

Health and Education Chamber
First-tier Tribunal for Scotland



Additional Support Needs

FTS/HEC/AR/25/0193

DECISION OF THE TRIBUNAL

List of witnesses

For the appellant:

The appellant

For the respondent

Head Teacher School B (Witness A)

Head Teacher, School C (Witness B)

Educational Psychologist (Witness C)

Principal Teacher of School A (written statement only) (Witness D)

Reference

1. The appellant made a placing request for the child at school B, a special school under the respondent's authority. On 3 July 2025, the placing request was refused by the respondent. The grounds of refusal were Schedule 2, paragraphs 3(1)(a)(i) and 3(1)(b) of the Education (Additional Support for Learning) (Scotland) Act 2004 (**the 2004 Act**). The Respondent is no longer insisting on ground 3(1)(a)(i) of the 2004 Act. The appellant lodged a reference on 29 July 2025. The appellant asks us to require the respondent to place the child in school B.

Decision

2. We confirm the respondent's decision to refuse the placing request, in accordance with section 19(4A)(a) of the 2004 Act. We therefore do not require the respondent to place the child in school B.

Process

3. Case management hearings took place on 21 October 2025, 19 December 2025 and 12 February 2026. A hybrid hearing was scheduled, and directions were given about pre-hearing procedure, including the lodging of witness statements and a joint minute of agreed facts (**JMA**).

4. The tribunal instructed an independent advocate to support the child to express their views, and specific questions were posed to the child. The advocate produced a report after a talking mats activity and discussion with the child (T053-T067).
5. Written witness statements were produced for all witnesses who provided us with oral evidence. In addition, witness statements were provided by the respondent for witness C, after a request to call her as an additional witness was refused by the tribunal.
6. A JMA was lodged agreeing matters of fact and fact and law (T074-T076).
7. The bundle (version 6) consists of page numbers as follows: (T001-T076); (A001-A070); and (R001-R215).
8. After the evidence, the parties' representatives lodged revised written submissions.
9. A hearing on submissions took place on 10 April 2026.
10. We considered all the evidence and the written and oral submissions. Deliberations took place in April 2026.

Findings in Fact

11. The appellant is the mother of the child. The child is the youngest of 6 children. The child lives with his mother, two of his siblings and an uncle in the family home.
12. The child is 13 years old.
13. The child has a diagnosis of attention deficit hyperactivity disorder (ADHD). He also has dyslexia.
14. There is an NHS referral in place for neurodevelopmental assessment (A0008), (R041). He fits a presentation of language disorder, however, requires a neurodevelopmental assessment before a definitive diagnosis can be provided (A013).
15. The child experiences difficulties with sleep (T058, T061 and JMA). He often turns night into day and is too tired for school.
16. The child is self-directed and impulse driven. He has a low attention span. He is quick to anger. He has low resilience and poor emotional regulation skills. He experiences rapid escalation in distress, and when distressed he can take a while to calm down. When distressed, he needs time and space to regulate. Going for a walk can help him with his regulation (R042).
17. The child struggles with emotional regulation, often resulting in violent outbursts directed at peers and staff. The child has a history of struggling to maintain peer relationships, particularly during periods of distress and dysregulation.
18. He can have disproportionate responses to seemingly minor difficulties. When upset and distressed, he will react physically.

19. The child has been identified as having sensory issues. Loud noises and busy environments are difficult for the child as he finds this distressing. Speech and language therapy has recommended the use of ear defenders, and managed transitions (A014).

20. The child responds well to adults in 1:1 settings (R042).

Social and peer group

21. The child finds it difficult to build and maintain appropriate peer relationships. He is at a high risk of social isolation. (A008).

22. He can be very easily antagonised and has low patience with his peers. He does not recognise others' intentions and can view actions as targeted at him, even when they are not (T075).

23. A peer group is important for the child's overall regulation and ultimately his engagement with learning. (R043).

The child's primary education

24. The child attended mainstream primary schools. He was in the same primary school throughout, apart from a two-week period in primary 4. He regularly accessed the nurture room with support staff in primary school. He benefitted from an enhanced transition to secondary school.

25. The child left primary school working overall at around level 2 of the Curriculum for Excellence.

The child's secondary school education

School C

26. The child was previously enrolled at School C, a mainstream secondary school. He attended there during first(S1) and second year(S2). He last attended there on 5 September 2025 (R010).

