



## Aithisg Bhliadhnail nan Tribiùnanan Feuman Taice a Bharrachd airson Alba

Specialist Witness Competence Looked after  
Social work Field Children  
Schools Members Expertise Legal  
Scotland Health Ability Needs  
Ability Trained **Child** Qualified  
**Expert** **Tribunal** Skill  
ASNTs Experienced Young person  
Additional **Support**  
Disability **Speech and language**  
Learning **Communication**  
**Education** Expert opinion  
EXPERT SKILL Listening

## This report covers the period

**1 April 2016 to 31 March 2017**





**To Mr John Swinney, Deputy First Minister and Cabinet Secretary  
for Education and Skills,**

I have pleasure in submitting this twelfth Annual Report of the Additional  
Support Needs Tribunals for Scotland to the Scottish Ministers.

**Mrs May Dunsmuir  
President**

**Mrs May Dunsmuir  
President of the Additional Support Needs Tribunals for Scotland  
1 Atlantic Quay  
45 Robertson Street  
Glasgow  
G2 8JB**



# Why is education important?



This question has formed the main theme of the reporting year as we remind ourselves of our expert function of the Tribunal and the importance of keeping the child at the centre of our proceedings.

**Access to quality education** provides a fundamental underpinning of a child's development – and it follows that any barriers which compromise a child's potential to benefit from education should be removed. Some of the factors which can give rise to additional support needs include the child's health and (dis)abilities, social and emotional difficulties and instability at home. I remain concerned, as before, that there are under-represented groups in our jurisdiction and these include “looked after” or care experienced children, children with mental health problems and children without a diagnosis. We have benefitted this year from hearing the voice of care experienced children through our work with *Who Cares? Scotland* and in turn, I have highlighted the work of the Tribunal with them. Going forward, I will look at two other areas: the impact on children's education from bullying; and from exposure to domestic abuse.

“Education is important.  
You learn new things – it's  
where you learn the skills  
of life.”

Children in Scotland:  
*We can learn together!* (2014)

**It is important that the Tribunal is accessible to children and young people** – and this includes our physical environment. In 2018 we will be housed in a new Integrated Justice Centre in Glasgow, with access to designated hearing rooms tailored to the needs of children. We may also have access to purpose built rooms, separate from the hearing room and the tribunal panel, where children can express their views and give their evidence, which will borrow from the child focused features of the Nordic *Barnahus* Model.

“Every child has the right to become a successful learner, confident individual, effective contributor and responsible citizen - wherever their learning is taking place. Some will face barriers to learning and will need additional support to enable them to make the most of their educational opportunities and to realise their potential.”

The Doran Review

It is not always the case that a child will want to attend a tribunal hearing, or that it would be appropriate for them to attend; however their right to choose will be preserved in our

“Restricted access to education is one of the surest ways of transmitting poverty from generation to generation. .... Every girl and every boy should have the right to a quality education so that they can have more chances in life, including employment opportunities, better health and also to participate in the political process.....

“A special focus has to be given to the most vulnerable and marginalized groups.”

**Global Partnership for Education**

proceedings. Before a child can make that choice, it is important that they *understand* their options and we are working hard to improve the range of information we share with children – in readiness for the extension of rights to children aged 12 to 15 years, by virtue of provisions in the *Education (Scotland) Act 2016*, which come into force on 12 January 2018.

**Mediation continues to play an important role** in the resolution of disputes – even *after* an application has been made the Tribunal. It is not uncommon for mediation to continue in the background throughout the tribunal process, and a number of cases are able to settle as a result. There are reflections in this report from those who have benefitted from engaging in mediation.

**Early resolution** is what matters. Getting it right for every child includes focusing on the best way to achieve the right outcome for the particular child at the particular time – without undue delay. The Tribunal has its part to play in this and I will continue to endeavour, with our membership, to identify ways to improve the efficient and effective delivery of justice.

**The Tribunal has a committed and expert membership.** I am enormously grateful to them for their service, particularly as we approach a period of significant change and transition in preparation for our transfer into the Health and Education Chamber of the First-tier Tribunal for Scotland in January 2018. We are reassured by the commitment of the Scottish Ministers that our specialist function will not be at all eroded after transfer, and I am confident that we will continue to deliver an exceptional judicial service before and after the transfer.

**I am grateful to the staff who support the Tribunal** who continue to work tirelessly to ensure we provide the best service we can and to the wider group of staff of the Scottish Courts and Tribunals Service and the Scottish Government who support me in delivery.

Did

You

Know...



In 2015 there were **679,840** pupils in Scotland's local authority primary, secondary and special schools and grant-aided schools, of which **153,190** were identified as having an additional support need, around **22.5%** of all pupils. This represents a **1.7%** increase on last year's figure.

**Report of the Scottish Government (2016), on the Supporting Children's Learning: Implementation of the Education (Additional Support for Learning) (Scotland) Act 2004**

There are 1.2 million people aged under 21 in Scotland and 15,404 people in care (1.2%)

**Scottish Government  
2016**



In 2014/15, pupils with a mental health problem achieved [school] attendance levels of 90.5%.

This compares with 91.8% attendance for all pupils with additional support needs and 94.2% attendance for pupils who did not have additional support needs.

Pupils with additional support needs arising from a mental health problem are statistically more likely to be excluded than pupils without additional support needs.

**Report of the Scottish Government (2016) on the Supporting Children's Learning: Implementation of the Education (Additional Support for Learning) (Scotland) Act 2004**



# Tribunal Activity

~~2016/2017~~

## Placing Requests

During this reporting year **53 placing request references** were made, an increase of 8 compared to the previous reporting year (45). 17 education authorities were the subject of these references.

- ☀ **7** references were considered at an oral hearing before a tribunal.

Of these:

- 3 references confirmed the decision of the education authority to refuse the placing request.
- 2 references overturned the decision of the education authority.
- 1 reference was withdrawn during the oral hearing following a change of mind by the appellant.
- 1 reference was dismissed under rule 18 (power to dismiss) of *The Additional Support Needs (Practice and Procedure) Rules 2006* for want of prosecution, following the oral hearing.

- ☀ **4** references were dismissed for want of prosecution under rule 18.

- ☀ **30** references were withdrawn during the case statement period or prior to an oral hearing, following parties reaching agreement.

- ☀ **9** references were withdrawn following a change of mind by the appellant.

- ☀ **3** references received during this reporting period have yet to be concluded.

- ✓ **17** were for independent special schools
- ✓ **36** were for education authority special schools or bases/units within mainstream schools
- ✓ **29** involved children or young people with a diagnosis of autism
- ✓ **1** involved a looked after child or young person

## Transitions

- ☀ No references were made in the reporting year in relation to **transitions**.



## Co-ordinated Support Plans (CSP)

During this reporting year 11 CSP references were made, a reduction of 6 compared to the previous year (17). 9 education authorities were the subject of these references.

- ☀ 4 references related to the contents of the CSP.
- ☀ 2 references related to the implementation of the CSP.
- ☀ 1 reference related to a decision that a CSP was not required.
- ☀ 3 references related to a deemed refusal of a CSP.
- ☀ 1 reference related to timescale in issuing the CSP.

