

Tribiwnlys Anghenion
Addysgol Arbennig Cymru



Special Educational
Needs Tribunal for Wales

A Guide to making an application for permission to appeal to Upper Tribunal

This document is also available in Welsh. Please contact the Tribunal for a Welsh version of this document.

Language Preference

SENTW welcomes receiving correspondence in Welsh or English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding. The Tribunal also welcomes phone calls in Welsh or English.

You may submit forms, documents, and make written representations to SENTW in Welsh or English.

If once you have received the decision from the Special Educational Needs Tribunal for Wales (SENTW) you think it is wrong on a point of law, you can appeal to the Administrative Appeals Chamber of the Upper Tribunal. To make an appeal to the Upper Tribunal you must first apply to SENTW for permission to appeal to the Upper Tribunal.

1. Who can make an application?

You can make an application if you have been party to an appeal or claim which has been decided by SENTW. This includes a parent, or person having parental responsibility, a local authority or responsible body for a school.

2. What applications can I make?

You may apply to SENTW for **permission to appeal** against its decision if you think that it is **wrong on a point of law**. Examples of where the Tribunal may be wrong in law include:

- The Tribunal did not apply the correct law or wrongly interpreted the law;
- the Tribunal made a procedural error;
- the Tribunal had no evidence or not enough evidence to support its decision;
- the tribunal did not give adequate reasons to support its decision.

These are only examples and the Tribunal might be wrong in law for some other reasons not mentioned here.

3. When can I make an application?

An application must be made so that it is received by SENTW no more than 28 days from the date when SENTW sent its decision.

You can make an application when you have received:

- A decision from the Tribunal;
- an amended/varied decision following a review by the Tribunal; or
- notification that an application for the decision to be reviewed has been unsuccessful (so long as the application was made in time).

4. How to apply for permission to appeal?

An application for permission to appeal to the Upper Tribunal must be made in writing. You can use our form, **Application to SENTW for Permission to Appeal to Upper Tribunal** (SENTW 21). Your application for permission to appeal must be received in SENTW offices within 28 days from the date SENTW's decision was sent to you.

The application must:

- a) identify the decision to which it relates;

- b) identify the alleged error or errors of law in the decision; and
- c) state the result you are seeking.

5. What happens next?

If your application is received on time we will write to you to tell you that we are dealing with your application.

SENTW will decide whether to review its decision (unless the decision has already been reviewed or a decision not to review has been previously made).

If SENTW decides to review its decision, we will write to both parties to invite representations.

If SENTW decides not to review its decision, they will consider whether to grant permission to appeal to the Upper Tribunal.

If the Tribunal gives permission to appeal you will need to complete a Notice of Appeal to the Upper Tribunal. This will be sent to you with the Tribunal's decision. The Notice of Appeal must be sent to the Upper Tribunal no later than one month after the date that the Tribunal sends you its decision.

If SENTW does not give permission to appeal you can ask the Upper Tribunal for permission to appeal. Information about applying to the Upper Tribunal will be sent to you with SENTW's decision about your application. If you apply to the Upper Tribunal for permission to appeal you must do so no later than **1 month** after the date that SENTW sends you its decision.