no referrals. Of the 54 cases referred 27 proceeded to mediation meeting and satisfactory mutual resolution was achieved in 19 cases. In 2004-2005 (April - January) there were 76 referrals, 11 resolved without further action from the service, 6 resolved after initial meeting and 25 resolved fully after mediation. A further 5 cases are still pending.
- 4.4. The national grant for mediation services was passed through the SEN Regional Partnerships. In 2001-2003, the grant was £1.5 million, in 2002-2003, £2 million and in 2003-2004, £3 million. The grant ceased to be distributed through the SEN Regional Partnerships for 2004-2005
- 4.5. Some West Midlands LEAs are making greater use of the mediation service than others. Fig 10 shows the referral figures to the mediation service by LEA for the financial years 2002-03, 2003-04 and 2004-05. The referral figures for 2004-2005 include extrapolated figures for the months January to March based on the figures provided April to December. This would indicate that 10 of the 14 LEAs are making increased use of the service.

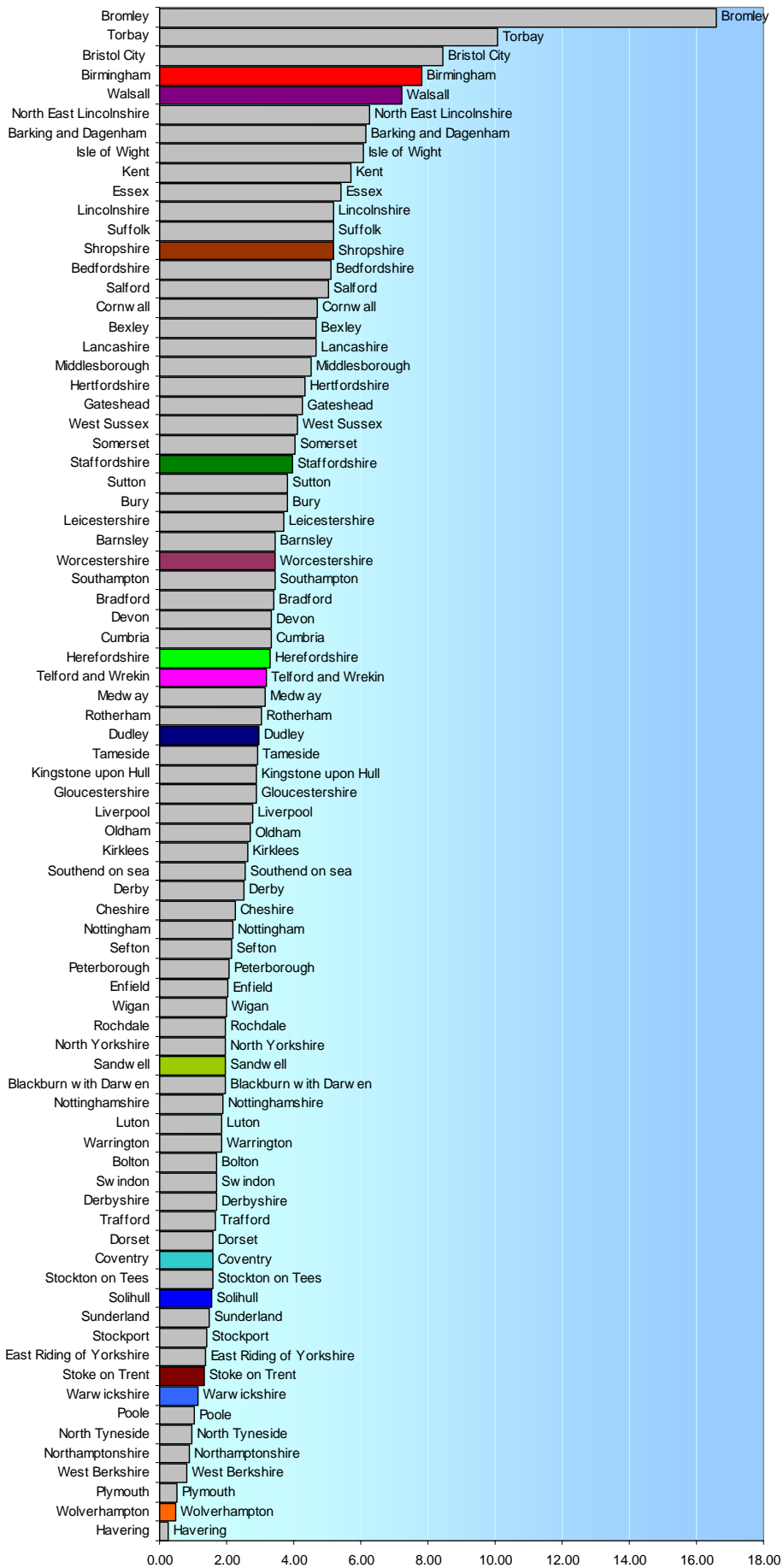


5. National Benchmarking

- 5.1. For comparative purposes the data for 2003-2004 has been benchmarked against the 78 LEAs which form the full list of DfES statistical neighbours for the 14 West Midlands LEAs. The dataset showing school population, statements, SENDIST registrations actual and per 10,000 of school population can be found in Appendix 1. From this graph we can determine that 5 LEAs are in the lower quartile and three LEAs in the upper quartile. The graph is shown in Fig 11