27. While the child attended School C, a flexible learning approach was adopted with effect from S2. A flexible learning approach is used to support pupils who are struggling with school and provides a support framework for schools, and a record of the flexible programme. He was referred for speech and language assessment due to staff concerns about his understanding of language and difficulty engaging with the curriculum and his peers (A004).

28. Staff tried to arrange the child's timetable to allow him to go to the nurture room. He enjoyed his time there. He had sensory resources available there including a lighting sensory area and weighted blankets. The nurture room was quieter and calmer than the mainstream setting. The child was allowed to have air pods in his ears and given ear defenders.

29. The child's attendance was sporadic, and he wasn't able to engage with learning in any great capacity. He was in a state of distress for a significant amount of time he was in school (R011). There were some days the child would come in and just sleep.
30. From 24 August 2025, the child was scheduled to attend in the afternoons for 2 periods every day (R010). This part time timetable amounted to approximately 1.5 hours daily. The appellant was often called to come and collect him within that time if he was distressed (A0001).
31. A risk assessment was completed for the child which identified: the types of concerning behaviours he displayed; who might be at risk; general protective strategies in place to prevent the behaviours occurring, possible triggers for the behaviours, specific preventative strategies, procedures to be followed during and after an incident; and the level of risk. A behaviour support plan was put in place to help understand and support the child with his behaviours which might cause himself or others harm when he became distressed (R012).
32. The child made very little academic progress while attending School C, and the gap between the child and his peers widened during S1 and S2.
33. The child first came to the attention of the respondent's educational psychology services (**EPS**) on 10 February 2025. The respondent's EPS has had close involvement in the child's case since this meeting (R034).
34. He is behind his peers academically and there are big gaps in his learning. He has the capacity for academic success but is unable to focus in a mainstream setting. The child's achievement levels vary reflecting his strengths and areas of interest. Maths is an area of strength for the child. He has strength in number repetition. (A005)

School A

35. The school is part of a shared campus which includes a mainstream provision, a sports centre and the enhanced nurture provision (**ENP**). Pupils within the ENP base typically have more social, emotional and behavioural needs and require support with emotional regulation. Almost all of the young people in the ENP have a diagnosis of autism. Many have a diagnosis of ADHD, and some have both. Many of the pupils in the ENP have had difficulties with engaging in education and therefore have gaps in learning. Children are referred to the ENP by the respondent's area inclusion group (R007). The provision at the school's ENP is a "special school" within the meaning of section 29(1)(b) of the 2004 Act
36. Pupils from the mainstream facility and the ENP can mix at the beginning of the day, the end of the day and during break and lunch times. The pupils who attend the ENP have the option to stay within the base at these times and are not required to mix with mainstream pupils. There is no mixing of pupils out with these structured times. The ENP is located in a separate corridor away from the classrooms in the mainstream provision of the school. There are five classrooms in the corridor space dedicated to the ENP. Each classroom has its own dedicated quiet space. There is a "reset room" support available to all pupils within the ENP. The "reset room" is not a room as such, rather a resource that allows pupils to come out of class, with a teacher from the ENP and participate in an activity that will support them if they are experiencing

overwhelming or heightened behaviour. This includes walking in the school grounds to de-escalate the situation – it is specific to the pupil at the time of need.