Of these:

- 1 reference was decided at an oral hearing, where the decision of the education authority was overturned.
- 8 references were withdrawn.
- 1 reference was dismissed under rule 18.
- 1 reference remains outstanding.

✓ 4 involved children or young people with a diagnosis of autism

✓ 1 involved a looked after child or young person

## Disability Discrimination Claims

During this reporting year 9 claims were made, representing an increase of 3 compared to the previous year (6). In 8 claims the responsible body was named as the local authority, and in 1 claim an independent school was named as the responsible body.

☀ 6 claims were made on the matter of another issue to do with education.

☀ 3 claims were made on exclusion.

- 3 claims were considered at an oral hearing, 2 ruled that disability discrimination had occurred.
- 4 claims were withdrawn following agreement between parties.
- 2 claims remain outstanding.

✓ 3 involved children or young people with a diagnosis of autism

✓ None were known to have involved a looked after child or young person

✓ One appeal was made to the Court of Session and remains outstanding



## Previously Outstanding References and Claims

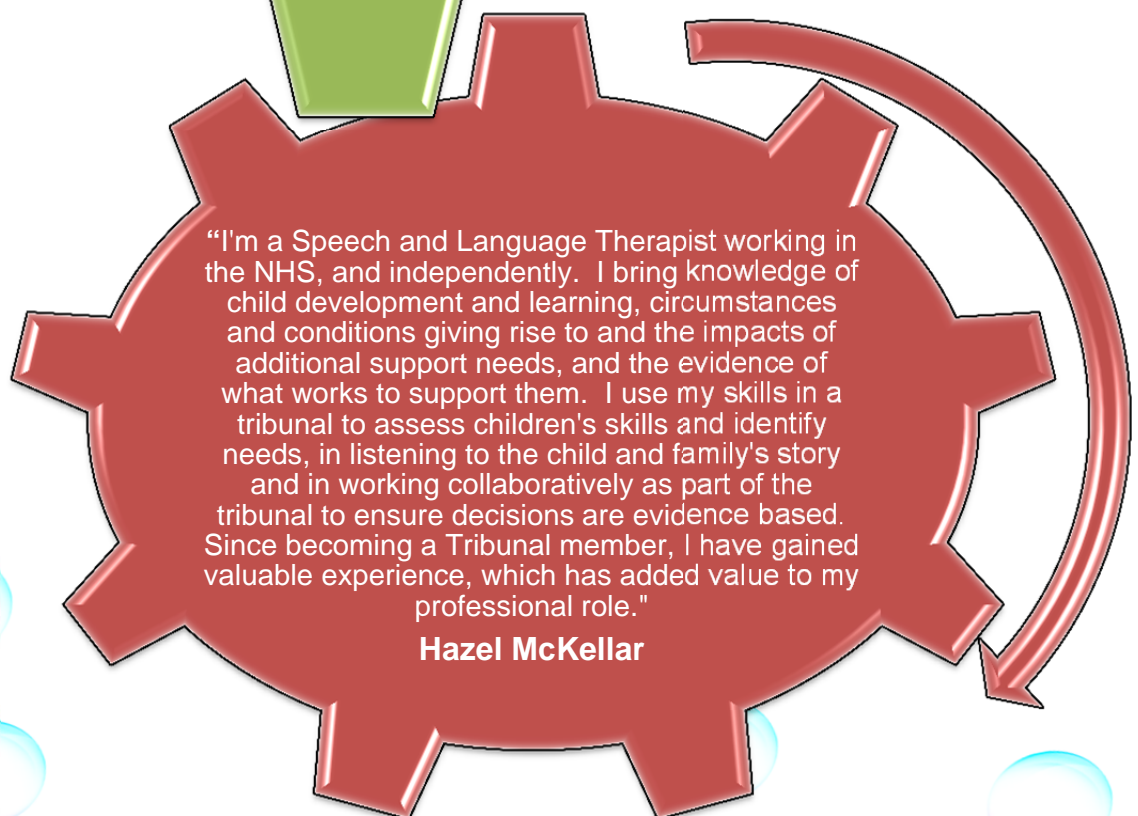
During the 2015/2016 reporting year, **3 references** and **2 claims** were outstanding at the time the annual report for 2015/2016 was published. The outcomes of these are reported below:

- ☀ 1 **placing request reference** was considered at an oral hearing, which confirmed the decision of the education authority to refuse the placing request.
- ☀ 1 **reference related to the contents of the CSP** and was decided by a convener without an oral hearing, overturning the education authority decision.
- ☀ 1 **reference related to the implementation of the CSP** and was later withdrawn.
- ☀ 1 **claim was made on exclusion and another issue** and was withdrawn following agreement between parties.
- ☀ 1 **claim was made on matters of another issue** and was dismissed on preliminary matters.



"I have disabilities, which caused me significant problems while I was at school. I have family members with different types of disabilities. I am the chair and director of a national disability charity and do voluntary work with young people who have disabilities. Since becoming a member of the Tribunal, I have completed my training as a solicitor and I have been involved in additional support needs cases, representing both education authorities and children/parents. This combination of experience allows me to understand both parties' perspectives more fully."

**Hope Craig**



"I'm a Speech and Language Therapist working in the NHS, and independently. I bring knowledge of child development and learning, circumstances and conditions giving rise to and the impacts of additional support needs, and the evidence of what works to support them. I use my skills in a tribunal to assess children's skills and identify needs, in listening to the child and family's story and in working collaboratively as part of the tribunal to ensure decisions are evidence based. Since becoming a Tribunal member, I have gained valuable experience, which has added value to my professional role."

**Hazel McKellar**

# Our members







## Who we are

"I am a consultant psychiatrist. I have trained and worked in Scotland for over eleven years and before that, in London. I have a breadth of experience of working in various sub-specialties within psychiatry. I am also Chair of the forensic faculty, The Royal College of Psychiatrists in Scotland; an External Advisor for consultant appointments in NHS Scotland; a member of the Law Society of Scotland Mental Health and Disability Committee; a medical member for the Mental Health Tribunal Service for Scotland and a Designated Medical Practitioner for the Mental Welfare Commission for Scotland. I bring all of my experience and expertise to bear when I sit on the tribunal."

**Pradeep Pasupuleti**



"I have extensive experience of working with children and their families both as a social work practitioner and a manager. I also worked as an independent social work consultant and was the social work representative on the implementation group for the new Additional Support Needs legislation in Scotland, contributing to the development of the initial Code of Practice. With personal experience of a family member with additional support needs, I am well aware of the challenges in ensuring the necessary supports and services are made available."

**Jimmy Hawthorn**

## Our expertise



"I have worked with children with severe learning difficulties, including many children with complex medical needs and life limiting conditions requiring palliative care. I have expertise working with teachers, health professionals, social workers and third sector organisations to ensure that children experience a stimulating and challenging curriculum and achieve to their fullest potential."

**Maureen Howie**





## Rights and responsibilities and the role of mediation

A significant number of laws, policies and initiatives have been introduced to the Scottish education system in recent years, which have increased the rights and responsibilities of parents, carers, and children and young people in relation to additional support needs. The duties and responsibilities on schools to meet children and young people's additional support needs have also increased. The majority of parents are satisfied with their children's support; however a significant minority remain dissatisfied, actively seek out methods of resolution and access their rights of redress.