Fig 11

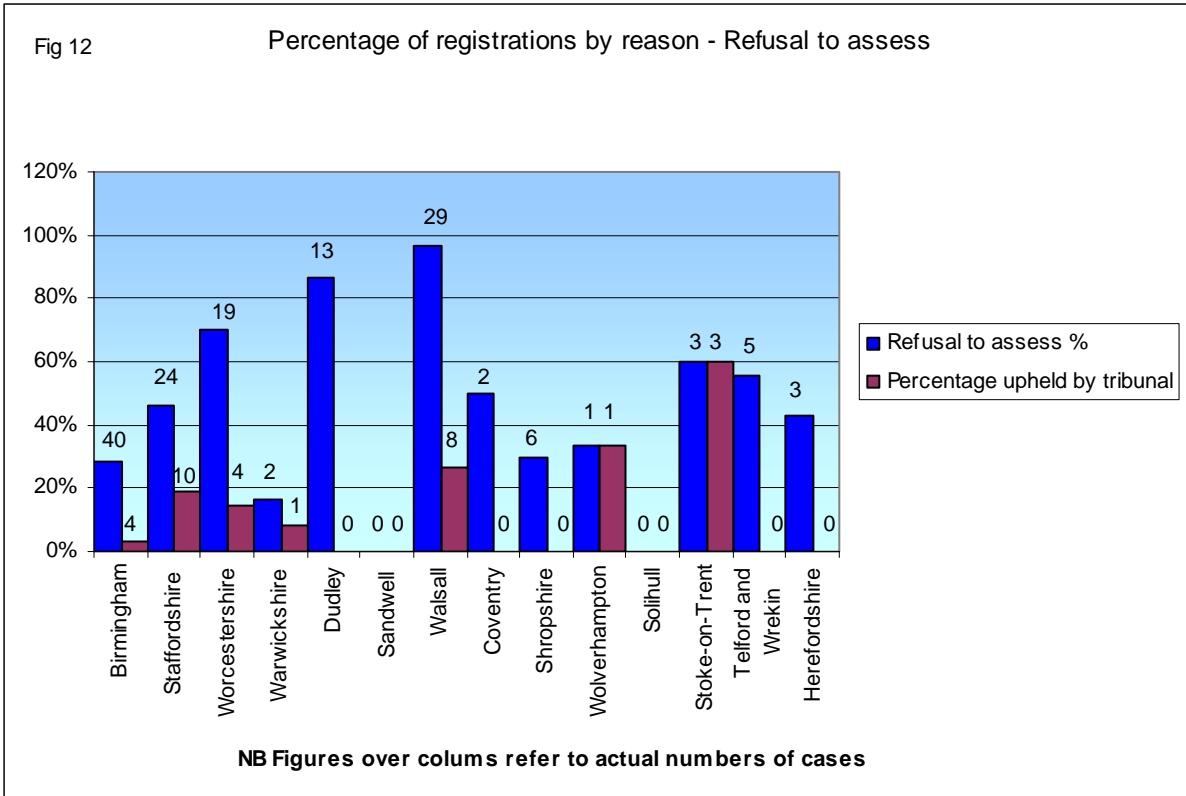
Number of appeals registered with SENDIST per 10,000 of school population 2003-2004



6. Reasons for registration and outcomes.

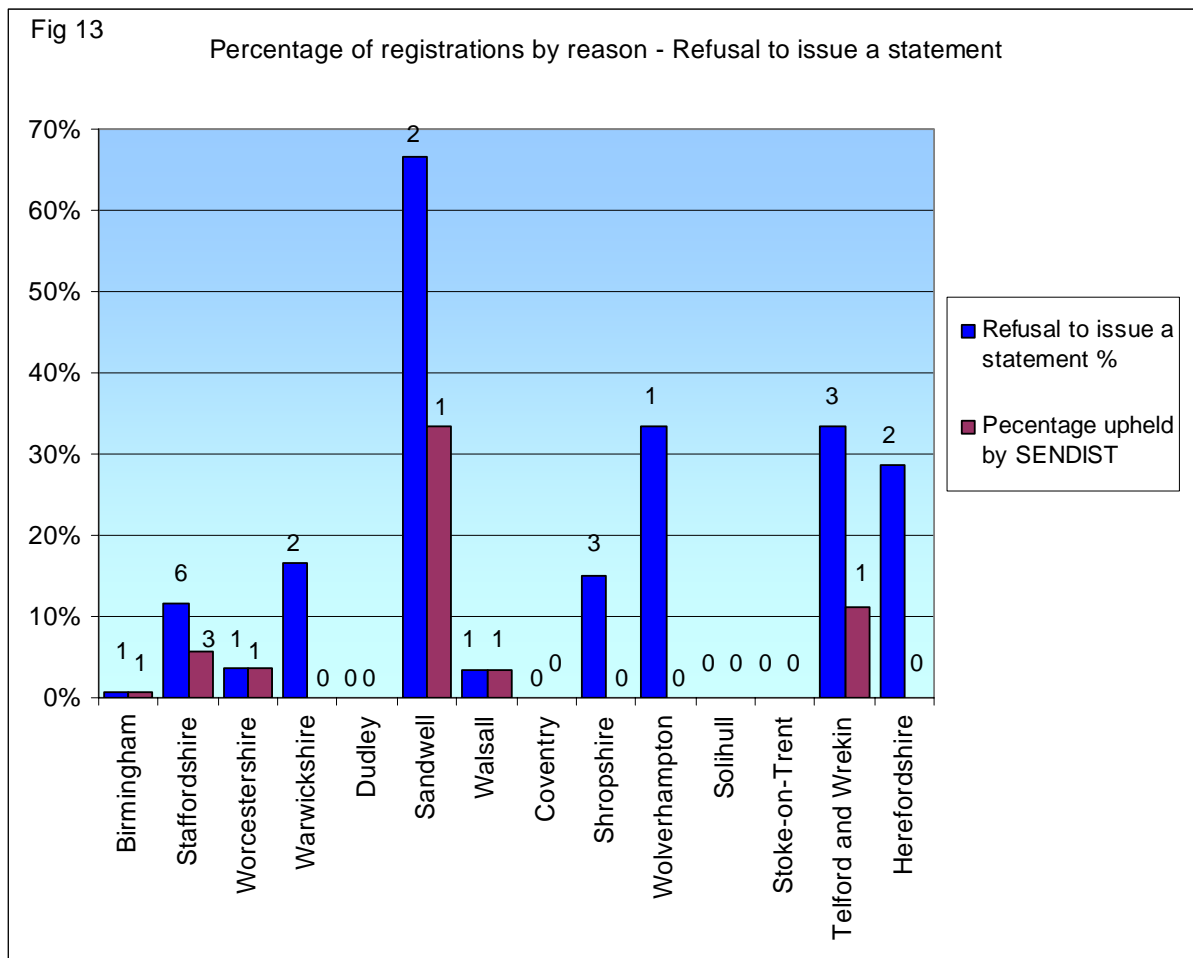
6.1. The reasons for registration vary by LEA and the outcome of those registrations shows a very different pattern across the region. Data was collected on three main reasons; refusal to assess, refusal to issue a statement and appeal against the content of the statement. In total 45% of registrations were appealing against refusal to assess, 6 % against refusal to write a statement and 49% against the content of the statement.

6.2. Refusal to assess was the main reason for SENDIST registration in Walsall with 97% (29) of the referred cases being for that reason. Eight of the cases were upheld by SENDIST with the LEA required to carry out the assessment. Sandwell and Solihull had no referrals to SENDIST under this category. Fig 12 shows the percentage of the total registrations by LEA for “refusal to assess” and the percentage upheld by tribunal. Actual numbers are shown above the columns.



6.3. Very few cases were concerned by refusal to issue a statement i.e. issuing a “note in lieu” This probably reflects the more stringent criteria employed by LEAs in determining the criteria for carrying out an assessment. In most cases the evidence submitted prior to assessment gives a strong indication that a statement is likely to be necessary. The assessment process is time consuming and expensive and is not undertaken lightly. Most LEAs now have a multidisciplinary panel which reviews referred cases prior to making the decision to carry out an assessment. In total only 6% of registrations in the West Midlands were concerned with refusal to issue a statement compared with 7.2% nationally. For the individual authorities with high percentage reporting individually; Sandwell, Wolverhampton, Telford and Wrekin and Herefordshire the result needs to be viewed in the context of their very low numbers of cases registered. In Sandwell the 66% return represents 2 of the 3 cases registered. Conversely, Staffordshire with 52 registrations had 6 cases representing 12% of

their total. In all a total of 22 registrations were made of which 8 were upheld by SENDIST



6.4. The third criterion on which data was gathered was on content of the statement. This accounted for 48% of the total number of registrations but only 42% of the decisions made by SENDIST. In Solihull, all registrations with SENDIST were for this reason; of the 5 registrations 3 were withdrawn and the other 2 were upheld at appeal. In Birmingham 98 of the 140 registrations were concerned with the content of the statement. Of the 15 Birmingham cases heard by SENDIST 10 relating to content were upheld at appeal.

