



Appeals and Applications to the Education Tribunal for Wales

What is the Education Tribunal for Wales?

The Education Tribunal is independent of government, local authorities, schools and Further Education Institutes (FEI) or settings.

The Tribunal hears and decides appeals and applications in relation to children and young people who have or may have Additional Learning Needs (ALN). Specifically, it hears and decides appeals about the decisions of an FEI or a local authority in Wales. The decisions made by the tribunal are legally binding.

This document is intended as an introduction. Further information can be found on the Education Tribunal website, the Welsh Government website, the ALNET Act (Wales) 2018, and the Additional Learning Needs Code for Wales 2021

<https://gov.wales/additional-learning-needs-and-education-tribunal-wales-act>

When can I make an appeal to the Tribunal?

A child, child's parent or young person *may* appeal to the Tribunal about:

- a decision by a local authority or FEI as to whether the child or young person has ALN;
- in the case of a young person, a decision by a local authority as to whether it is necessary to prepare and maintain an IDP;
- the description of a person's ALN in an IDP;
- the Additional Learning Provision (ALP) in an IDP, or the fact that ALP is not in an IDP, including whether the plan specifies that ALP should be provided in Welsh;
- the provision included in an IDP by a local authority or the fact that provision under section 14 or 19 of the Act is not in a plan;
- the school named in an IDP for the purpose of admitting a child to a named institution, or if no school is named in an IDP for the purpose of admission;
- a decision by the local authority not to revise an IDP where the local authority has been asked by a child, child's parent, or young person to reconsider an IDP maintained by a maintained school;
- a decision by the local authority not to take over responsibility for an IDP, which is maintained by a school, where it is requested to do so by a child or their parent, a young person or the governing body of that school;



- a decision to cease to maintain an IDP; or
- a refusal to decide a matter on the basis that there is no material change in needs or no new information that materially affects the decision.

How do I make an appeal to the Tribunal?

A child, or young person, or a child's parent, or a case friend* can make an appeal to the Tribunal, by submitting an application in writing to the Tribunal. The Education Tribunal will provide the relevant application forms upon request.

What Decisions can the Tribunal make?

On appeal, the Tribunal may:

- dismiss the appeal;
- order that a person has, or does not have, ALN of a kind specified in the order;
- order an FEI or local authority to prepare an IDP;
- order an FEI or local authority to revise an IDP as specified in an order;
- order a school, FEI or local authority to continue to maintain an IDP (with or without revisions);
- order a local authority to take over responsibility for maintaining an IDP;
- order an FEI or a local authority to review an IDP; and
- remit the case to an FEI or local authority responsible for the matter for it to reconsider whether, having regard to any observations made by the Tribunal and it is necessary for a different decision to be made or different action to be taken.

What are the timescales relating to the appeals process and compliance with orders?

Appeal application and case statement period

An appeal application and the supporting case statement (evidence) **must** be received in writing by the Tribunal within 8 weeks from the date when the notice of the decision of the local authority or the FEI was given. If a child, child's parent or young person decides to use disagreement resolution arrangements, the 8 week period is extended by a further 8 weeks.

Timescales relating to compliance with an order

If the Tribunal makes an order following a hearing, the local authority or FEI concerned must comply with that order and provide copies of relevant documents (Eg. a revised IDP) to the child, child's parent or young person within the timescale specified in the Education Tribunal for Wales Regulations.

** The Act provides that a child who lacks capacity can have a person to support them known as a "case friend". A case friend may represent and support the child; and take decisions and act on behalf of the child.*

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