Additional Support Needs mediation must be child-focused, with an understanding that a child's educational needs, and support for these needs, are at the heart of

the dispute. It has been, and is, consistent practice to seek the views of the child (where s/he wishes to share them) and to ensure that these views are included in the discussion by a variety of methods, e.g. the child participating for part or all of the meeting, sharing their views on paper, or an audio/video recording. This is always done in an appropriate and relevant way to meet the individual child's rights and needs.

We must also accept and respect a child's right to say 'no' they do not want to be involved a dispute between their parent/carers and school. We have to be very careful we are 'getting it right for every child' when we are deciding if, when, and how to involve children in any route of resolution the adults have taken.

Within all of these conflicts, children and young people have a right to have their views considered, and to be involved in decision-making about their education.

When it comes to disputes over education provision for children with additional support needs, very few children are involved in the dispute resolution procedures. Before addressing this, there are some difficult questions to answer. Are efforts to enhance children and young people's involvement merely tokenistic? What would it take to make their involvement more meaningful? Is it always appropriate for children to witness adults disagreeing over their provision, in situations that can become emotive? And, importantly, do children themselves always want to be involved?

Sometimes the child might feel they have to agree with either their teacher or their parent. We have to be very mindful that the child will most likely continue attending classes with a teacher who is, or was, in conflict with their parent, and that the parent may be asking their child for daily updates on their experiences with staff.

There are many examples of excellent practice involving children in decisions about their education, and in some cases the child's view or attendance has been central to a positive outcome. We have legislation, good practice and many resources to help us empower our children and young people to be involved and communicate their rights, wants, needs and views, so we need to be creative and honest in our practice and thinking if we want to encourage our children to be effective contributors in decisions in respect of them.

This is not an area where one size fits all. We must continue to communicate with, and listen to, the important people in each individual child's world, and include the child in whichever way is right for that child when their educational provision and future is being planned, debated or challenged.

Everyone has the right to have a voice and be listened to. The mediation process and mediators have responsibility to support, assist and enhance good, positive and effective communication when that right gets stuck.

**Sandra Mitchell** is manager of RESOLVE: ASL,  
Scotland's largest mediation provider, managed by Children in Scotland

## ***"Direct quotes"***

(From a Children in Scotland report following a consultation including groups of S3 pupils in 2015 regarding the extension of rights under the 2004 Act.)

### **Question: Would you want these rights?**

#### **A key message from this report**

The complex language of the Act proved to be a barrier to understanding for many of the young people consulted but it also reinforced their view that, if they were to be given the proposed rights, they would need appropriate and accessible people to help them understand. They also thought that information should be simplified into clear and simple terms, emphasising the importance of producing communications differentiated to meet the wide range of needs.

*"Yes, as you understand  
yourself more than  
anyone else"*

*"Yes, because everyone  
should have rights and  
that should be  
respected"*

*"Yes, because  
your parents  
might not  
understand  
what's right"*

# **The positive power of communication and the focus of independent mediation**

Providing access to independent mediation for children and young people with additional support needs is not a new requirement or duty for local authorities in Scotland. The 2004 Act and Scottish education law clearly outlines a framework which ensures mediation must be provided as an option. There are 4 steps, within the framework, to avoid and resolve disagreements about additional support for learning. At any of these stages mediation can be thought about. Most disagreements about the education of children and young people with additional support needs can be referred to an independent mediation service.

## **Expressing issues, concerns and expectations**

Common Ground and Resolve are the main ASN mediation service providers in Scotland and have been instrumental, over many years, in providing a strong foundation and promoting a collaborative approach to problem solving among parents, children and young people, schools and educational services. This child centred approach to resolving disagreements and effective problem solving does take time and commitment from families, carers and educationalists. Working through the process is not always a linear exercise, however bringing people together to discuss their issues and concerns should ease the path to opening up communication, not set up barriers.

**When it comes to defining mediation, it is crucial to be mindful of the three significant hallmarks:**

### **Confidentiality, Neutrality and Voluntary**

**Mediators take great care in establishing this from the outset and in return this approach cultivates rapport and trust in the mediator and the process.**

Mediation has a well-established track record and can provide the highest standard of service, using their experienced professional mediators who are responsible for facilitating the mediation process. Mediators understand participants don't feel comfortable dealing with disagreements or difficult situations. The mediator's job is to give reassurances, be flexible, non-judgmental, and encourage communication which is fundamentally key to and underpins the entire process. Mediators also pride themselves on fostering effective communication and appreciate that participants have quite different perceptions of disagreements. The prime function of the process is to discuss concerns, clarify any misunderstandings, achieve a perception shift and consider options to help participants move forward whether agreeing to a resolution or otherwise.

## **Acknowledging and understanding different perceptions**

ASN disagreements are invariably driven by perception of educational needs, positions, assumptions, criticism taken personally on both sides, and often lead to defensive reactions and breakdown in communication. Disagreements are exhausting for all those involved and the last thing that any disagreement requires is



someone else becoming involved. A mediator does exactly the opposite; their role is to navigate participants through a process which is designed to bring the human element back to life through the positive power of listening, communicating and conversations.

## Why we should promote effective communication

One feature which is at the heart of the mediation process is helping people find meaningful ways to communicate, both sides working together and to keep on communicating. This can only be achieved by having a neutral third party facilitating a difficult conversation. A critical component to enable communication is in a face-to-face mediation meeting. We know from experience this approach offers a safe environment and it's a practical but powerful mechanism. **It is also important to acknowledge that with disagreements come strong emotions therefore both sides listening is absolutely the key.**

This approach leads to clarity and better understanding and enables healthy conversation which become more interests and needs based. There is no short cut when dealing with disagreements however there are many strengths and benefits of mediation. Every time people are willing to engage in mediation it is an opportunity to build bridges, sharing and embracing a more positive approach to problem solving. The future challenge for mediation and mediators is to ensure that the process becomes second nature, more widely and routinely accepted across the local authorities in Scotland.

*Reflective observations: **Lesley Fairley** (Director),  
Common Ground Mediation*

## QUOTES FROM MEDIATION PARTICIPANTS...

*"Many thanks for your expertise and persistence in getting us to a conclusion"*

**Head of Education Service**

*"Very positive and solution focused discussion. I felt that everyone was able to be honest and look for a positive way forward"*

**Local Authority representative**

*"The mediator gave everyone a chance to speak and give their opinion"*

**Parent**

*"Many thanks the mediator was fantastic, very professional and made me feel comfortable"*

**Grandparent**



## AJ'S STORY



AJ is a care leaver. He lived in kinship care with his gran from the age of three. Children in school bullied him for not living with his parents. He struggled with fitting in and his struggle was made even more difficult by attitudes to LGBT people. AJ went to five different schools and was formally excluded from some of them. Importantly, a head teacher in one primary school really looked out for AJ, which proved to be life changing.

**However**, when he went to high school, the bullying worsened. Fortunately, a music teacher encouraged AJ to join his vocal group, where he was made welcome. He made friends which gave him a sense of stability. When the time came for AJ to leave high school, he felt as though his options were limited. His guidance teacher insisted that college was the best option for AJ, but he was unsure what he wanted to study and felt unsupported in the application process. He felt as though he had little control over his future, and that decisions were being made for him.