6.5. Of the 69 SENDIST decisions made during 2003-2004 only 2 were upheld in part, one each for Worcestershire and Herefordshire.

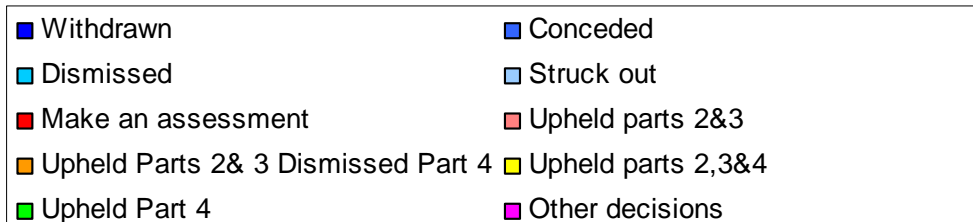
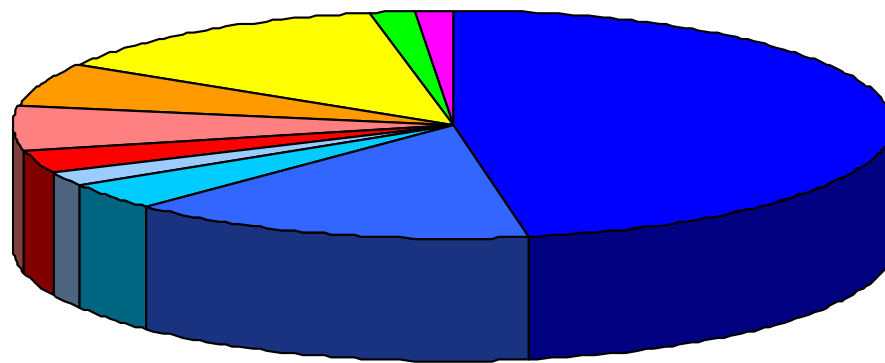
6.6. Data was not collected on the nature of the disabilities registered within the West Midlands but discussions with LEA colleagues where large numbers of appeals were registered would indicate that the greatest level of activity is with parents of children with Specific Learning Difficulties (SpLD/Dyslexia) and Autistic Spectrum Disorder (ASD). This correlates with the national figures where SpLD is the highest incidence at 20.2% and ASD the next at 18.6%. Multisensory Impairment, (0.03%) Profound and Multiple Learning Difficulties (PMLD) (0.8%⁹, Visual Impairment (1.6%) and Hearing Impairment (2.7%) are the lowest recorded disabilities registered. ⁵The following sub paragraphs deal with those categories of SEN which represented 78% of the registered cases, ASD, Behaviour, Emotional and Social Difficulties (BESD), Moderate Learning

⁵ Data obtained from SENDIST Annual Report 2003/2004 dated December 2004
West Midlands Regional SEN Partnership Tribunals March 2005

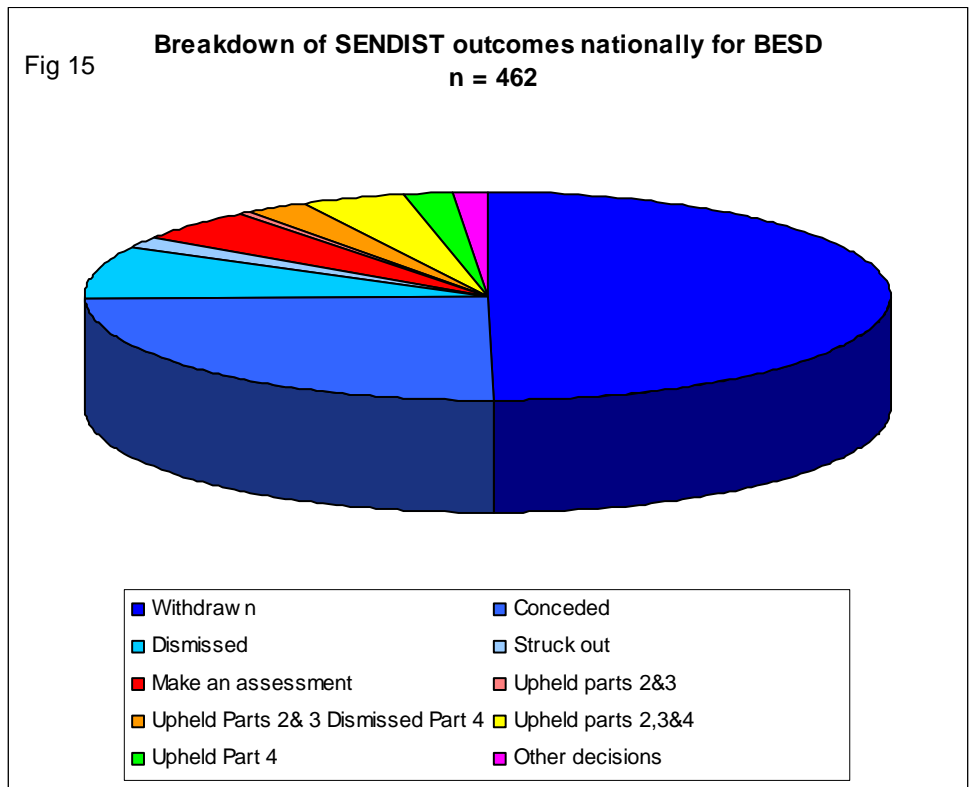
Difficulties (MLD), SpLD and Speech Language and Communication (SLC). West Midlands LEAs may find it useful to compare this data with more detailed analysis of their own authority. No cases in 2003 -2004 in the West Midlands were referred to the High Court for adjudication

6.6.1. ASD - Analysis of the national statistics for ASD show that of the 630 cases registered with SENDIST, 298 were withdrawn prior to Tribunal and 94 were conceded. This resulted in 238 cases being heard by the tribunal. Of the 238 cases, 25 were dismissed and 11 struck out. Of the remaining 202 cases, the tribunal ordered the LEA to make an assessment in 21 cases (10%), upheld parts 2 & 3 (2 - details of the child's SEN & 3 - details of provision) in 41 cases (20%), upheld parts 2 & 3 and dismissed part 4 (4 - placement) in 39 cases (19%) upheld parts 2, 3 and 4 in 82 cases (41%), and upheld part 4 in 10 cases (5%). Other decisions were for very small numbers of cases.

