



Education Tribunal for Wales

Appeal orders

About this guide

The aim of this guide explains the timescales for appeal orders made by the Education Tribunal for Wales (ETW). If you would like any additional information, please contact the Tribunal.

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.

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](#)

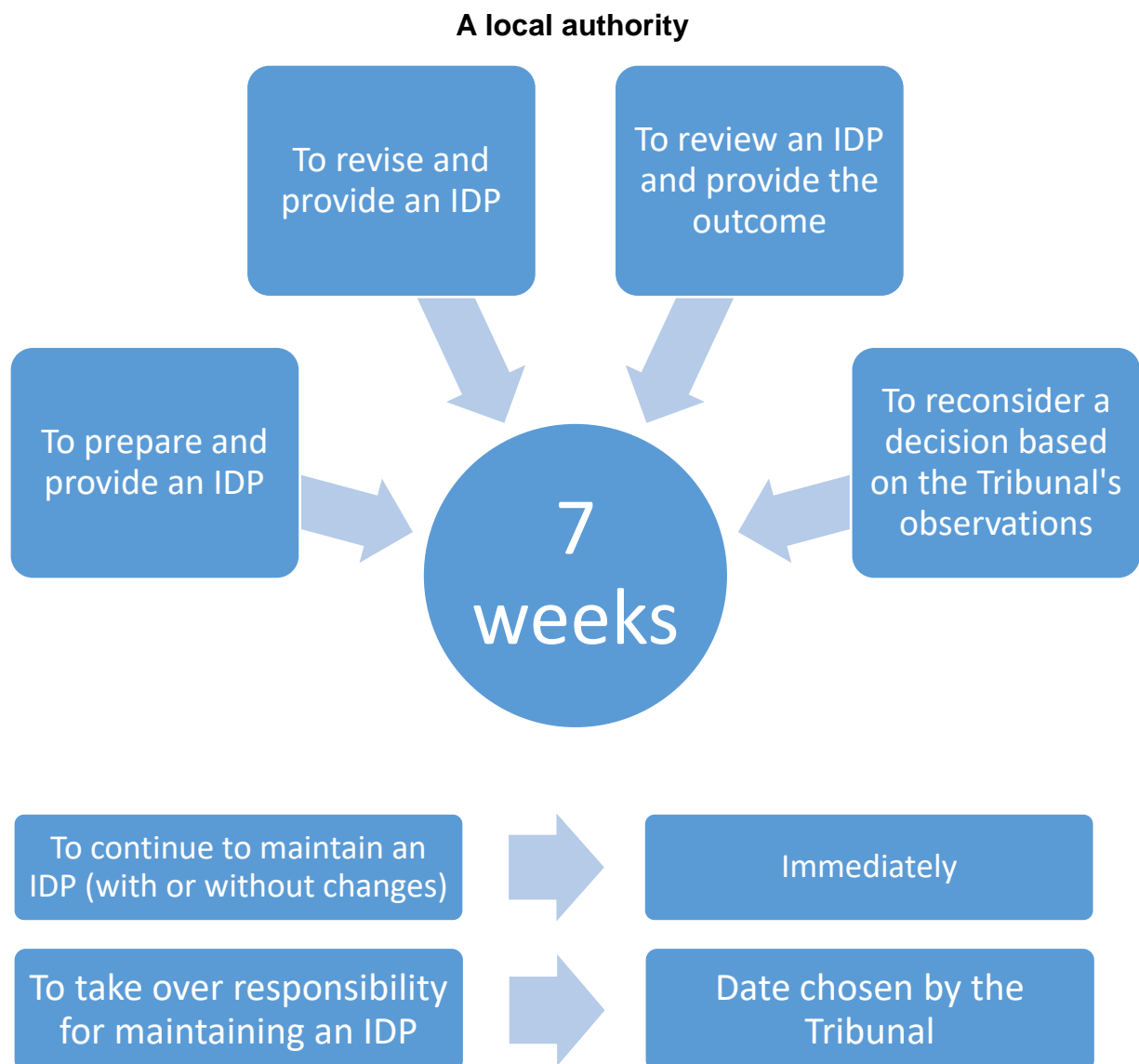
Our orders

A Tribunal Order is an order to carry out a particular action made by the Tribunal. Orders are made after panels hear cases and issue a final decision report. The timescale for carrying out the order begins on the first working day after the decision is issued.

Our order is binding on the local authority or further education institute. They have a duty to do what the Tribunal orders.