**“ I didn't really get to choose anything, it was more like, that's your path, you have to follow it.”**

Shortly before leaving high school and about a month before the exam period, AJ's gran was diagnosed with cancer and AJ found it hard to cope. Teachers and other professionals in his life told him that his 'behaviour was spiralling out of control.' Consequently, AJ had to move into residential care. Despite this, AJ managed to complete his exams and secure a place in college.

**“ ” He always went above what a head teacher would probably normally do, just to make sure that I was settling in okay and to check whether I had any issues. When I went up to high school, he actually wished there was a 'primary eight' so I could stay on at school, because I just changed so much while being there.**

Managing the workload from his course was difficult in a residential unit. The environment meant that he didn't get the time and space he needed to study, and the staff were unable to provide support with the coursework. AJ ended up unwell as he struggled to sleep and eat properly due to stress. He dropped out of the course.

## OUTCOMES

AJ's success finally came when he felt supported and was given the flexibility to deal with life outside of his studies. He was supported by a Learning Development Tutor, who listened to AJ as he explained the difficulties he had experienced with college previously, and helped to implement a support plan. The college allowed AJ's attendance to be flexible, so he could work from home if he was not feeling mentally or physically able to attend. He also received extra financial support in addition to his original bursary as he was living in his own flat and struggling to keep on top of his finances and mental health.

**“ I know a lot of young people, including myself, who have ambitions which they didn't get to explore in life, so if I could go back and have that opportunity, I would. I didn't have parents to fight my corner, so the schools and colleges and unis need to take their corporate parent status more seriously.”**

## AJ'S RECOMMENDATIONS

- ☀ Anti-bullying policies in schools should take account of the particular needs of looked after children and young people.
- ☀ All looked after children and young people should be made aware of their rights to access the Additional Support Needs Tribunals for Scotland (ASNTS) by their corporate parents.
- ☀ All other options should be exhausted before looked after children and young people are excluded from school and the impact this may have on their education, care placement and life choices needs to be considered.
- ☀ Encourage and support teachers and other staff to build trusting relationships with looked after young people as part of their job roles.
- ☀ Promote further and higher education opportunities among looked after young people and ensure they can readily access the right educational, financial, practical and emotional support.



Over this past year I've been working closely with May Dunsmuir and the ASNTS team in preparing for the legislative changes ahead. This has helped me get a wider perspective on the work of the Tribunal, and the care and compassion of our Tribunal members and administration in supporting the vulnerable people who rely on them. I'm proud to be a part of this service and excited at the opportunities the further expansion of the Tribunal offers us in the years ahead.

**Martin McKenna**  
Director, Tribunal Operations

I have enjoyed meeting more members and stakeholders this year through my attendance at members' training and the Tribunal Forum...

...I have also had the opportunity to observe an ASNTS hearing which has enabled to see first-hand how the work of the administration and Tribunal membership is so crucial to those who use our service....

...I am excited to be working with the President and the ASNTS team to support the implementation of the Health and Education Chamber and additional legislative changes in the coming year.

**Hazel McKay**  
Secretary

I joined the ASNTS in March on a part-time basis. I have completed my training and I am enjoying the varied work in my new role. I attended the all members' training day which provided me with an opportunity to gain a wider insight into the jurisdiction and to meet with the conveners and members. I look forward to enhancing my knowledge further and to the transfer into the Health and Education Chamber and the opportunities that this will bring.

**Julie Burton, Case Officer**

Our  
staff



This year in ASNTS I have been consolidating my training as a case officer and attending hearings as a clerk. A new case officer has started with ASNTS part-time and I have been involved in training her. I have also attended members' training, convener evening training and the Tribunal Forum. This was very useful as I got to meet the people I speak to on a daily basis.

**Megan Wilkinson, Case Officer**

The past year was an extremely busy period for the casework team, together with meeting new members and conveners appointed to the Tribunal. We also had a move of premises to Atlantic Quay...

...I was glad to welcome Julie to the team on a part-time basis, which has helped ease the pressure on both myself and Megan...

In my role as Operational Support team leader, I am relishing the opportunity to assist the President and staff with the implementation of the Health and Education Chamber, using my experience within the housing jurisdictions. I have also been involved in work on the online presence of the Tribunal, using my technical knowledge to create a pulse survey on the ASNTS website to gather feedback from users on the current content with a view to making improvements to the site to cater for new legislation and for the commencement of the Chamber.

**Iain Maclean**

...Looking forward, with the implementation of the Health and Education Chamber in January, I am sure that new challenges and opportunities will arise for the team.

**Hugh Delaney, Senior Case Officer**

The Chamber implementation work has been an excellent learning opportunity and I have developed my skills and experience in numerous different ways. Working alongside the President has taught me how to anticipate and read the moment. Her commitment and passion for this jurisdiction has truly inspired me to be the best I can be!

**Lynsey Brown, PA to the President**



## “Capacity and Wellbeing” Education (Scotland) Act 2016

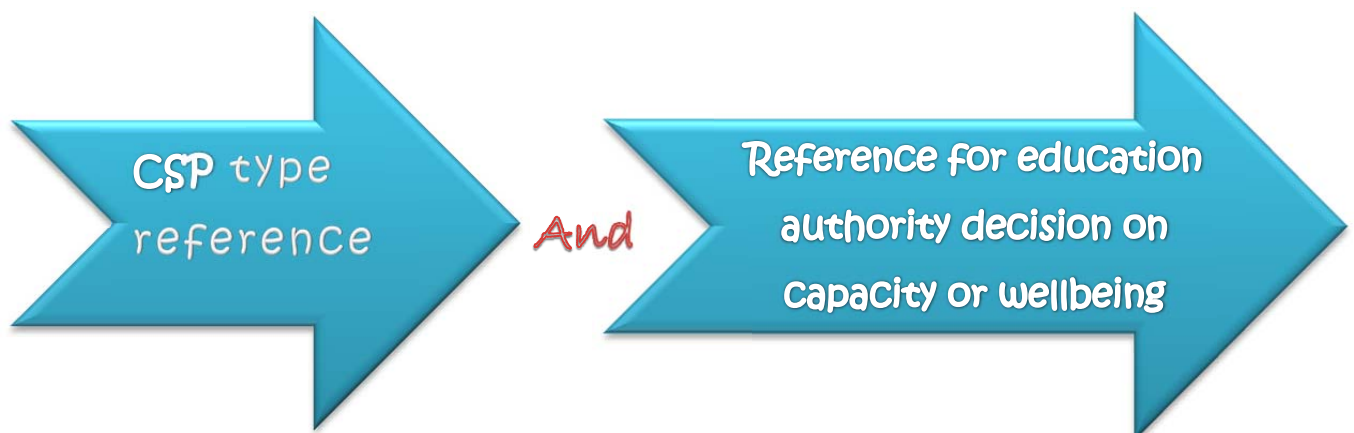
The 2016 Act received Royal Assent on 8 March 2017 and will come into force on 12 January 2018.