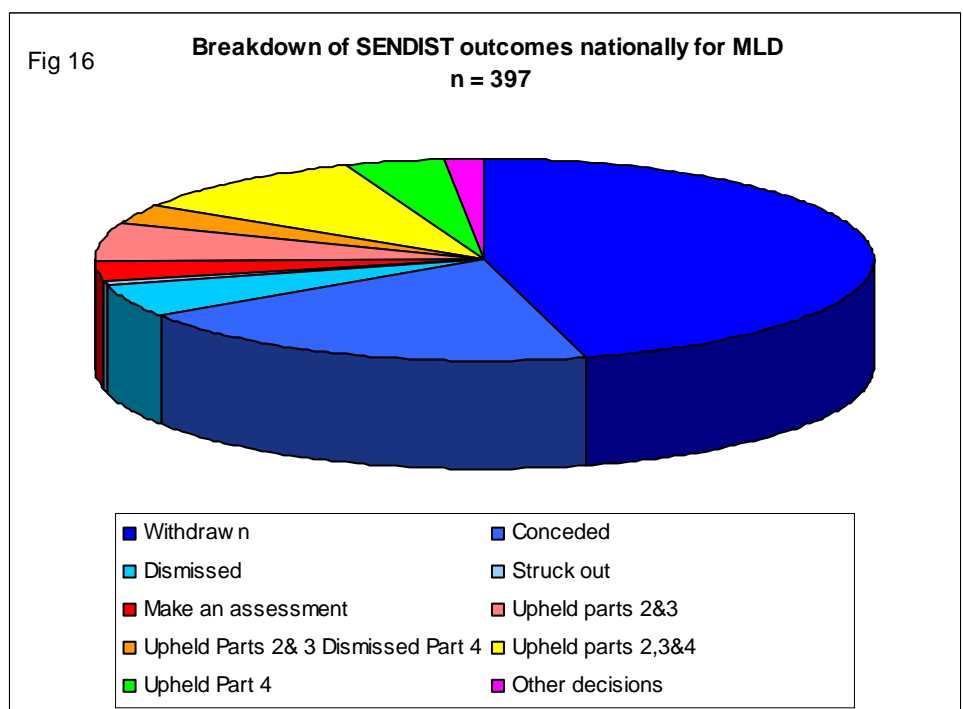
Fig 14 **Breakdown of SENDIST outcomes nationally for ASD n = 630**



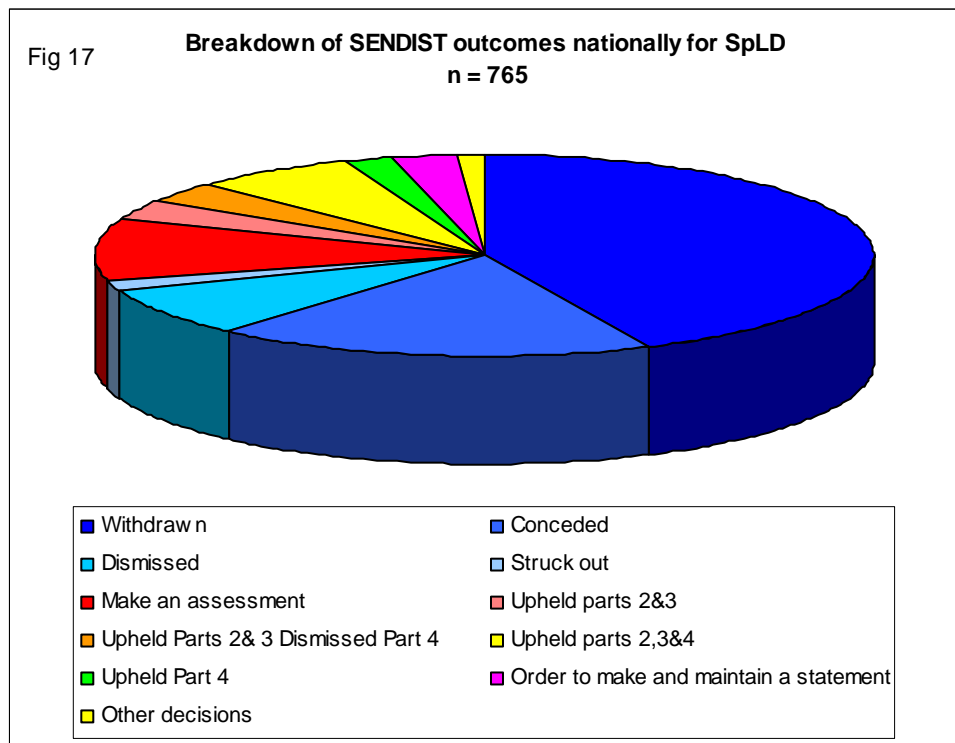
6.6.2. BESD Analysis of the national statistics for BESD show that of the 462 cases registered with SENDIST, 230 were withdrawn prior to Tribunal and 115 were conceded. This resulted in 117 cases being heard by the tribunal. Of the 117 cases 37 were dismissed and 8 struck out. Of the remaining 72 cases The tribunal ordered the LEA to make an assessment in 23 cases (32%), upheld parts 2 & 3 and dismissed part 4 in 11 cases (15%) upheld parts 2, 3 and 4 in 20 cases (28%), and upheld part 4 in 8 cases (11%). Other decisions were for very small numbers of cases. Pupils with behavioural difficulties are of significant concern to LEAs and despite significant amounts of funding being channelled to schools through Standards Fund and Excellence in Cities grant, the number of statements and SENDIST referrals continues to rise. The actual number of cases actually reaching Tribunal is relatively small however.



6.6.3. MLD Analysis of the national statistics for MLD show that of the 397 cases registered with SENDIST, 182 were withdrawn prior to Tribunal and 78 were conceded. This resulted in 137 cases being heard by the tribunal. Of the 137 cases 21 were dismissed and 4 struck out. Of the remaining 112 cases The tribunal ordered the LEA to make an assessment in 12 cases (9%), upheld parts 2 & 3 (2 - details of the child's SEN & 3 - details of provision) in 24 cases (18%), upheld parts 2 & 3 and dismissed part 4 in 12 cases (9%) upheld parts 2, 3 and 4 in 41 cases (30%), and upheld part 4 in 16 cases (12%). Other decisions were for very small numbers of cases.