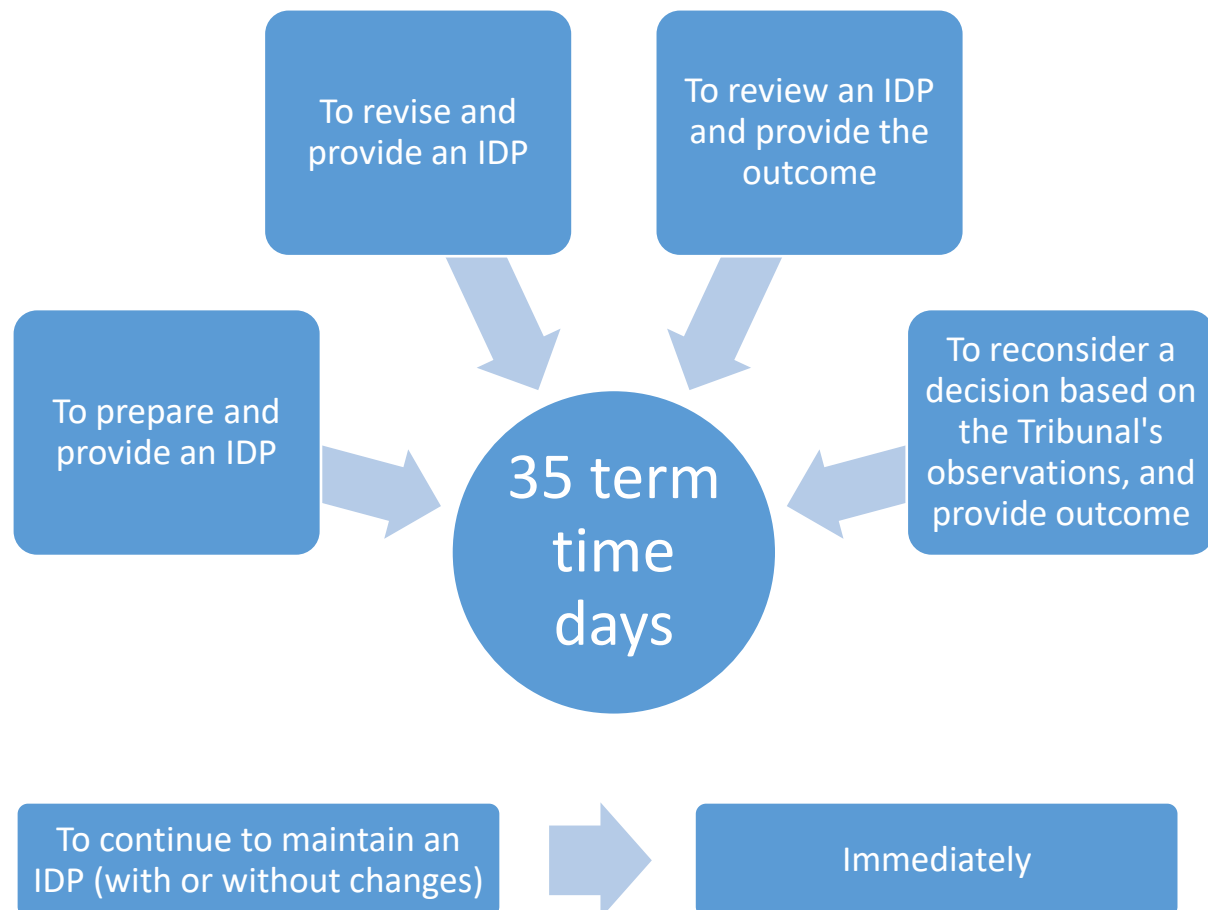
Timescales for compliance

The local authority or further education institute have a certain amount of time to carry out the action in the order. The timescale allowed varies depending on the kind of order. The person appealing, the local authority, or the further education institute can only extend the timescale by applying to the Tribunal in writing.



A further education institute

For an FEI, a “term time day” means a day when they are due to teach most students. This means regular term times, when the majority of courses are running. It does not include holidays between regular terms, when a few courses may still run.



Admission to a school

If we order the local authority to name a different maintained school in a child's IDP, the school must admit the child. The duty to admit the child starts as soon as the local authority issues the new IDP. This means that there may be a delay after we make the order. This type of order does not overrule any exclusion from the named school.

After our order is made

Once we have issued our decision, we cannot take any further action. We have no power to supervise how and when the body carry out the order. Even if they do not do what has what we order within the time limit, we cannot take further action. You may have to apply to the High Court to enforce it.

Alternatively, you may complain to the Department for Education and Public Services:

Additional Learning Needs Branch
Support for Learners Division
Welsh Government
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

additionallearningneedsbranch@gov.wales

You can also make a complaint to the Public Services Ombudsman:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

www.ombudsman.wales

0300 790 0203

What can I do if I am not happy about your decision?

If you think there is a technical problem with the decision, or how we made it, you can ask us to review it. We will not review our decision simply because you are not happy with it. We must receive your written request to review within 28 days of the date we issued the decision. The Tribunal may refuse to accept a request to review, or ask for all parties' views to make a further decision.

If you think that the decision is wrong on a point of law you can appeal to the Upper Tribunal (Administrative Appeals Chamber). To do this, you must first apply to us for permission to appeal. We must receive the request for permission to appeal no more than 28 days from the date on the letter which we sent you with the decision. If we do not give permission, you may still apply to the Upper Tribunal for permission, but they will not consider the application unless you appeal to ETW for permission first. You will need permission to appeal from either ETW or the Upper Tribunal before you can submit the appeal.