



UT9

Application for permission to appeal and notice of appeal from the Education Tribunal for Wales (ETW)

Apply to the Upper Tribunal Administrative Appeals Chamber for permission and to appeal against a decision where you think there has been an error of law by the Education Tribunal for Wales (ETW).

For decisions made by the First-tier Tribunal (Health, Education and Social Care Chamber): use form **UT4**.

Before you apply

You must apply to the Education Tribunal for Wales for permission to appeal before you fill in this form. Use this form either to:

- apply to the Upper Tribunal for permission to appeal if the Education Tribunal for Wales refused you permission to appeal or your application was not admitted because you were late

or

- appeal to the Upper Tribunal if the Education Tribunal for Wales has granted you permission to appeal

How to apply

Send this application to the Upper Tribunal so that it is received by the Upper Tribunal office **no later than one calendar month** after the Education Tribunal for Wales sent you the decision on the application for permission to appeal. You can ask for more time in **Section 7** of this form.

If you need help

Contact the Upper Tribunal (Administrative Appeals Chamber) if you need help with this application or have questions about the appeal process. The office cannot give you legal advice.

Phone

020 7071 5662

For additional guidance

You may want to contact Citizens Advice

www.citizensadvice.org.uk

You may be able to get free legal help with your appeal. You will need to meet the necessary financial conditions. Check if you are eligible:

Use the legal aid checker

www.gov.uk/check-legal-aid

or phone 0345 345 4 345

Section 1 – Appellant’s information

1.1 Details of appeal

Education Tribunal for Wales reference number

1.2 Date of the tribunal decision

Day	Month	Year

1.3 Where was the tribunal hearing?

Details of appellant

1.4 Are you applying as:

- Child or young person
- Parent or person with parental responsibility
- Case friend of a child who lacks capacity
- Local authority or responsible body

1.5 Did the First-tier Tribunal suspend the effect of its decision?

Yes

No

1.6 Do you wish to apply to the Upper Tribunal for suspension?

Yes. **Give your reasons in the box below.**

No.

Note

If you are completing this form by hand use CAPITAL LETTERS.

Use another sheet of paper if there is not enough space for you to say everything.

Add your name and appeal reference number at the top of any additional sheets.

Note 1.1: You can find the Education Tribunal for Wales reference number on the decision letter.

Section 2 – Child’s or young person’s information

2.1 Details of child or young person

First name(s)

Last name

2.2 Date of birth

Day	Month	Year

2.3 What is the gender of the child or young person?

2.4 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

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2.5 Contact details

Phone number

Mobile number (optional)

Email address

Note 2.5: If you do not want the Upper Tribunal to contact you by email, leave the space blank. You can still ask us to send you a paper copy of any documents that we have emailed you.

Section 3 – Parent(s) or person(s) with parental responsibility

3.1 Details of parent(s) or person(s) with parental responsibility

Title

First name(s)

Last name

3.2 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

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3.3 Contact details

Phone number

Mobile number (optional)

Email address

Note 3.3: If you do not want the Upper Tribunal to contact you by email, leave the space blank. You can still ask us to send you a paper copy of any documents that we have emailed you.

Other parent or person who is appealing (if any)

3.4 Details of other parent or person with parental responsibility

Title

First name(s)

Last name

3.5 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

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3.6 Contact details

Phone number

Mobile number (optional)

Email address

Note 3.6: If you do not want the Upper Tribunal to contact you by email, leave the space blank. You can still ask us to send you a paper copy of any documents that we have emailed you.

Section 4 – Case friend of a child who lacks capacity

4.1 Details of case friend of a child who lacks capacity.

Title

First name(s)

Last name

Note 4.1: A 'case friend' is a person appointed by the Education Tribunal for Wales to act on behalf of a child who lacks capacity

4.2 Relationship to the young person (if any)

4.3 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

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4.4 Contact details

Phone number

Mobile number (optional)

Email address

Note 4.4: If you do not want the Upper Tribunal to contact you by email, leave the space blank. You can still ask us to send you a paper copy of any documents that we have emailed you.

Section 5 – About the child(s), young person’s or the parent’s representative

5.1 Does the child (or case friend acting for them), young person or the parent have a representative?

Yes

No. **Go to Section 6.**

5.2 Details of the representative

Title

First name(s)

Last name

Name of company or organisation

If non-legal state profession

5.3 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

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Note for Section 5

A representative is someone who acts on your behalf in a formal capacity.

This might be a solicitor, an organisation like Citizens Advice, a welfare rights organisation or just a friend who will deal with the case for you.

The Upper Tribunal will correspond only with your representative.

5.4 Reference number for correspondence (optional)

5.5 Contact details

Phone number

Mobile number (optional)

Email address

Note 5.5: If you do not want the Upper Tribunal to contact you by email, leave the space blank. You can still ask us to send you a paper copy of any documents that we have emailed you.

Section 6 – Local authority or responsible body

6.1 Name of local authority or responsible body

6.2 Details of the local authority or responsible body’s official handling the case

Title

First name(s)

Last name

Role

6.3 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

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6.4 Contact details

Phone number

Mobile number (optional)

Email address

Section 7 – Reasons for delay

7.1 Did the Education Tribunal for Wales refuse to admit your application because you were late?

No

Yes

7.2 Has more than one month passed since the Education Tribunal for Wales sent you notice of the grant or refusal of permission to appeal or notice that your application has not been admitted?

No

Yes

If you have answered 'Yes' to either 7.1 or 7.2, (or both); explain the delay and apply to extend the time limit in 7.3 below.