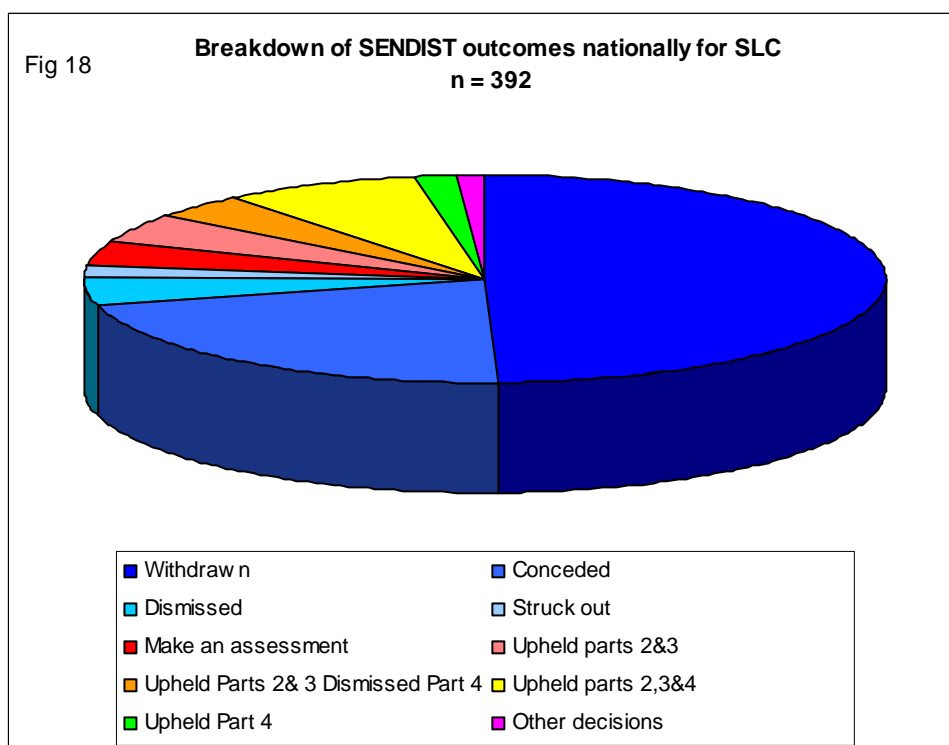
6.6.4. SpLD. - Analysis of the national statistics for SpLD show that of the 765 cases registered with SENDIST, 329 were withdrawn prior to Tribunal and 140 were conceded. This resulted in 296 cases being heard by the tribunal. Of the 296 cases 62 were dismissed and 11 struck out. Of the remaining 219 cases The tribunal ordered the LEA to make and maintain a statement in 21 cases (10%) to carry out an assessment in assessment in 76 cases (35%), upheld parts 2 & 3 (2 - details of the child's SEN & 3 - details of provision) in 25 cases (11%), upheld parts 2 & 3 and dismissed part 4 (4 -placement) in 26 cases (12%) upheld parts 2, 3 and 4 in 52 cases (24%), and upheld part 4 in 14 cases (6%). Other decisions were for very small numbers of cases.



6.6.4.1. The provision for pupils with SpLD continues to be a contentious point for parents with LEAs. It is interesting to note that the SEN with the largest proportion of registrations with SENDIST only 15% of those registrations finally decided by SENDIST were concerned with the content of any Statement.

6.6.5. SLC - Analysis of the national statistics for SLC show that of the 392 cases registered with SENDIST, 194 were withdrawn prior to Tribunal and 84 were conceded. This resulted in 114 cases being heard by the tribunal. Of the 114 cases 17 were dismissed and 7 struck out. Of the remaining 90 cases The tribunal ordered the LEA carry out an assessment in assessment in 15 cases (17%), upheld parts 2 & 3 (2 - details of the child's SEN & 3 - details of provision) in 17 cases (19%), upheld parts 2 & 3 and dismissed part 4 in 15 cases (17%) upheld parts 2, 3 and 4 in 32 cases (36%), and upheld part 4 in 7 cases (8%). Other decisions were for very small numbers of cases.

6.6.5.1. For children with Speech and Language and Communication difficulties the SEN tends to evidence itself in the early years of a child's education. The age profile of the children referred to SENDIST is not reported on and may be an area which WMSENRP might wish to consider in future years



7. Placement

7.1.⁶The 14 West Midlands LEAs in 2004 placed 658 pupils in independent and non maintained Special Schools, a rise of 11 pupils from 2003. The cost of these placements in total was £26,619,292 a rise of £720,889 from 2003. There are 32,640 statements maintained by the 14 LEAs of which 11,939 relate to pupils attending maintained special schools. The total SEN budget was £624,819,704 of which £139,497,896 was allocated to maintained special schools.

7.1.1. Pupils in non maintained and independent schools account for 2% of the population of pupils with statements.

7.1.2. Expenditure on pupils in non maintained and independent schools is 4.25% of total SEN budget

7.1.3. Pupils in maintained special schools account for 37% of the populations of pupils with statements

7.1.4. Expenditure on pupils in special schools is 22.3% of the total SEN budget

7.2. On a national basis, of the 930 children on whom the tribunal made a decision, 524 related to school placement. Following SENDIST rulings 327 children were placed in non maintained and independent special schools during 2003-2004, that is 62% of the cases before the tribunal concerned with placement.

8. Costs

8.1. Birmingham and Walsall were unable to provide data on costs and are therefore excluded from any comparative analysis in this area. The variation in costs for implementing SENDIST decisions in the first year varied from no additional cost (reported by Warwickshire and Wolverhampton) to £95,070 in Worcestershire. The median being £3,541. The range of expenditure on Tribunal work also showed wide variation between LEAs from no cost, or unable to disaggregate from the general SEN work to £29,000 in Shropshire. The median in this case

⁶ West Midland SEN Regional Partnership report February 2005
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being £2618. ⁷As there is so much variation between figures in this area the use of an average would be inappropriate range and median values were therefore used. Full data is included in appendix 2.

8.2. On a national level the costs of SENDIST for 2003-2004 were reported as £5,258,000. SENDIST made decisions on 930 cases not including those struck out or dismissed. This equates to £5,653 per decision. This does not take into account the costs in each LEA or the £3,000,000 put aside to set up the mediation service.

8.3. The average cost of a placement in a non maintained and independent school in the West Midlands is £42,386 and in a maintained special school £11,684; a difference of £30,702. If this unit cost difference is used to quantify the costs nationally of Tribunal decisions to uphold parental appeals for non maintained and independent school placements the cost for the 327 children placed as such this year would be £10,039,554.

9. Conclusion

9.1. This was the first year that Tribunal data was collected as part of the WMSENRP benchmarking exercise. The analysis has highlighted areas where more in depth data analysis might be useful in the future.

9.2. Discussions with colleagues involved in the process within LEAs has demonstrated that LEAs are working hard with parents through Parent Partnership and other support mechanisms, such as the mediation service, to try to reduce the need for Tribunal hearings. In some LEAs with significant historical difficulties such as Staffordshire, this renewed effort is making a real difference as evidenced by a sharp decline in SENDIST registrations.

9.3. In Birmingham, the recent appointment of a Tribunals officer to tackle the steep rise will take a little time to make an effect.