37. There are six class teachers and seven support for learning workers (**SFLW**) who are allocated to the ENP base. The typical pupil to staff ratio within the ENP base is 1:6. There are fourteen pupils allocated to the ENP base. There are 2 learning groups in the ENP base – Learning Group 1 and Learning Group 2. The pupils in Learning Group 1 are S1 and S2 age. The pupils in Learning Group 2 are S3 and S4 age. There are 6 regular pupils in Learning Group 1. There are 4 regular pupils in Learning Group 2. The other four pupils in the ENP are either part time pupils or are involved in projects outside school so are not in attendance on a regular basis in the ENP.
38. The pupils in Learning Group 2 have a similar profile of needs to the child. The pupils in Learning Group 2 are reluctant to engage with learning but with the right support will do so. Most are working towards National 3s, with some working towards National 4 units. School A's ENP also offers opportunities for pupils who are able and comfortable to do so, to access a mainstream peer group for learning or social time. There is opportunity to make progress across the curriculum.
39. Staff are experienced in working with reluctant readers and writers and are well versed in alternatives to support students appropriately. Staff focus on relational based practice. This allows staff to re-build pupils' relationships with learning and education settings generally.
40. The child was offered a place in the ENP of school A on 19 August 2025 (A026). He has been on the roll there since 2 February 2026 (R215). He is currently enrolled there (T076). The child attended an initial transition visit to school A in October 2025. An incident occurred with another pupil requiring police involvement. With the support of adults, he was able to resolve an arising friendship dispute.
41. School A has a partnership with Agency A. The child has attended Agency A for outreach sessions once a week, on Tuesdays, from 9:00 to 14:00 since 27th January 2026. The provision at Agency A is temporary, as part of transition planning to school A's ENP. At Agency A, the child meets with a support worker/befriender for a weekly 1:1 session. These sessions are going very well. On a morning in March 2026, the child was up, showered and keen to go to Agency A for 7am. The child really likes his youth group support worker, who is young and enjoys the same music as the child (A018). The support worker will support the child's transition to the ENP (R035). The child has a personalised transition period planned for him which can be increased or slowed in pace as it progresses, to ensure that the child is coping with the induction and transition period. A personal plan will be completed with the child to ensure all staff are aware of what preferred support he requires, what triggers he may experience and how best to support him with that.

School B

42. School B is a specialist school with a current role of 124 pupils. The current profile of needs of pupils is high. Staff at school B are equipped to deal with young people who have complex needs and additional support needs. Pupils attending school B range

from S1-S6. Pupils attending school B follow the Curriculum for Excellence. Most pupils are working at early and first level. There are a small number of pupils working within milestones, and a few working within second level in a few curricular areas. School B cannot offer the full range of national qualifications that are presented within a mainstream school.

43. School B is a single storey relatively small building comprising 18 classrooms. Some of the classrooms do not have internal ceilings, meaning that they are open above the walls. The school is easy to move around.
44. There are three classes that have second year pupils in them. In one of the classes the pupils are non-verbal. The other two classes are working at early and first level of the curriculum for excellence. One of the other second year classes (S2(2)) has two pupils who require assistance with personal care. There is another pupil within S2(2) who has cerebral palsy and physical impairment, including hearing loss, and very little language. There is one other pupil who has limited language and another pupil who has a speech impediment. S2(2) is working from milestones/early with elements of first level. The third second year class (S2(3)) are mostly working at first level. All the pupils in S2(3) have an autistic spectrum disorder diagnosis. There is one pupil in S2(3) who has a physical impairment and has a wheelchair. Another pupil in S2(3) will become vocally dysregulated if he perceives he is not getting to do what he would like or if his routine changes. It can take an extended period to assist him to regulate. Another pupil in S2(3) has severe epilepsy.
45. The staffing ratio for teaching staff to pupils within school B is 1:5, and for SFLWs one per year group, plus one. All three second year classes have a SFLW and S2(1) and S2(2) sometimes require 2 SFLWS for a very limited number of activities (R038).
46. As pupils move into their senior phase (S4-S6), young people have the opportunity to personalise their curriculum with courses offered mostly at National 2 and 3. There is a possibility for the pupils attending school B to study for some National 5s. This is dependent on enough pupils wishing to study a particular subject for school B to be able to offer a National 5 class in that subject. The full range of qualifications is not available (R038). Pupils may need to travel to a local mainstream high school for that subject. This can be disruptive for their timetable at school B.
47. Pupils at school B often become distressed and dysregulated. When pupils become dysregulated, they will often scream or shout. Everyone can hear if someone is distressed. There are pupils across the school roll, including in the second-year group, who will bang their head on a table or bite/scratch themselves if they become distressed.
48. There are limited spaces for pupils to access if they become distressed and dysregulated (R040). There are only two indoor spaces. One is always in use for a specific pupil, and the other needs to be available for another pupil for when he becomes dysregulated. There is no indoor space for sensory needs. There is an outdoor sensory courtyard space.
49. The level of vulnerability throughout school B is such that adult supervision is required at all times. Second year pupils do not go out in the community unsupervised.

50. The needs of the children in school B are more complex than those of the child.
51. There is a lack of an appropriate peer group for the child at school B (R035). The child would struggle to make friends and have a sense of identity there. He would feel isolated in this environment.
52. The child could become overwhelmed by the behaviour of other children at school B who find it difficult to regulate.
53. The child would be restricted in his educational and personal development at school B. If the child were to be placed at school B, there would be a risk of his learning plateauing because he would be educated alongside children who are unable to engage with him socially, and who are working at a more basic academic level than the child.

