

## Freedom of Information – Response – 26892

Please provide the following information in relation to Education, Health and Care (EHC) needs assessments, decisions, and SEND Tribunal appeals involving Suffolk County Council.

All data in the responses for financial year 2025-26 are up to 31/12/2025

### **A. EHC needs assessments and decisions (all ages)**

1. For each of the last three complete financial years (or the most recent period for which data is held), the number of EHC needs assessments completed by Suffolk County Council.

2023-24	2024-25	2025-26
2350	2746	1917

2. For the same period, of those EHC needs assessments completed, the number of cases where the assessment concluded that the child or young person had special educational needs, but the Council decided not to issue an Education, Health and Care Plan.

2023-24	2024-25	2025-26
436	335	463

3. For the same period, of the cases identified at question 2, the number of decisions not to issue an EHC Plan that were subsequently challenged, including by:

- mediation
- appeal to the First-tier Tribunal (SEND).

	2023-24	2024-25	2025-26
Mediation	147	188	106
Tribunal	0	<5	0

4. For the same period, of the cases identified at question 3, the number of decisions not to issue an EHC Plan that were overturned or resulted in the issue of an EHC Plan, and at what stage (where recorded), for example:

- following mediation
- following appeal registration
- following judicial alternative dispute resolution (JADR)
- at or following a final Tribunal hearing.

	2023-24	2024-25	2025-26
Mediation	216	165	121
Tribunal	0	<5	0

## B. SEND Tribunal costs and outcomes

5. For each of the same financial years, the total annual cost to the Council of defending SEND Tribunal appeals, including (where recorded):

- legal costs (internal and/or external)
- officer time allocated to tribunal preparation and attendance
- costs of expert reports commissioned by the Council.

Please see information below regarding external legal costs:

2022/23: £26,157.50 (Counsel)

2023/24: £12,365.00 (Counsel)

2024/25: £15,558.75 (Counsel)

(All figures excluding VAT)

*[Staff time for Suffolk County Council's internal legal team is not recorded.]*

6. For the same period, the average cost per SEND Tribunal case defended by the Council.

This information is not recorded.

7. For the same period, the number of SEND Tribunal appeals concluded, and of those:

- the number upheld in full or in part in favour of the appellant
- the number dismissed or upheld in full in favour of the Council.

In favour of	Tribunal Outcome	2023-24	2024-25	2025-26
LA	Denied		<5*	<5
LA	Dismissed	<5	<5	
Parent/carer	Not Opposed	26	39	13
Parent/carer	Upheld	11	15	8
Parent/carer	Largely Upheld	15	<5	<5

*Data has been suppressed to avoid identification of individuals – please see further explanation below*

8. For the same period, the number of SEND Tribunal appeals which were conceded, settled, or otherwise resolved without a final hearing, and at what stage (where recorded), for example:

- following appeal registration
- following mediation
- following JADR.

	2023-24	2024-25	2025-26

Consent Order Largely Denied		<5	
Consent Order Largely Upheld	80	7	
Consent Order Upheld	73	207	66

#### D. EHCP decisions at primary–secondary transition stage (Year 5 / Year 6)

10. For each of the same financial years, the number of EHC needs assessments completed for children who were:

- in the penultimate year of primary school (Year 5), and
- in the final year of primary school (Year 6)

at the point the assessment was concluded.

	2023-24	2024-25	2025-26
Year 5 (year before phase transfer)	202	278	187
Year 6 (phase transfer year)	238	266	190

11. For the same cohort identified at question 10, the number of cases where Suffolk County Council decided not to issue an Education, Health and Care Plan following completion of the EHC needs assessment.

	2023-24	2024-25	2025-26
Year 5 (year before phase transfer)	56	46	73
Year 6 (phase transfer year)	76	48	75

12. Of the cases identified at question 11, the number that were subsequently challenged, including by:

- mediation
- appeal to the First-tier Tribunal (SEND).

<b>Mediation</b>	2023-24	2024-25	2025-26
Year 5 (year before phase transfer)	30	34	15
Year 6 (phase transfer year)	35	22	14

<b>Tribunals</b>	2023-24	2024-25	2025-26
Year 5 (year before phase transfer)	0	6	<5
Year 6 (phase transfer year)	<5	<5	<5

13. Of the cases identified at question 12, the number that were subsequently overturned or resulted in the issue of an Education, Health and Care Plan, and at what stage (where recorded), for example:

- following mediation
- following appeal registration
- following judicial alternative dispute resolution (JADR)

- at or following a final Tribunal hearing.

<b>Mediation</b>	2023-24	2024-25	2025-26
Year 5 (year before phase transfer)	27	22	14
Year 6 (phase transfer year)	28	16	10

<b>Tribunals</b>	2023-24	2024-25	2025-26
Year 5 (year before phase transfer)	<5	<5	<5
Year 6 (phase transfer year)	<5	<5	<5

14. For the same cohort, the overall success rate of challenges (expressed as a percentage, where recorded or calculable) against decisions not to issue an EHC Plan.

<b>Mediation</b>	2023-24	2024-25	2025-26
Year 5 (year before phase transfer)	93.10%	73.30%	93.30%
Year 6 (phase transfer year)	93.30%	72.70%	76.90%

<b>Tribunals</b>	2023-24	2024-25	2025-26
Year 5 (year before phase transfer)	0%	83.30%	100%
Year 6 (phase transfer year)	100%	75%	100%

#### Definitions of terms used for tribunals

Category	Definition
Not Opposed	The LA has reviewed the appeal and has decided that there is no opposition to the appeal. This generally applies to Refusal to Assess appeals, when the LA reviews the evidence and decides to carry out an assessment. It can also sometimes apply in Section I only appeals when the school the parent is appealing for is already agreed.
Denied	The appeal has been heard by the Tribunal who have found in favour of the LA
Largely Denied	The appeal has been heard by the Tribunal who have largely found in favour of the LA, but not entirely
Denied Consent Order	The LA and the Appellant have reached consent before the hearing and a Consent Order has been issued and agreed by the Tribunal. The agreement is for something other than that appealed, i.e.: agreement for a different school.
Largely Denied Consent Order	The LA and the Appellant have reached consent before the hearing and a Consent Order has been issued and agreed by the Tribunal. The agreement is in part for something other than that appealed, i.e.:

	agreement for a different school, or provision to that specified in original appeal
Upheld	The appeal has been heard by the Tribunal who have found in favour of the Appellant
Largely Upheld	The appeal has been heard by the Tribunal who have largely found in favour of the Appellant.
Upheld Consent Order	The LA and the Appellant have reached consent before the hearing and a Consent Order has been issued and agreed by the Tribunal. All areas of the appeal have been agreed in line with the original requested changes.
Largely Upheld Consent Order	The LA and the Appellant have reached consent before the hearing and a Consent Order has been issued and agreed by the Tribunal. Most, but not all, areas of the appeal have been agreed in line with the original requested changes.
Withdrawn	The Appellant has withdrawn the appeal.

**\*Data suppression**

While there is a general obligation under the Freedom of Information Act, to release information held by public authorities, there are exemptions to protect individuals' privacy and ensure compliance with data protection laws. The FOIA does not override data protection legislation if releasing information could lead to the identification of an individual directly or indirectly, thereby breaching their privacy rights.