9.4. There are tensions in the whole process as LEAs have a statutory duty to advise parents of their rights to register with SENDIST and any suggestion that they defer this decision whilst negotiation takes place, runs counter to those rights.

9.5. Confrontation is not in the interests of the wellbeing of the child and should be avoided at all costs. The increased introduction of the legal profession into the process tends to lead to a more adversarial approach. It is hoped that greater use could be made of the Mediation SEN Mediation Service to try to resolve issues without conflict.

⁷ Average is calculated by adding all the values in a series together and dividing by the total number of values.

The mode is the predominate value in a series.

If the series is made up of an odd number of values the median is the middle value – e.g. in the series 1,2,3,11,13 the median is 3.

If the series is made up of an even number of values the median is the average of the middle two values e.g. in the series 1,3,6,8 the median is $(3+6)/2 = 4.5$

Section 2

Statementing Services West Midlands LEAs

10. Background

- 10.1. As part of the West Midlands SEN Regional Partnership benchmarking group data was collected on the numbers of staff employed by each LEA to undertake the administration of the statutory process of assessing and determining a child's Special Educational Needs.
- 10.2. The data collection was broken down into two main sections.
- 10.2.1.1) The number of FTE staff employed to undertake the statutory SEN processes including work for SENDIST Tribunals and commissioned work (e.g. consultancy) and salary costs.
- 10.2.2.2) The number of FTE administrative staff supporting this process and the salary costs.
- 10.2.3. In addition non pay costs were collected (e.g. travel stationer, training etc). Two LEAs were unable to provide data on this.
- 10.3. From this data unit numbers and costs per 10,000 of maintained school population were calculated to provide better comparative figures. The full data set is included in Appendix 3.

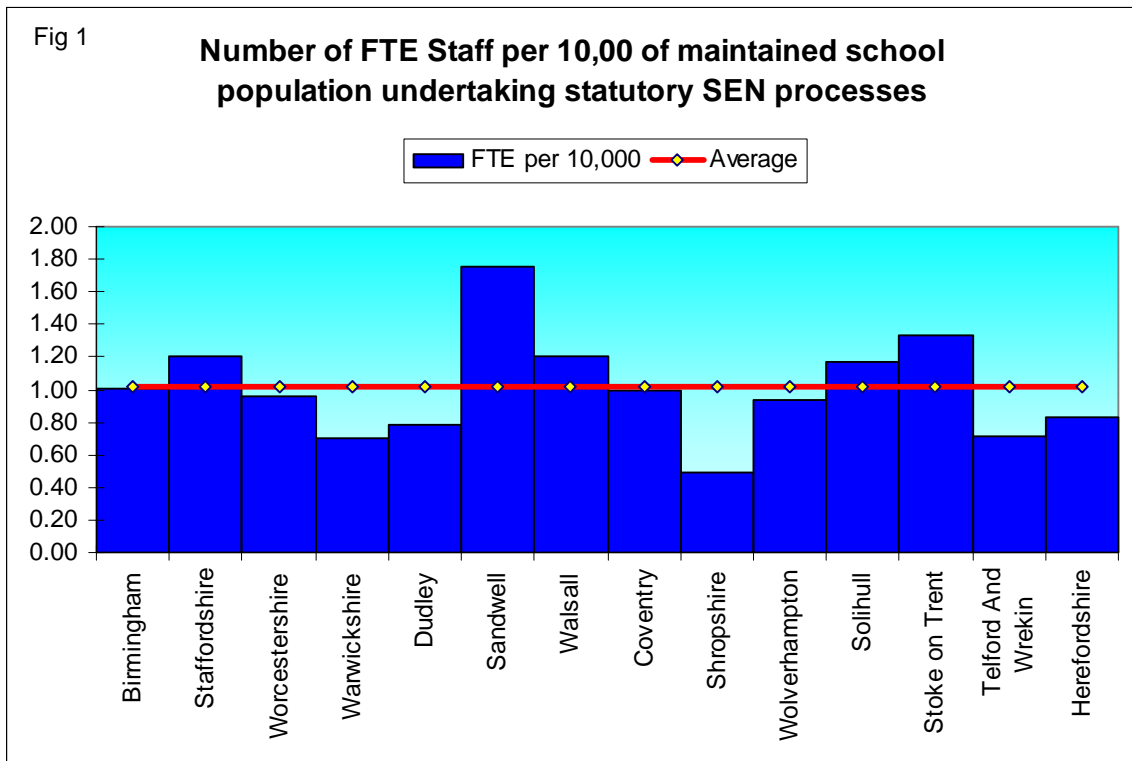
11. Findings

- 11.1. The total number of staff employed to undertake statutory processes in the 14 West Midlands LEAs is 90.4 FTE. This equates to 1.02 FTE staff per 10,000 of the maintained school population.
- 11.2. These staff are supported by a further 97.08 FTE admin staff. This equates to 1.1 FTE staff per 10,000 of the maintained school population.
- 11.3. The total cost of the staff employed to undertake statutory processes is £2,936,609 which is £33,297 per 10,000 of the maintained school population.
- 11.4. The total cost of the administration staff is £1,768,443 which is £20,051 of the maintained school population.
- 11.5. The total non pay costs for the 12 LEAs who provided data was £435,151 which is £4,720 per 10,000 of the maintained school population for those 12 LEAs.

