

*These notes refer to the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (c.2) which received Royal Assent on 24 January 2018*

# **ADDITIONAL LEARNING NEEDS AND EDUCATION TRIBUNAL (WALES) ACT 2018**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS OF THE ACT**

#### **Part 2 – Additional Learning Needs**

#### **Chapter 4 – Avoiding and Resolving Disagreements**

#### **Appeals and applications to the Tribunal**

#### ***Section 81 - Appeals from the Education Tribunal for Wales to the Upper Tribunal***

172. **Section 81** allows a party to any proceedings about ALN before the Education Tribunal for Wales to appeal (with permission – see subsection (2)) to the Upper Tribunal on any point of law arising from a decision made by the Education Tribunal for Wales in those proceedings.
173. Section 12 of the Tribunals, Courts and Enforcement Act 2007 sets out what the Upper Tribunal can do where it finds that a decision involved an error of law in an appeal under section 11 of that Act: it may set aside the decision and if so, section 11 sets out the further options as to how to proceed. In effect section 81(3) applies this to appeals to the Upper Tribunal from the Education Tribunal under section 81.