The child's views

54. The child is not sure how he feels about School C. He liked the people there and some of the teachers.
55. Some mornings when he doesn't get any sleep he just doesn't feel like going to school. When he does get sleep, he feels energised, and does wish to go to school. He has already tried starting school later in the morning. He has fallen asleep in class and when this happened a teacher woke him up. He sometimes wishes there was somewhere he could rest at school.
56. He is unsure how he feels about his teachers. He liked a support for learning teacher at his old school who sat beside him and helped him with his work if he got stuck. He was kind. He likes his learning assistants at school. They are nice to him in general. He doesn't like his math teacher because she shouts at him a lot and singles him out. He likes the subject. It is one of his strongest subjects. He is unsure how he feels about writing. He is happy about sports. He is not happy about talking or listening. When people talk a lot, he finds it difficult to remember what was said. Having someone sitting next to him helps. Having information on the board to read doesn't help. Reading a lot of information is harder to concentrate on than shorter pieces of reading. That is part of why he likes math. The questions are shorter.
57. He had friends when he was at school at School C but doesn't see them very often now.
58. He attended school B for some sports lessons but didn't talk to the other students. He feels a little bit confident about making new friends.
59. He doesn't have anywhere to go to calm down in school.
60. He has had difficulty sleeping for the past two years. He does not think that the melatonin medication helps.
61. When asked by witness C about what his ideal school would be like, the child reported the following: school would be in a large building where he would learn about things he feels confident/interested in such as maths, PE, and history. He would not take part in

literacy tasks. He stated that he would like the level of challenge within learning tasks to be of 'medium difficulty', so he is challenged but able to complete tasks. He would work in small groups alongside people he knows, and who he described as his pals. Breaktimes would be spent playing football.

Reasons for the Decision

General remarks on the oral evidence

62. We benefitted from the provision of detailed witness statements for all of the witnesses.
63. The incident reports for the child contained in witness A's statement show a fluency of language, and agency, notwithstanding the terms of the speech and language report for the child lodged by the appellant.
64. The principal evidence about the education normally provided at school B came from witness A, the head teacher at school B. The tribunal accepted that witness A has an in-depth understanding of the education normally provided to pupils at school B and the broad span of abilities of the current pupils. In particular, they were able to speak about the profile of the children in the current S2 cohort at school B, who are the same age as the child. We were able to make findings in fact about school B based on witness A's evidence. Witness A described school B as often being a noisy environment, which is to a degree open plan, and there can be busy times with emergency vehicles due to the medical needs of other pupils.
65. Witness B advised that it was difficult for the child to maintain relationships with his peers. He did not have a fixed friendship group or a wide range of friends.
66. Witness C is well versed in the child's profile and his needs. He is a senior EP. He became involved as allocated EP in October 2025 and has had access to all of the child's paperwork. He has worked with a number of pupils in school B. He has carried out written research into adolescent peer relationships in secondary school settings. We have placed particular weight in the circumstances on his evidence in relation to both the child's academic ability and his ability to relate to his peers. His evidence was that the pupils likely to be in the child's class in school B all have ASD. They are likely to be chatty on their own terms, talking about their own special interests, so the child will have no peer group. Almost all the pupils in school A have ASD. Many have ADHD or both, but his evidence is that the child is working at similar communication skills and learning needs to pupils in school A.
67. In contrast the appellant had worked in school B. She had not been involved in the education of pupils in school B. She had limited knowledge and understanding about the provision of education at school B in comparison to the respondent's witnesses. While we were satisfied that the appellant knows her own child and clearly wants the best education for their child, we preferred the evidence of the respondent's witnesses about the education provision at school B and the suitability of the school for the child.

