



Education Tribunal for Wales

# Attendance form guidance for applicants

## About this guide

The aim of this guide is to help you fill in the attendance form for your hearing with the Education Tribunal for Wales (ETW). If you require any additional information, please contact us.

Tribunal clerks are the staff who process appeals and claims. They answer your letters and telephone calls. They can only answer questions about the administration of your case. They cannot give legal advice. This means they cannot give their opinion, or recommend whether you should take a particular action.

The Publications Register is a list of all guidance and forms. You can find this on [our website](#).

## Who this guide is for

This guide is for anyone making an appeal or claim to ETW. This includes:

- children and young people under the age of 25;
- the parents of children of compulsory school age, and younger;
- case friends; and
- representatives.

## Language Preference

ETW welcomes receiving correspondence and phone calls in Welsh or English. We will respond in Welsh to any correspondence received in Welsh. Corresponding in Welsh will not lead to a delay in our response.

This document is also available in Welsh. Please contact the Tribunal for a Welsh version of this document. You may also submit forms, documents, and make written representations to ETW in Welsh or English.

## Information resources

- [The Education Tribunal for Wales Regulations 2021](#)
- [The Additional Learning Needs Code for Wales 2021](#)
- [The Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#)
- [The Additional Learning Needs \(Wales\) Regulations 2021](#)

## About attendance forms

We need an attendance form so we can arrange the hearing appropriately. If you do not give us this information, we may prevent people from taking part in the hearing, or allowing them into the room. If you change any attendees, you should tell us immediately. We will let you know when you will need to return your attendance form to us.

## Attendees

Attendees who're allowed to give evidence may do so in English or Welsh. They include the child or young person, parents, case friends, representatives, and witnesses. Please let us know which language they wish to use via the attendance form.

Some of these attendees may claim expenses. We will send you expenses guidance and a claim form on request, but you can find copies on [our website](#).

### Young people

If the hearing is about a young person, the young person can attend the hearing.

### Parents and the child

If the hearing is about a child, the child, and parents (or those with parental responsibilities, as defined by the Education Act 1996), can attend the hearing.

The child can also give evidence, but the panel may ask them not to attend the whole hearing if it is held in person. Please arrange for someone to look after them when they are not in the hearing room. We are not be able to look after children.

You will be able to claim travel expenses for you and your child to come to the hearing. If you bring someone to look after your child, you will be able to claim travel expenses for them too. We will send you expenses guidance and a claim form on request, but you can find copies on [our website](#).

### Case friends

A child's case friend can attend the hearing.

### Representatives

If you made the appeal or claim, you can present the case yourself. You can also do this with the help of someone else. If you prefer, you can choose someone to represent you on your behalf. A representative does not have to be legally qualified.

You may ask for more than one person to represent you. If you would like to be represented by more than one person, you should write and tell us why as soon as possible. The President will decide whether to give permission in advance. You can also ask the tribunal chair at the hearing, but only in exceptional circumstances.

If someone is representing you, or helping you present your case, we will need to know when you are both available. You are responsible for confirming this. You are also responsible for making sure your representative or helper knows when the hearing will take place. Your representative or helper will not be able to claim any expenses from us.

### **Advocate**

If you would like an advocate to attend the hearing to communicate the views and wishes of the child or young person, please give their details. Your advocate will be able claim their travel expenses.

### **Witnesses**

A witness is an attendee invited just to give evidence. You do not have to bring any witnesses at all.

You can bring up to two witnesses to the hearing. We will need their names and addresses. If you would like to bring more than two, you should write and tell us why as soon as possible. The President will decide whether to give permission in advance. You can also ask the tribunal chair at the hearing, but only in exceptional circumstances.

You are responsible for checking your witnesses' availability before we fix a date. You are also responsible for making sure that your witnesses know when the hearing will take place, and that they attend. If your witness does not attend, the tribunal may still hear your appeal.

Witnesses are able to claim travel expenses for going to the hearing. They can also claim a fixed amount for loss of earnings. You can request guidance and claim forms from us, or find them on [our website](#).

A report by a professional who has assessed your child should contain all the information you want us to consider. It may not be necessary for that person to come to the hearing as a witness.

If you ask someone to attend the hearing, and they refuse, you can write to us explaining why it is important for them to attend. We will need to receive this at least 15 working days before the hearing. If we agree, we will issue a witness summons for you to give to the person. That person will then have to attend, unless there are very good reasons why they cannot.

### **Observer**

If you would like anyone else to attend, you may invite one person as an observer. Observers cannot take part in the hearing, but they may be in the room. We will not pay their travel expenses.

Please note, the president may decide that certain people cannot come to the hearing.

### **Interpreters or signers**

If you need a signer, please let us know.

We will hold the hearing in Welsh or English. It will be up to you to decide which. If your first language is not Welsh or English, we can arrange for an interpreter to be there.

We will arrange and pay for signers and interpreters. If you have not already asked for an interpreter or signer, please let us know.

### **Other needs**

If you or anyone you are bringing to the hearing has a disability or any additional needs for full participation in the hearing, please let us know.