### This means:

- ✓ Children aged between 12 and 15 years will have access to a range of rights under the **Education (Additional Support for Learning) (Scotland) Act 2004**, provided they have capacity to exercise the particular right and provided it would not adversely impact on their wellbeing to do so.
- ✓ This includes making a CSP reference to the Tribunal.
  - \* **But not a placing request reference.**
- ✓ The Tribunal will have to assess the child's capacity and wellbeing before deciding whether the reference can proceed.
- ✓ If the child wants to exercise a right in relation to their education, the education authority responsible for the child will have to assess the child's capacity and wellbeing before deciding whether the child can exercise the particular right.
- ✓ The child or their parent can make a reference to the Tribunal against the decision of the education authority in relation to capacity or wellbeing.

### This means:

- ✓ There are two new types of references which a child can make to the tribunal.
- ✓ The tribunal (in a CSP type reference) or a legal member (appeal against decision of education authority on capacity or wellbeing) will have to assess the child's capacity and wellbeing before the reference can proceed.



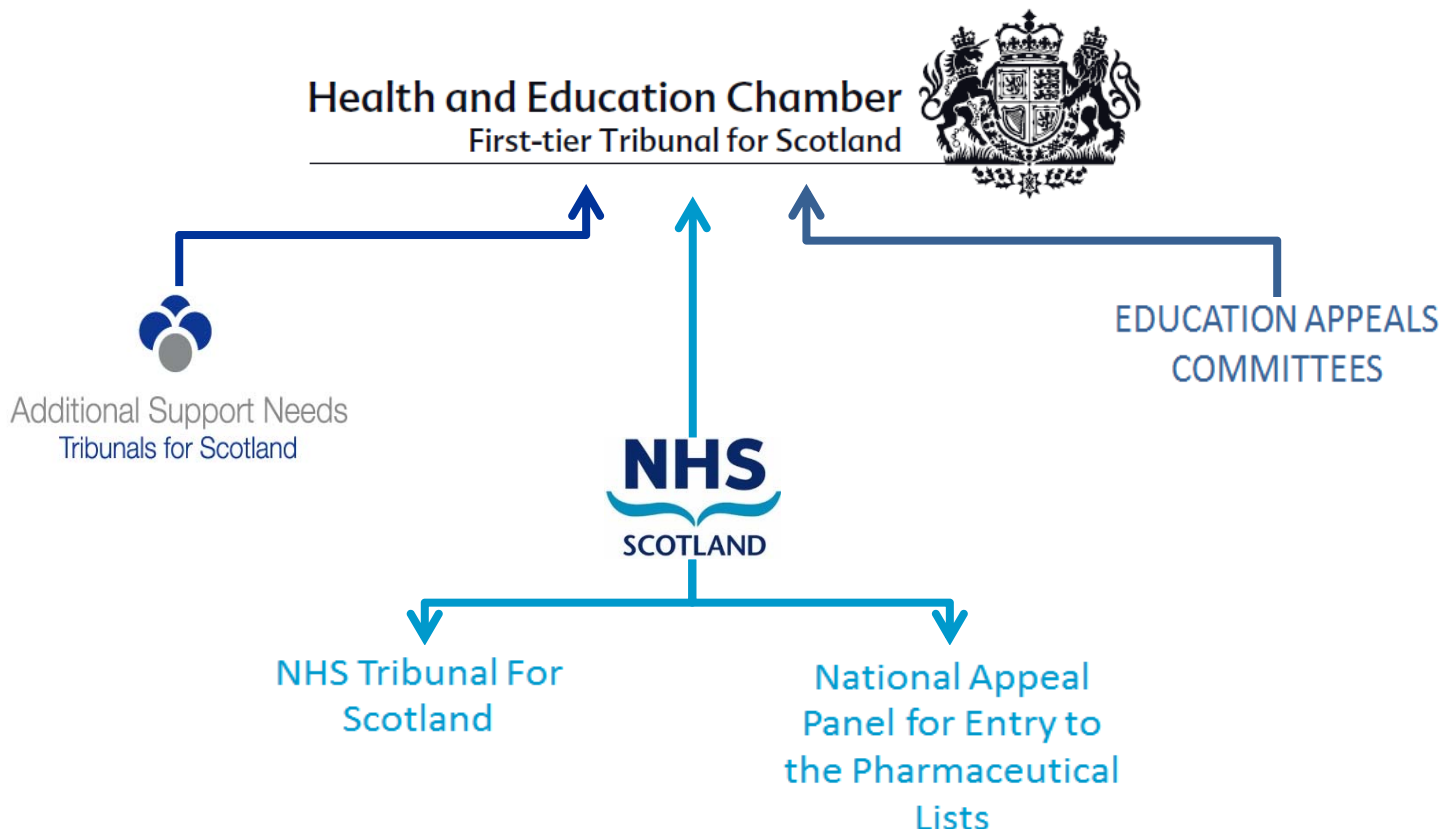
## Health and Education Chamber

The ASNTS will transfer into the Health and Education Chamber of the First-tier Tribunal for Scotland on 12 January 2018, under the provisions of the **Tribunals (Scotland) Act 2014**.

### This will:

- ✓ Create two new tribunals - the First-tier Tribunal for Scotland and the Upper Tribunal for Scotland.
- ✓ Make the most senior judge in Scotland, the Lord President of the Court of Session, the Head of the Scottish Tribunals and create the post of the President of the Scottish Tribunals, which is currently held by Lady Anne Smith.
- ✓ Bring Tribunal appointments under the remit of the Judicial Appointments Board for Scotland.
- ✓ Transfer the administrative support of Tribunals to the Scottish Courts and Tribunals Service.

Other jurisdictions will transfer into the Health and Education Chamber, which means it will look like this once the transfers are completed:



#### Public Services Reform (Scotland) Act 2010

To promote openness and transparency across the public sector in Scotland, section 31(1) and (2) of the Public Services Reform (Scotland) Act 2010 imposes new duties on public bodies to publish, as soon as practicable after the end of the financial year, a statement of any expenditure incurred on certain matters including:

- public relations and external consultancy;
- overseas travel;
- hospitality and entertainment;
- payments with a value in excess of £25,000 and the number of members and staff who received remuneration in excess of £150,000.

**The Tribunal has made no payments in the above categories for the period from 1 April 2016 to 31 March 2017.**

## Appendix 1

### EXPENDITURE/ FINANCE

The financial year for the Tribunal runs from 1 April until 31 March. The Tribunal is a demand led service which responds to the number of references/claims received. The budget for the financial year to 31 March 2017 was £258,000 and the actual spend for that period was £257,000. Expenditure is detailed below.

Expenditure Item	Actual 2015/2016 (£000's)	Actual 2016/2017 (£000's)
Tribunal members' fees and expenses (including President fees, expenses and member training costs)*	153	121
Tribunal Secretariat hearing costs**	10	12
Tribunal Secretariat staff salaries	71	107
Tribunal Secretariat staff expenses	1	1
Tribunal Secretariat office costs***	13	15
Total	248	257

\* This expenditure includes fees and expenses for the President and Tribunal members, as well as member training costs. This cost has risen due to the recruitment and induction of new members and conveners.

\*\* This expenditure includes costs for venue hire, appellants' expenses and fees for expert reports.