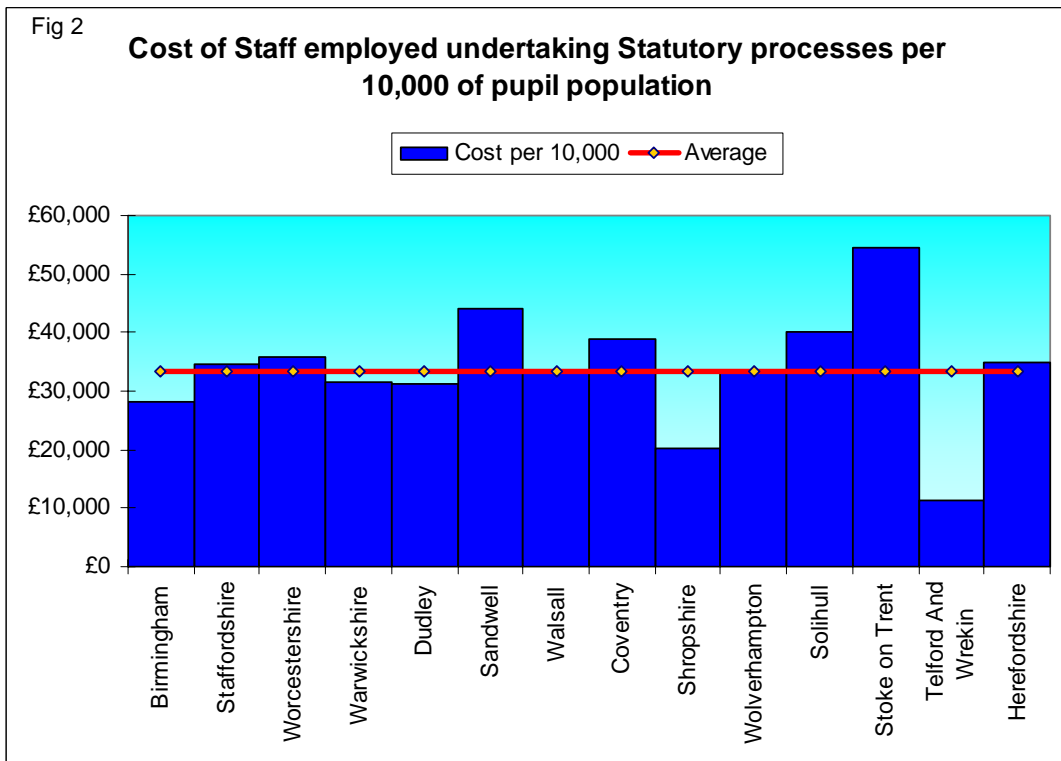
12. Differences

- 12.1. All graphs in this report are arranged in LEA Pupil population order with the largest pupil population being on the left of the graph.
- 12.2. Staffing the statutory process
- 12.2.1. The analysis of this is based on the numbers of FTE staff per 10,000 as large population differences between LEAs mean comparative data on raw figures would be meaningless. The graph showing the range is below as Fig

1. From this it can be seen that Shropshire at 0.49 FTE staff per 10,000 Pupil Population, has the lowest staffing ratio with Sandwell the highest at 1.76.



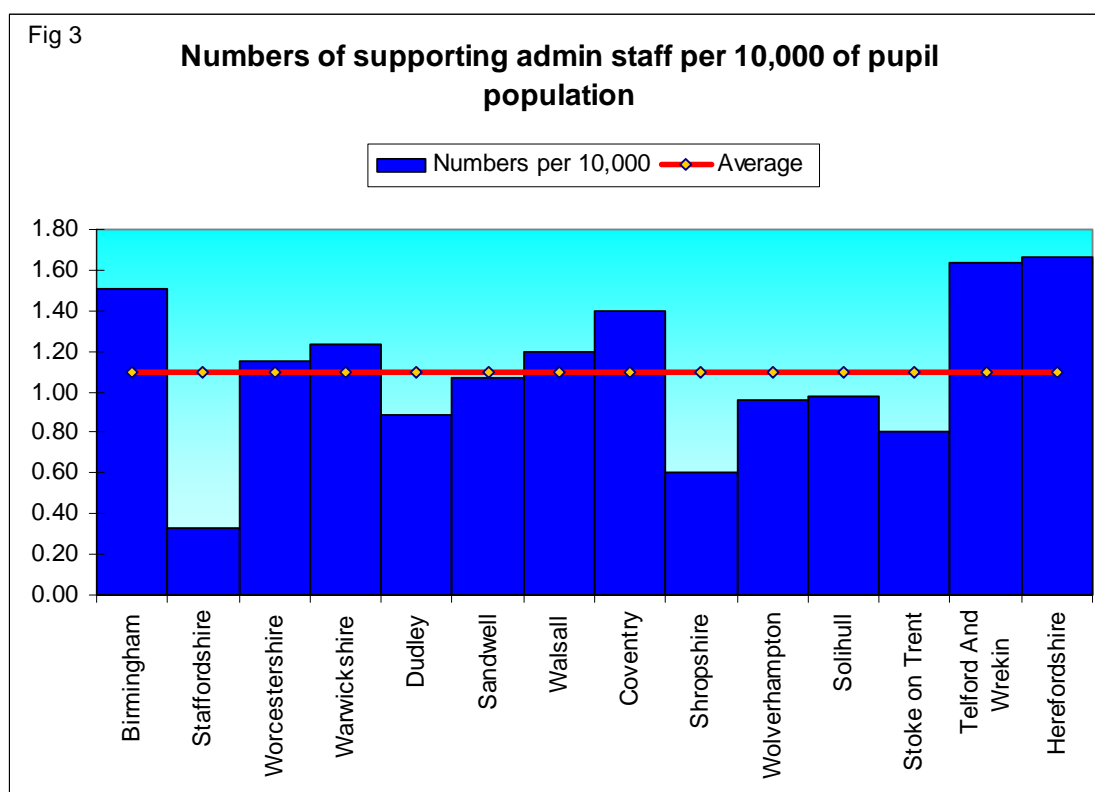
12.3. Cost of the statutory process staffing.



12.3.1. Figure 2 shows the range of costs per LEA illustrating that Stoke on Trent has the highest unit cost and Telford and Wrekin the lowest. It is interesting to note that, with the exception of Shropshire and Sandwell, the other 10 LEAs have very similar cost profiles.

12.4. Administrative staff

12.4.1. Fig 3 refers to the FTE numbers per 10,000 for administrative staff supporting the process.



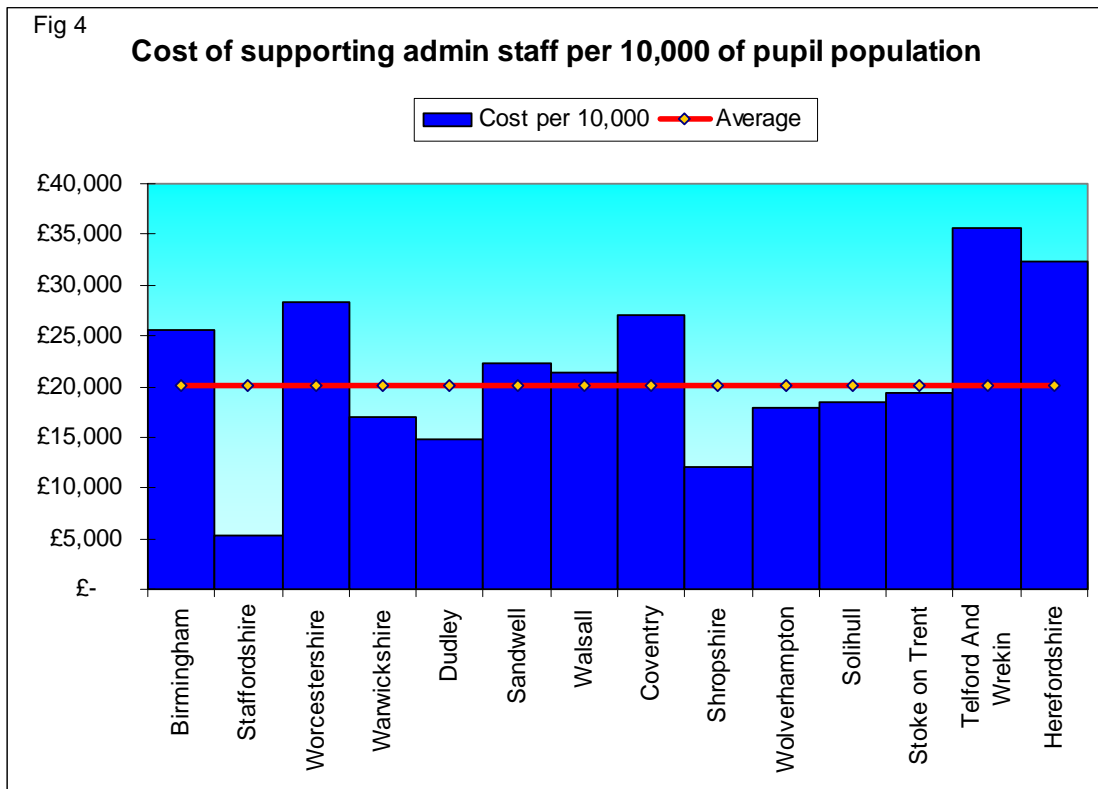
12.4.2. There is a greater variation in numbers shown in this graph with Staffordshire employing significantly lower numbers than the average and Birmingham, Telford and Herefordshire significantly higher numbers. The data for Telford and Wrekin and Herefordshire probably reflects their very small school population as larger authorities have economies of scale to minimise staffing requirements.

