

These notes relate to the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) which received Royal Assent on 7 May 2004

EDUCATION (ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) ACT 2004

EXPLANATORY NOTES

THE ACT

Schedule 1 – Additional Support Needs Tribunals for Scotland

67. This schedule contains provisions for and arrangements under which the Additional Support Needs Tribunals for Scotland will operate. The Tribunals will be supervised by the Scottish Committee of the Council on Tribunals (schedule 3, paragraph 8 modifies the Tribunals and Inquiries Act 1992).
68. The Scottish Ministers will appoint a President of the Tribunals and two panels of members. One panel will be of individuals who may act as convener of a Tribunal and one panel will be of individuals who may act only as members. The President may be a convener of any Tribunal. Each Tribunal must consist of a convener and two members. The qualifications, training and experience of Tribunal members will be prescribed. It is intended that conveners will be legally qualified and members will have expertise or experience in additional support for learning. Tribunal members may serve for 5 years and may be re-appointed.
69. The President must ensure that Tribunal functions are exercised efficiently and effectively and can issue directions on the practice and procedure of Tribunals. It is intended that Tribunals will be held in locations across Scotland. The Scottish Ministers must make rules as to the practice and procedure for Tribunals. These will set out operational matters for the Tribunals and paragraph 11 lists the particular areas that may be included in the rules.
70. It is intended that each party to the appeal will have an opportunity to present any relevant evidence in support of their case to the Tribunal, including documents and evidence from witnesses at the hearing. Tribunals will have the power to commission expert reports, though this is not expected to be normal practice. Tribunals will also be able to hold hearings in private and impose reporting restrictions. Witnesses may be cited by Tribunals and may be required to provide documents. A decision by a Tribunal will be by a majority and must be recorded, with a full statement of the facts and the reasons for the decision. This must be copied to each of the parties.
71. The President is required to submit an annual report to the Scottish Ministers, which will be laid before the Scottish Parliament, and may also be required to provide Ministers with information about the discharge of Tribunal functions.