The law

68. There is no dispute that the respondent is responsible for the child's education.

69. Both parties referred us to the case of *M v Aberdeenshire Council* 2008 (Sh Ct) 126, which reminds us that the proper time for assessing whether the conditions contained in the grounds of refusal are met or not is at the time of the hearing. We also accept from this authority, that consideration should be given to the assessment of the child's needs which happen closest to the hearing. We have evidence of such assessment in the evidence available to us.
70. We accept the submission of the appellant that it is appropriate for us to consider the child's additional support needs in their entirety, following the case of *City of Edinburgh v MDN* [2011] CSIH13. In refusing this appeal the court found no error in law in the tribunal's approach to determining that 'these needs required to be stated in a more general, all-encompassing and indeed "holistic" way' [para 32].
71. Parties accepted that the onus of establishing the ground of refusal lies with the respondent (*M v Aberdeenshire Council*).
72. Parties are agreed that the child has additional support needs in terms of Section 1 of the 2004 Act. We agree that this is the case.
73. The respondent's refusal of the placing request is based solely on schedule 2 paragraph 3 (1)(b) of the 2004 Act. If we find that the ground of refusal exists, we must then go on to consider whether in all the circumstances it is appropriate to confirm the respondent's decision (section 19 (4)(a)(ii) of the 2004 Act).

The ground of refusal

74. The parties were agreed on the legislative framework.

Paragraph 3 (1)(b) of the 2004 Act- If the education normally provided at the specified school is not suited to the age, ability, or aptitude of the child.

75. The term 'age aptitude or ability' is to be construed disjunctively, so that lack of suitability on any of the three variables will suffice: *Coates v Lothian Regional Council* 1999 Fam LR 8. We may not consider any other factors.
76. It is agreed that the child is suited to school B on the basis of age alone. It is the respondent's position that school B is not suited to the child's ability or aptitude. Giving the words 'ability' and 'aptitude' their ordinary and natural meanings (which we must do where a different interpretation is not indicated) the term 'ability' refers to current capability, while 'aptitude' refers to potential (natural) capability; The use of the term 'not suited' requires a focus that is on an overall lack of suitability (against the two relevant variables).
77. As set out in *Midlothian Council V PD* [2019] UT 52 we ought not to enter into an assessment of the comparative suitability of school B and school A, but a sole consideration of the suitability of school B, having regard to the education that is normally provided there.
78. We were directed to the case of *JH and Scottish Borders Council* 2024 YT 50 in which Lord Young states (paragraph 21);

‘...the assessment of a placing request should not be reduced to a simple comparison of the child’s profile with a profile of existing pupils at the school in question. There is a risk that an individual child whose profile differs to some extent from the current cohort may be excluded even though the school has the expertise to provide suitable education for that child and the child would benefit from being placed at that school.’

79. It was submitted by the appellant that we had no evidence on which to base the child’s current level of aptitude or ability and that the respondent has not been in a position to accurately assess the education level the child is currently working towards. It was submitted that there is no evidence that the child would not be able to achieve his academic potential at the school B. We do not accept that position. We accept the evidence of witness C that the child would have been referred to educational psychology in the event that he had been significantly underachieving in primary school. Witness C’s oral evidence was that if the child had only been working at milestones or first level of the curriculum for excellence in primary school, educational psychology would have been involved. We accept the evidence of Witness C that the child was, at the point of leaving primary school, working at around level 2. Even if he has made no academic progress at high school that remains the position. It is also noted that the appellant herself accepted that the child likely left primary school working at this level in her oral evidence.

80. We are in no doubt that school B is not suited to the ability and aptitude of the child. In reaching this conclusion, we rely on the following factors:

- a. The pupils currently at school B do not face similar challenges to the child. The profile of needs is different. The current profile of pupils at school B is one of low academic ability along with complex additional support needs. The child presents as a child who would be academically able if supported to manage his emotional regulation effectively. We are satisfied that on the evidence, one of the three second year classes comprised of a pupil cohort who are entirely non-verbal. Of the other two S2 classes one class has a class where all the pupils have a diagnosis of autism, and one pupil becomes vocally dysregulated for extended periods. The child does not have a diagnosis of autism, although he does have diagnoses of ADHD and dyslexia. The remaining class in S2 is working at milestones/early level with elements of first level of the curriculum for excellence and has two pupils who require assistance with personal care. It was clear from the evidence of witnesses A and C that children of comparable age to the child at school B have significant and increasingly complex needs. Witness A said in her oral evidence that over the last decade almost all of the pupils at school B are neurodiverse.
- b. The child is working at a higher level than these children. The pupils at school B are functioning below the level that would generally be expected of their age. The learning level of the pupils at school B is below that at which the child is currently learning at. The pupils who would be the child’s peers are working at a less advanced level, with some at the level that would be expected of a child of 36 months. This means that the child will not have the opportunity to learn alongside peers at the same (or higher) level. The pupils at school B mostly find numeracy