12.4.3.⁸ The higher number in Birmingham probably reflects the high percentage of pupils with Statements in Birmingham and the higher level of new assessments carried out (With 1040 new assessments Birmingham carried out the second highest number of assessments of all English LEAs only beaten by Lancashire with 1060). Birmingham is the third largest LEA in England with 186,830 pupils. It has the highest number of statements at 8,460. Kent is the largest LEA with 226,770 pupils and 7,270 pupils with Statements.

12.4.4. Staffordshire is the eighth largest LEA with 134,610 pupils. Staffordshire has 5,540 pupils with statements (fourth highest number) and carried out 470 new assessments in 2003-2004 (tenth highest number)

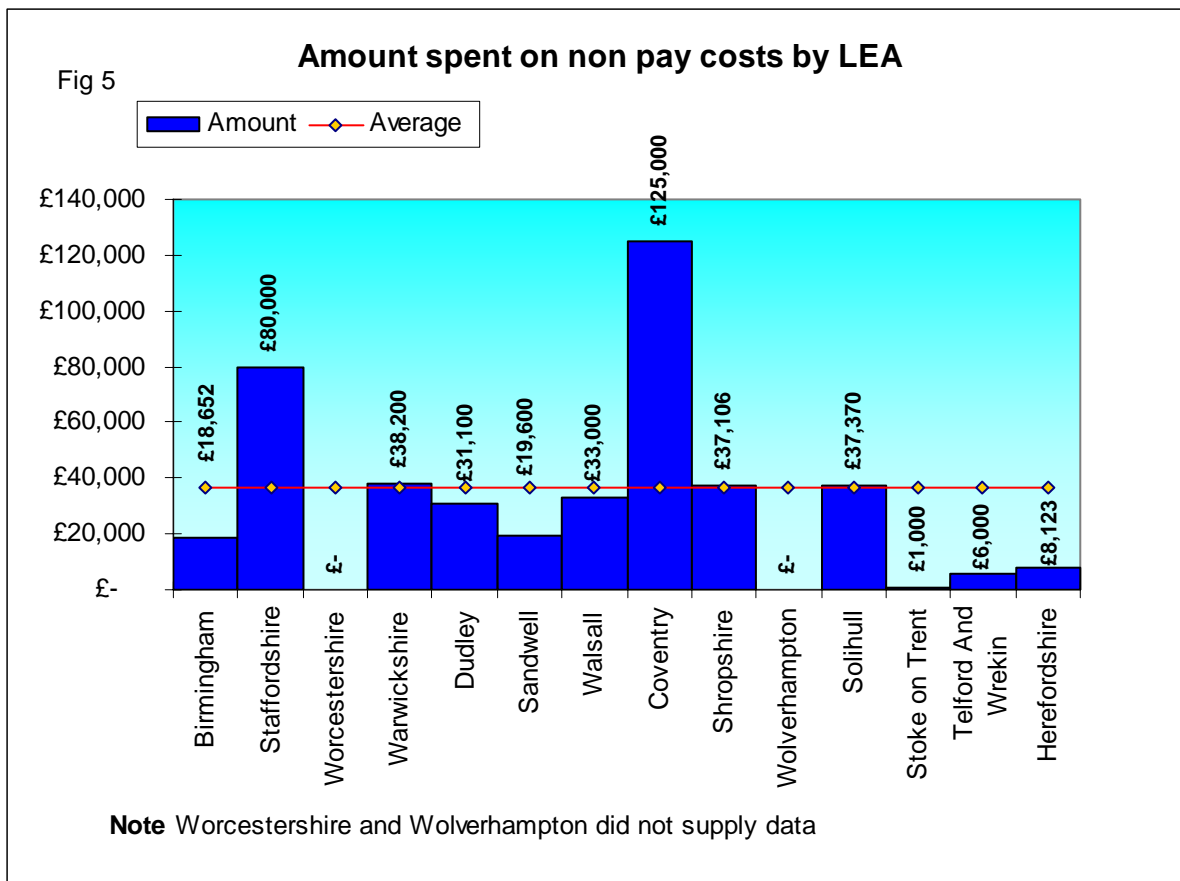
⁸ Source DFES Statistics for Schools 2004; DFES Special Educational Needs in January 2004.
<http://www.dfes.gov.uk/leagateway/>
West Midlands Regional SEN Partnership Tribunals March 2005

12.5. Fig 4 refers to the cost per 10,000 of maintained school population of the administration of the statutory process.



12.5.1. The above graph correlates closely with figure 3 except for Worcestershire and Warwickshire. The differences can probably be accounted by the salary scales on which the administrative staff is appointed.

12.5.2. Non pay costs include travel, stationary and training etc. and all other costs associate with the operation of the service. Data was obtained from 12 LEAs with very wide differences in amounts. In large sections of departments it is often difficult to disaggregate costs where pooled administration costs for training copying central recharges are met from different centralised budget headings. Figure 5 shows the variation but the conclusion that can be drawn is that this data is unreliable for meaningful analysis.



13. Conclusion

- 13.1. In 2004 3670 new assessments were carried out. The total cost of administering this process and in managing the existing 32,640 pupils with existing statements is > £5,140,203. The process involves a minimum of 188 staff which does not include Educational Psychologists and Specialist teaching staff centrally funded by the LEA who may be involved in the assessment process.
- 13.2. Appendix 4 shows the structure charts per LEA for those LEAs who were able to provide this information. This data may prove useful to individual authorities when reviewing staffing and structural costs as part of the implementation of the new Children's Services.
- 13.3. I would like to thank all colleagues who assisted in the data collection and in giving their time to discuss individual authority's responses to Tribunal and Statementing Services Staffing issues.