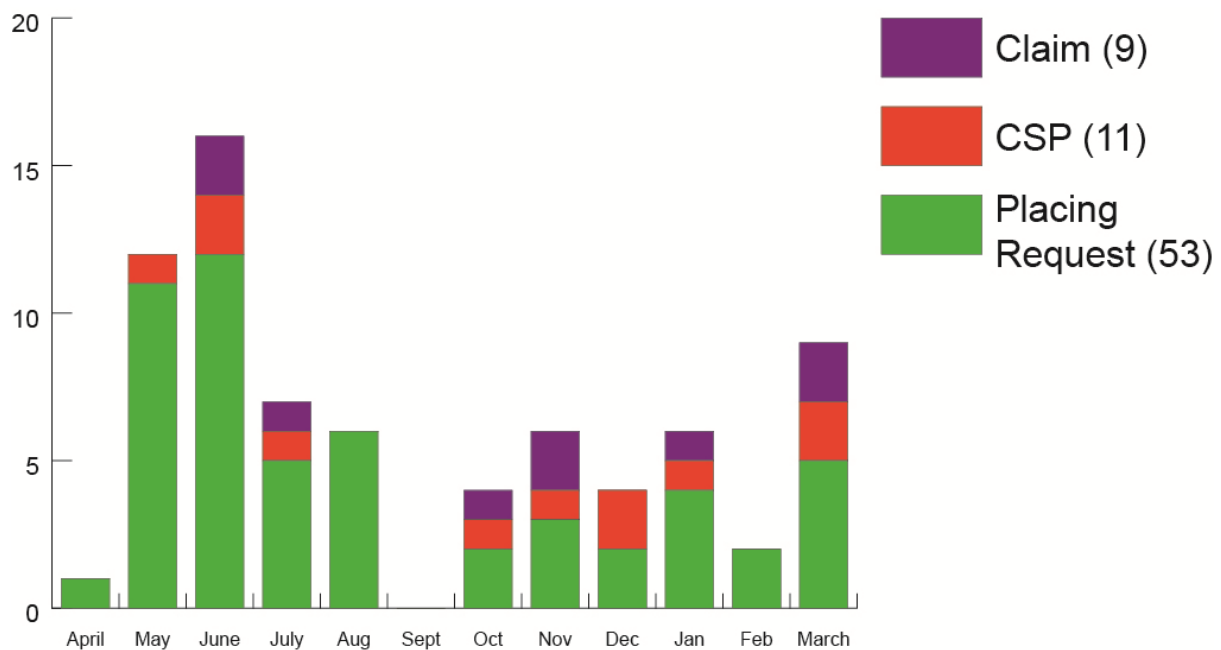
\*\*\* This expenditure includes costs relating to general purchases such as postage, stationery and publications. Following the creation of SCTS on 1 April 2015, a number of office costs were allocated to central departments and no longer incurred by Tribunals. For comparison purposes with 14/15 figures, these costs were included in the 15/16 annual report however these costs have now been excluded from the figures above for both 15/16 and 16/17.



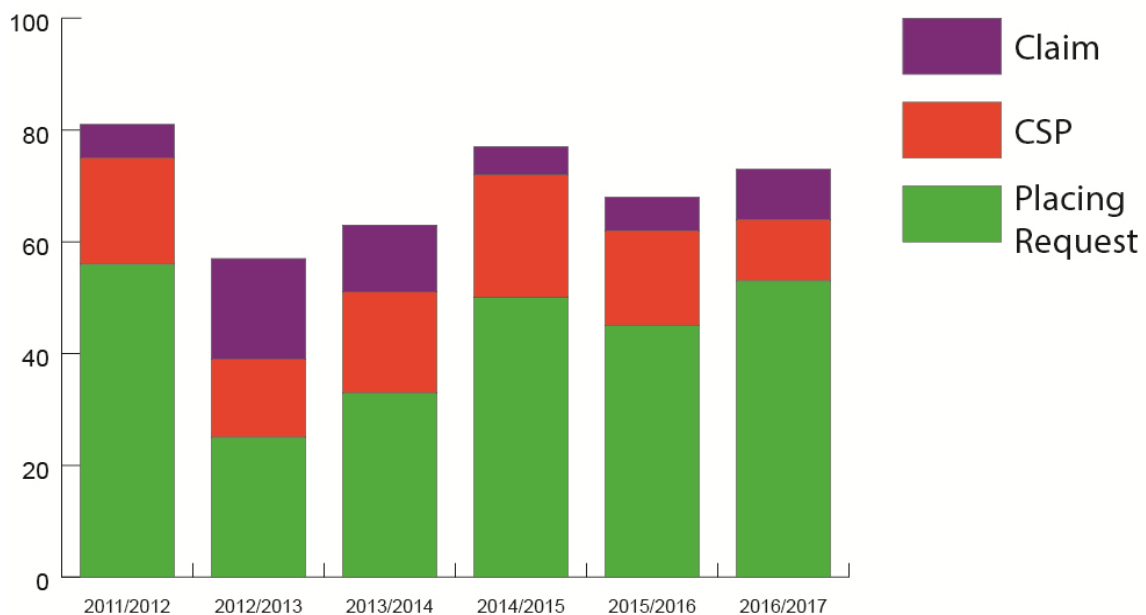
## Appendix 2

### TRIBUNAL PATTERNS AND STATISTICS in the reporting year 1 April 2016 to 31 March 2017

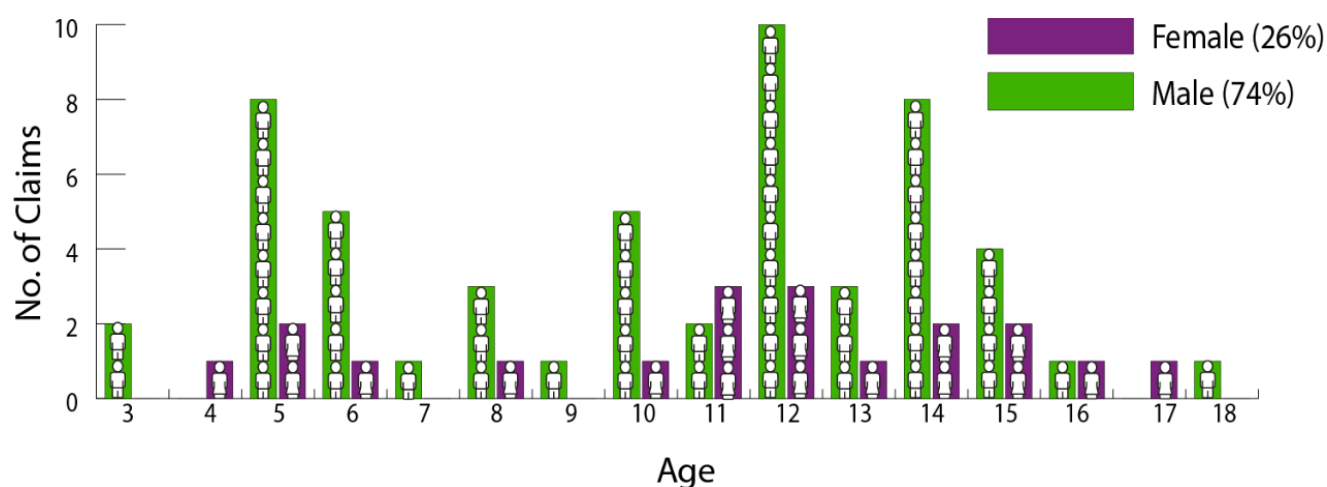
#### References and claims received per month