especially challenging. This is in contrast to the child, whose area of strength is numeracy. As a specialist tribunal, we understand the importance of children learning within a community of learners at a similar level to theirs. Without learners at a similar level, this could lead to isolation for the child. It is accepted that the child is behind his peers academically due to his gaps in learning. However, the evidence of witness B demonstrates that the child can work with proper support in place. The child has asked for work to be of medium difficulty, so he is challenged but able to complete work. His academic abilities are not aligned with school B. He does not require the same type of input and resources in order to engage with learning as would be provided for in school B. It would not be in his best interests to place him in an environment that will not challenge his academic potential.

- c. The child would not have an appropriate or suitable peer group. We accepted the evidence of witness C that these peers would not provide the friendships that the child is looking for. There was nothing in the child's profile which indicates that the child was akin to the children who attend school B. The concern is that the child would end up socially isolated. The child would be likely impacted in terms of his social relationships, friendships, wellbeing and sense of self if he were to attend school B. A peer group is very important to the child's overall regulation and ultimately his engagement with learning, friendships, and feeling comfortable with those he is around. This is fundamental to the child's success. The relative complexity of learning needs at school B does not align with the child's social behavioural and emotional needs and therefore they would not be best met by school B.
- d. The complexity of other children's needs at school B mean that it is a very noisy and often dysregulated environment, which is something the child finds difficult to tolerate. The regularity and intensity of the distressed reaction of some pupils at school B leads us to conclude that the child is likely to find the learning environment there challenging.

81. Having considered all the relevant evidence, we are satisfied that while the child has additional support needs, they are significantly less complex than pupils of similar age at school B, and the child's ability and aptitude exceeds that of pupils of a similar age in school B.

82. In considering the factors above, while we are concentrating mainly on the position that exists at the date of the hearing, we have also considered (as far as is possible) the likely future progress of the child were he to attend school B. This is appropriate since, as noted above, aptitude involves potential capability. The evidence of the learning level, communication abilities, socialisation opportunities and distress reaction intensity factors applies to the learning environment in school B across the school.

83. Considering all of these factors we are of the view that school B is not suited to the aptitude or ability of the child. This ground of refusal is upheld.

84. *Appropriateness*

Appropriateness in all the circumstances (s.19(4A)(a)(ii) of the 2004 Act)

Section 19(4A) 2004 Act provides that:

“Where the reference relates to a decision referred to in subsection (3)(da) of that section the First-tier Tribunal may —

(a) confirm the decision if satisfied that —

(i) one or more grounds of refusal specified in paragraph 3(1) or (3) of schedule 2 exists or exist, and

(ii) in all the circumstances it is appropriate to do so, ...”

It is a two-part test, and we need to be satisfied in relation to both parts before we can confirm the respondent’s decision to refuse the placing request.

85. As we conclude that the ground of refusal is met, we must consider whether it is appropriate, in all of the circumstances, to confirm the placing request refusal decision.

86. Those circumstances include the ones that led to our conclusion that the ground of refusal exists.

87. If we were to decide to overturn the decision to refuse the placing request, and place the child in school B, that would mean moving the child from the roll of school A to which the child is currently in the process of transitioning, and where he has a trusted adult engaged in this process. He is enjoying being at Agency A and the evidence is that the youth worker there will link in with the staff at school A. The evidence is that this process is going well. If we moved the child to school B, the child would lose the important adult support he has gained from this worker and move him to a school where the normal educational provision is not suited to the child’s ability or aptitude. The appellant told us that on a morning in March 2026, that the child was up, showered and keen to go to Agency A for 7am, showing motivation to attend there. Given that the child often turns night into day, and is too tired for school, this motivation to attend Agency A is a positive step.

88. School B is not suited both in terms of staffing and physical space to deal with physical outbursts that the child can experience.

89. Looking at all of the circumstances, we are in no doubt that it is appropriate to confirm the decision to refuse the placing request, allowing the child to continue his education at school A.

Paragraphs 11, 18, 21, 59 and 67 in this decision have been edited by the Chamber President for reasons of privacy under rule 55(3)(b) of the First-Tier Tribunal for Scotland Health and Education Chamber Rules of Procedure 2018.