



Request for change in an appeal or claim

Before submitting the any request to the Tribunal you must have consulted the other party (if you have not done so your request will be returned to you)

Child's name/Young Person's name

Appeal/Claim number

Type of appeal/claim

Local authority or responsible body

Final hearing date:

Date of local authority or responsible body response

Please tick this box if your hearing has been previously adjourned

We aim to deal with all requests within 15 working days of receipt

Please see guidance below which explains the requests which can be made.

I wish to apply to the tribunal for:

- | | |
|--|--|
| <input type="checkbox"/> An extension of time to comply with a direction | <input type="checkbox"/> A change to the final hearing date |
| <input type="checkbox"/> A witness summons | <input type="checkbox"/> Permission to amend appeal/response |
| <input type="checkbox"/> Failure to comply with a direction | <input type="checkbox"/> Permission to bring an additional witness |
| <input type="checkbox"/> Other <i>specify below</i> | <input type="checkbox"/> An observer to attend the hearing |

The reasons I am applying are:

(If you want the tribunal to change the dates by which things are to be done, specify the dates and the time you need to comply with the direction).

If necessary, continue a separate sheet.

You must include the other party's response to your request here

Signature

Name

Date

 / /

Request made by: Parent/ child/ YP Parent/ child/ YP representative Responsible Body
 Local Authority Local Authority's representative (in DD Claims)
 Responsible Body's representative

Guidance Notes

These guidance notes have been provided to inform parties about the correct procedure for requesting changes in an appeal or claim made to the ETW.

An extension of time to respond to a direction You may ask the Tribunal to extend the time to respond to a direction. Before making the request, you must liaise with the other party. The views on your proposed change must be included in your request. You will need to confirm to the Tribunal the date by which you will be able to comply. The Tribunal will only extend time in exceptional circumstances.

A change to the final hearing date

If you require the final hearing date to be changed, you must ask the other party if they agree to that change and include their comments in your request. The Tribunal will only change the hearing date if both parties agree or there are exceptional circumstances requiring the change. The Tribunal will not usually allow a hearing to be delayed and you should consider dates which are earlier than the current hearing date.

A witness summons

If you have asked your witness to attend the hearing and they refuse, you must check whether there is another way of presenting their evidence in the appeal, such as presenting a witness statement or report from them. If no other means of presenting the evidence is possible, or you require them to attend the hearing in addition to their report or statement to question them, then an application can be made for a witness summons. The request should explain what efforts have been made to ensure their attendance, whether they have refused to attend and why no other means of presenting the evidence is available. The application must set out the full name, occupation and address of the witness.

Permission to amend grounds of appeal/response to the appeal

Either party may ask the Tribunal at any time in the appeal process to amend the grounds e.g. by changing the amendments sought to a statement/ Individual Development Plan or the education placement. Early warning to the other party of your intention to change the grounds is essential and the request should explain the reasons for the changes.

Failure to comply with a Tribunal direction

A request to have the appeal decided or a hearing held without the participation of the other party can be made if they have not complied with a tribunal direction. The party can then apply to be reinstated by making a request for reinstatement and explaining the reasons for failing to comply with the direction or the reasons why they believe they should be allowed to continue to participate.

Permission to add additional witnesses The Tribunal places a limit on the number of witnesses to ensure that the appeal or claim is dealt with efficiently and proportionately. Two witnesses are allowed per party in SEN or ALN cases. Two witnesses are allowed per party in Disability Discrimination claims. In exceptional circumstances, parties may ask for additional witnesses, but the Tribunal will only give permission if their attendance is necessary and the evidence relevant to the decision the Tribunal will make. The Tribunal also considers all the documents sent in by the parties and **all your witnesses should provide a written statement setting out their evidence.**

An observer to attend the hearing

Either party can apply for an observer to attend the hearing. Because all hearings are in private, a party will need to apply for permission to bring an observer and explain why their presence is required. If permission is granted, the observer cannot take any party in the hearing, or take notes, only observe the hearing.

Other

If you want to make any other request, please complete this section, explaining your request and the reasons why it is made.

What you do next

You must send, at the same time, a copy of your completed form (which includes the other party's comments on your request) and any supporting documents to:

- the tribunal; and
- the other party

If you do not, your request will be returned to you without being considered.

Privacy Policy

Our privacy policy is available to view on our website at the following page:

<https://educationtribunal.gov.wales/privacy-policy>