
WELSH STATUTORY INSTRUMENTS

2021 No. 406

The Education Tribunal for Wales Regulations 2021

Appeal application

- 11.**—(1) The appeal application must state—
- (a) the name and address of the person making the appeal and, if available, the person’s telephone number and e-mail address,
 - (b) the name and date of birth of the child or young person,
 - (c) if relevant, the relationship or connection of the person making the appeal to the child or young person,
 - (d) the names and addresses of all persons who—
 - (i) have parental responsibility for the child, or
 - (ii) share parental responsibility for the child, or
 - (iii) have care of the child,or reasons why the names and addresses of such persons are not provided,
 - (e) the name and address of any representative or case friend for the person making the appeal and, if available, the representative or case friend’s telephone number and e-mail address,
 - (f) an address and, if available, an e-mail address, where notices and documents for the person making the appeal should be sent,
 - (g) the name and address of the local authority or FEI governing body which made the disputed decision,
 - (h) the date on which the person making the appeal received written confirmation of the disputed decision,
 - (i) the reason or reasons for making the appeal,
 - (j) the result sought,
 - (k) the steps, if any, already taken to resolve the dispute, and
 - (l) any communication requirements and preferences of the child or young person.
- (2) If the person making the appeal seeks an order—
- (a) that an individual development plan is amended, the appeal application must specify to which section or sections of the individual development plan the appeal relates, and
 - (b) for a placement at a school or other institution, the appeal application must state the name and address of the school or other institution.
- (3) The appeal application may be accompanied by—
- (a) a copy of the disputed decision,
 - (b) where the appeal is made under section 70 or 72 of the 2018 Act, a copy of the child or young person’s individual development plan, any documentation attached to or forming part of the individual development plan and, if available, a copy of the latest review under section 23 or 24 of the 2018 Act, and

- (c) the case statement in accordance with regulations 17 and 18.
- (4) The appeal application must be accompanied—
 - (a) by written confirmation that the person making the appeal has notified persons, if any, named in accordance with paragraph (1)(d) that the person proposes to make an appeal to the Tribunal, or written confirmation explaining why the person making the claim has not notified any such persons,
 - (b) where the appeal application states the name of a school or additional learning provision at another institution in accordance with paragraph (2)(b), by written confirmation that the person making the appeal has informed the head teacher of the school, or the governing body or proprietor of the other institution, that the person proposes to request that the school or other institution is named in the individual development plan, and
 - (c) where under paragraph (2)(b), the appeal application states the name of—
 - (i) a maintained school, by written confirmation that the person making the appeal has informed the local authority that maintains the school, which may or may not be the local authority that made the disputed decision, that the person proposes to request that the maintained school is named in the individual development plan;
 - (ii) an independent school, by written confirmation that the person making the appeal has informed the proprietor of the school that the person proposes to request that the independent school is named in the individual development plan;
 - (iii) an independent school, by written confirmation from the proprietor of the school that a place is available at the school for the child;
 - (iv) any other institution, by written confirmation that the person making the appeal has established whether or not there is suitable provision available at the institution.
- (5) The appeal application must be signed by the person making the appeal, or any representative or a case friend on that person’s behalf.
- (6) The appeal application may, in accordance with regulation 35, include a request that the appeal is heard with a claim against a responsible body.

Commencement Information

II [Reg. 11](#) in force at 1.9.2021, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Education Tribunal for Wales Regulations 2021, Section 11.