#### References and claims received per year



## References and claims received by age/gender



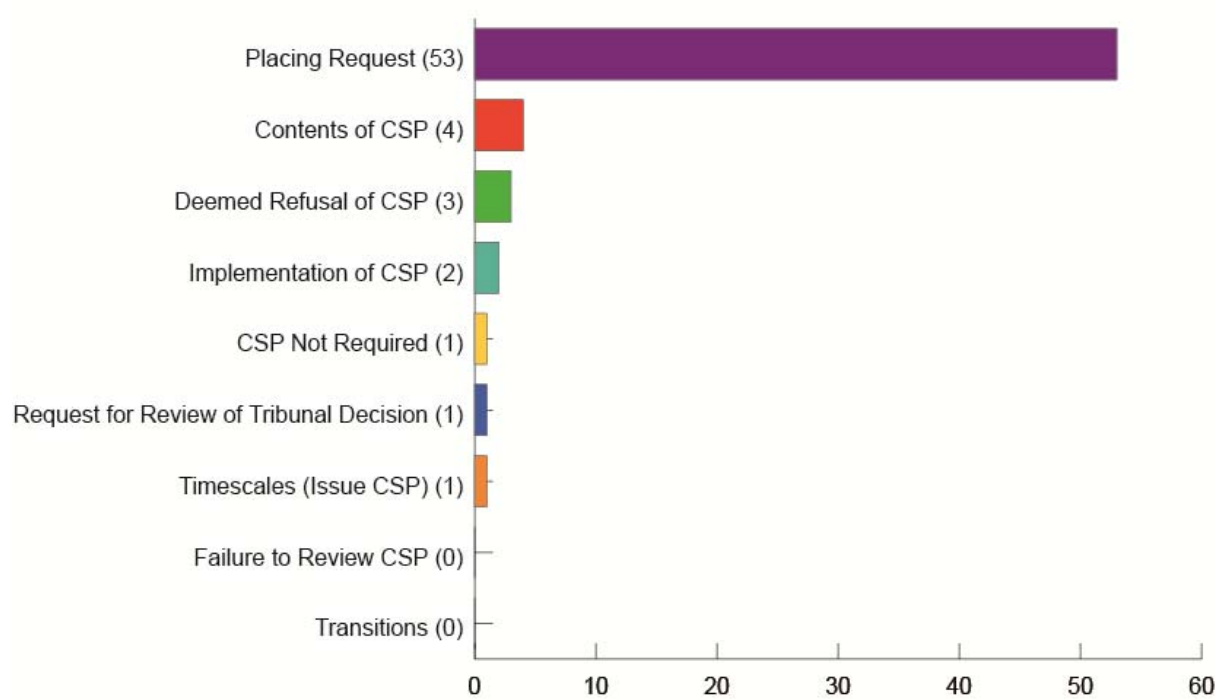
## Nature of additional support needs for references and claims

Nature of Additional Support Needs	2016/2017*	2015/2016	2014/2015	2013/2014
Autistic spectrum disorder	36	40	49	30
Other specific learning difficulty	11	7	6	4
Dyslexia	6	2	0	0
Not enough information supplied	5	0	0	0
Other moderate learning difficulty	4	0	0	0
Visual impairment	3	2	3	0
Learning disability	2	0	0	0
Physical health problem	2	0	0	0
Hearing impairment	1	0	0	0
Language or speech disorder	1	3	6	3
Physical or motor impairment	1	4	7	6
Social, emotional and behavioural difficulty	1	3	1	3
Looked after/care experienced	2**	1	0	0

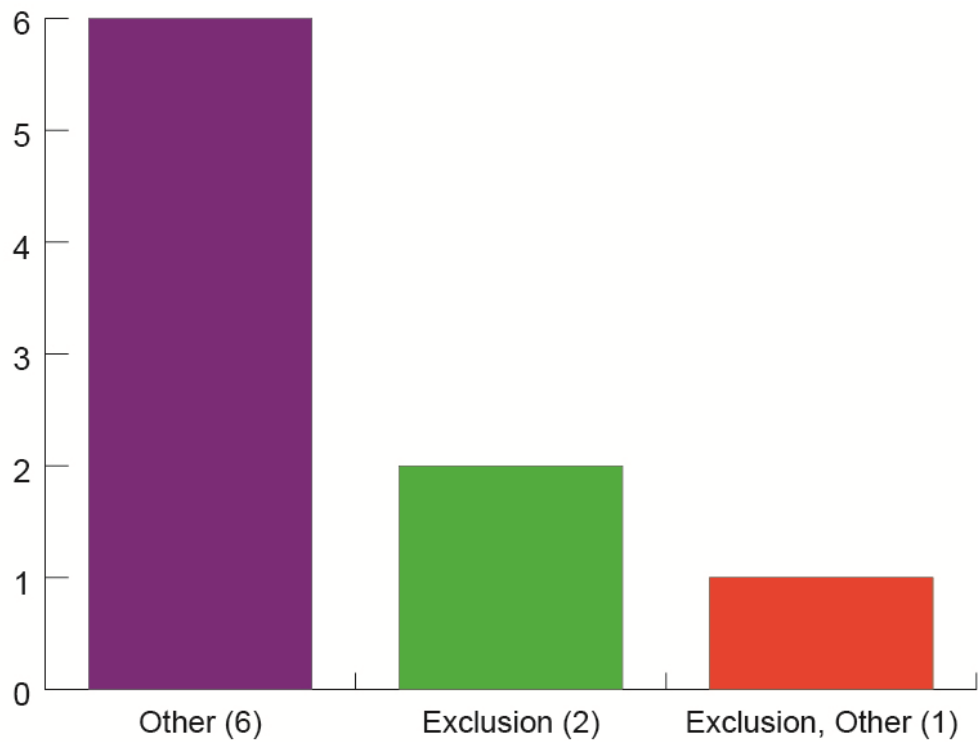
\* Figures for 2016/2017 are for references and claims, although previous years are for references only