7.3 I request that the time limit for making the application be extended because:

Note for Section 7

You must send this form to the Upper Tribunal office so that it is received at the office within one calendar month of the Education Tribunal for Wales sending you the decision notice on your application for permission to appeal.

If it is likely to reach the tribunal after this time, you must ask the tribunal to extend the time limit for making the application giving full reasons why it is late.

A judge will consider your reasons to decide whether to extend time or not.

It is important to explain the reasons in detail.

If needed, continue on another sheet of paper, adding your name and the appeal reference number at the top.

Section 8 – Reasons for your appeal

You can only appeal if you think the Education Tribunal for Wales was wrong on one or more points of law.

8.1 Tell us what error of law you think the Education Tribunal for Wales has made.

If the Education Tribunal for Wales granted you permission to appeal on limited grounds and you are now appealing, please state whether you also wish to apply for permission on additional grounds and tick both boxes in Section 10.

Note for Section 8

You must explain why you think the Education Tribunal for Wales decision is wrong in law.

Examples of mistakes that may mean the decision is wrong in law include the tribunal:

- did not apply the correct law or wrongly interpreted the law.
- had no evidence, or not enough evidence, to support its decision.
- did not give adequate reasons for the decision.

This list is not exhaustive, and the tribunal's decision may be wrong in law for some other reason. You should explain why the decision in your case is wrong in law in as much detail as possible.

If needed, continue on another sheet of paper, adding your name and the appeal reference number at the top.

Section 9 – Request for an oral hearing of an application for permission to appeal

9.1 Do you want an oral hearing of your application for permission to appeal to the Upper Tribunal?

No

Yes, explain reasons

Note for Section 9

If you were refused permission to appeal by the Education Tribunal for Wales you can request an oral hearing.

An oral hearing could be face-to-face or by video or phone.

The Upper Tribunal judge will not necessarily grant your request for an oral hearing at this stage. Most applications for permission to appeal are decided by the judge considering your application on the documents which the Education Tribunal for Wales considered.

If you are refused permission without an oral hearing and the judge has not certified the whole or part of your application as being totally without merit, you will be given the opportunity to make another application for permission with an oral hearing.

If your application for permission to appeal is successful and the Upper Tribunal Judge gives you permission to appeal, your case becomes an appeal and you will be given another opportunity to ask for an oral hearing of your appeal.

If the judge grants your request for an oral hearing, it would usually be held in Belfast, Birmingham, Cardiff, Edinburgh, Exeter, Leeds, London, Manchester or Newcastle.

9.2 Would you like the hearing to be in private?

No

Yes, explain why you would like the hearing in private

Section 10 – How do you want to receive the tribunal decision?

10.1 I want to receive the tribunal decision by:

Email

Post

Note 10.1: Choose which way you wish to receive a decision from the tribunal. You can choose both

Section 11 – Signature

You must sign this form if you wish to appeal to the Upper Tribunal, unless you are represented by a legal representative. A legal representative is a solicitor, barrister or chartered legal executive.

I apply for permission to appeal against the decision of the
Education Tribunal for Wales

and/or

I appeal against the decision of the Education Tribunal for Wales

Authorisation

I authorise my representative named in Section 5 to act on my behalf in all proceedings before the Upper Tribunal.

Appellant's signature

Legal representative's signature

Solicitor, barrister or chartered legal executive signature

Date

Day

Month

Year

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First name(s)

Last name

Name of appellant's legal representative's firm or company

If signing on behalf of firm or company give position or office held

Note for Section 11

Only a legal representative can appeal to the Upper Tribunal as the appellant's representative without authorisation.

If the representative is not a solicitor, barrister or chartered legal executive, the appellant must sign the form.

Note for authorisation

Leave blank if you have no representative or you are a legal representative filling in this form on behalf of a client.

Note for signature

Please sign or type your name in the signature box.

You must enclose the following documents with this form

a copy of the decision notice and written statement of reasons issued by the Education Tribunal for Wales

a letter from the Education Tribunal for Wales telling you that you have been granted or refused permission to appeal or that your application has not been admitted

a copy of any funding notice or legal aid certificate

If you do not have all these documents you can still apply using this form.

Have you included all required documents from the above list?

Yes

No, reasons why documents are not included

Contact the Upper Tribunal Office (Administrative Appeals Chamber)

HM Courts and Tribunals E-Filing Service

If you are **legally represented** or applying/appealing on behalf of the local education authority or responsible body you must send the form and any supporting documents using the HM Courts and Tribunals E-Filing service.

To register and access the E-Filing Service go to:

<https://efile.cefile-app.com/login>

For guidance, support and information about the E-Filing Service go to:

www.gov.uk/guidance/hmcts-e-filing-service-for-citizens-and-professionals

For those that are not legally represented, the preferred method is the E-filing service.

Alternatively, unrepresented parties may email or send the completed and signed form to:

The Upper Tribunal (Administrative Appeals Chamber)

5th Floor Rolls Building

7 Rolls Buildings

Fetter Lane

London

EC4A 1NL

Email: adminappeals@justice.gov.uk

The Administrative Appeals Chamber of the Upper Tribunal (Wales)

Civil Justice Centre

2 Park Street, Cardiff

CF10 1ET

Email: adminappeals@justice.gov.uk

Next steps

We will write to you to confirm your case is registered.

If you have not received confirmation within 14 days, contact the relevant office.

For information on how HM Courts and Tribunals Service process and store your data visit: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personalinformation-charter>