\*\* More than one additional support need was recorded

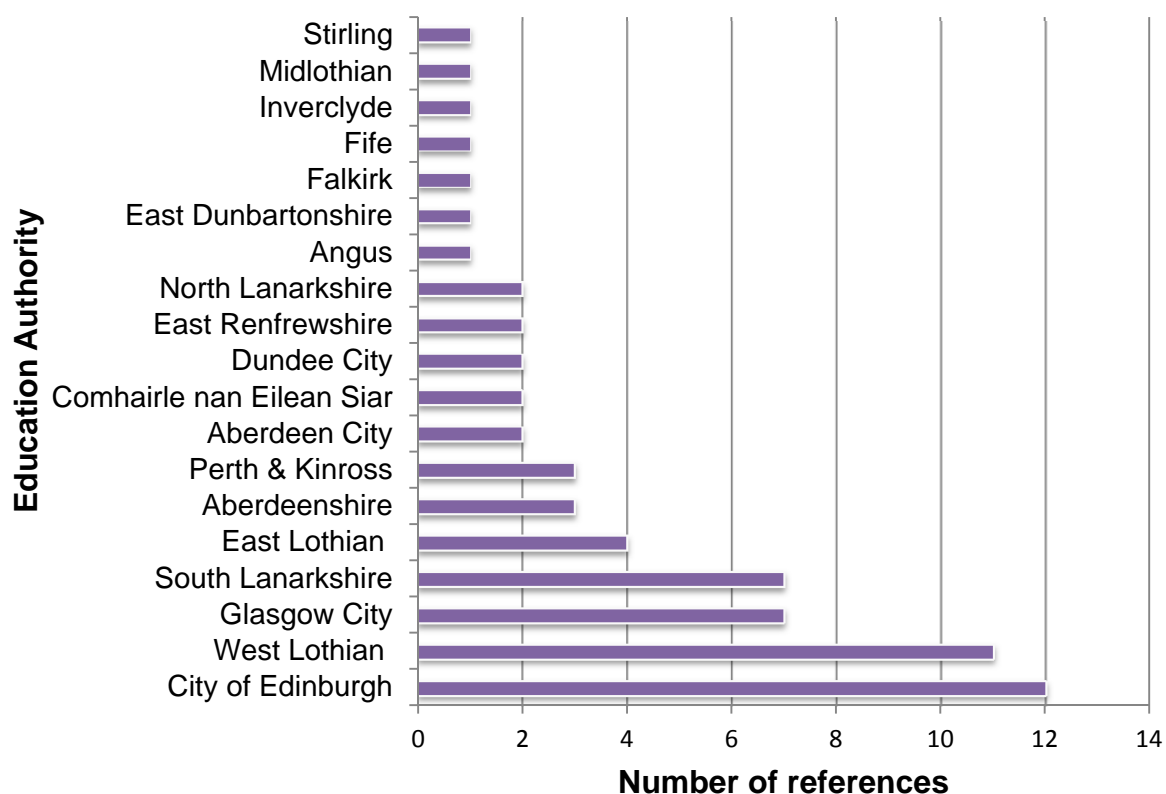
## References received by type



## Claims received by type



## References received by Education Authority

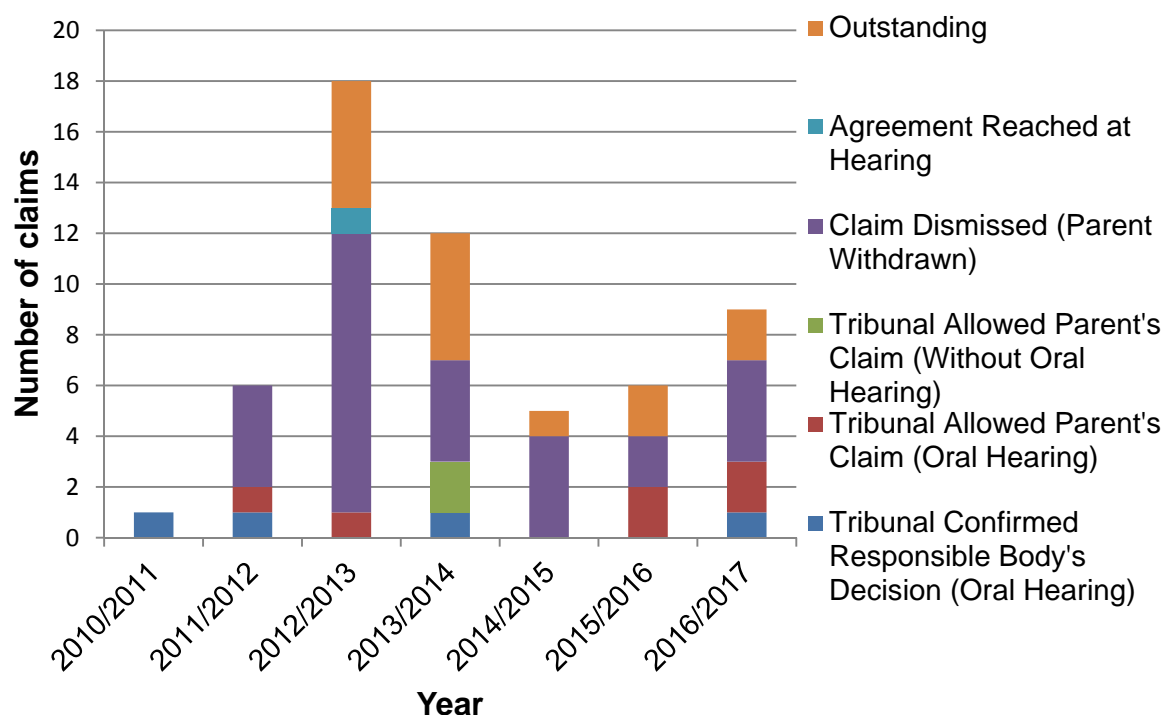


## Claims received by responsible body





## Outcomes of claims



## Outcome of references

Outcome	Number of References
Tribunal confirmed education authority decision (oral hearing)	3
Tribunal overturned education authority decision (oral hearing)	2
Reference withdrawn by parent (oral hearing)	1
Reference dismissed (oral hearing)	1
Reference dismissed (without hearing)	4
Reference/claim dismissed (parent withdrawn)	39
Outstanding	3

## Representation at oral hearings

Representation	Appellant/Claimant	Respondent/ Responsible body
Unrepresented	0	0
Non-legal	0	0
Legal	11	9
Counsel	0	0

## Request for review of Tribunal decisions per year

2011/2012



2012/2013



2013/2014



2014/2015



2015/2016



2016/2017





# Appendix 3

## TRIBUNAL MEMBERS AND CONVENERS

### **President**

May Dunsmuir

### **Conveners**

Derek Auchie  
Lesley Dowdalls  
Deirdre Hanlon  
Peter Hessett  
Joseph Hughes  
Russell Hunter  
Julius Komorowski  
Frances Konopka  
Richard Mill  
Muriel Robison  
Isobel Wylie

### **Members**

Margaret Cooper  
Polly Cowan  
Hope Craig  
James Hawthorn  
Maureen Howie  
Jane Laverick  
Christina Leitch  
Kate MacKinnon  
John McDonald  
Hazel McKellar  
Gillian McKelvie  
Ian Morrison  
Lio Moscardini  
Elizabeth Munro  
Christine Pacitti  
Pradeep Pasupuleti  
Barbara Peardon  
Lesley Sargent  
Irene Stevens

### **Departing conveners and members in 2016/2017**

The President extends her thanks to the undernoted convener and members who have resigned from their judicial appointment in this reporting period. She thanks them for their service to the Tribunal and wishes them good health and every success in the future.

Terry Carr (member)

Michael Hanlon (convener)

Barbara Marks (member)

*Laid before the Scottish Parliament by the Scottish Ministers under the terms of Paragraph 15(1) of Schedule 1 of the **Education (Additional Support for Learning) (Scotland) Act 2004**.*

October 2017  
SG/2017/205