



Additional Support Needs  
Tribunals for Scotland

**Fifth Annual Report of the President of the  
Additional Support Needs Tribunals for Scotland**

**2009/2010**



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Michael Russell MSP  
Cabinet Secretary for Education and Lifelong Learning  
The Scottish Parliament  
Edinburgh  
EH99 1SP

**May 2010**

**To Michael Russell MSP, Cabinet Secretary for Education and Lifelong Learning**

I have pleasure in submitting this, my fifth Annual Report, to Ministers of the Scottish Parliament.

Jessica M Burns

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# President's Foreword

I have pleasure in presenting my fifth Annual Report reflecting the fourth full year of the Tribunals' work since its inception in November 2005. The caseload of the Tribunals remains modest but influential in shaping how the legislation has impacted on authorities, parents and children.

The past year has seen the passing in May 2009 of the amending legislation in the form of the Education (Additional Support for Learning) (Scotland) Act 2009 which will come into force, together with the amended Tribunals' Practice and Procedure Rules and Code of Practice, towards the end of August 2010. The changes to the primary legislation will increase the Tribunals' jurisdiction, and potentially its caseload, in respect of placing request references. The amendments to the Tribunals' Rules should help achieve a more flexible and user-friendly procedure. The extensively revised Code of Practice will also be very welcome for all users.

In addition to contributing to the work relating to these primary and secondary legislation changes, the Tribunals have tracked the passage of the Equality Bill through its lengthy gestation. The Bill's final stages were accelerated by being included in the "wash up" of legislation and the Equality Act 2010 was passed on 8 April shortly after the announcement of a general election. Parts 1 and 3 of Schedule 17 to the Act confer the jurisdiction in relation to discrimination against disabled pupils on "the Scottish Tribunal" which "means an Additional Support Needs Tribunal for Scotland". This extension of the Tribunals' jurisdiction brings it into line with the powers exercised by the broadly equivalent Welsh and English Tribunals. The Annual Report for 2011 will deal more fully with this aspect of the Tribunals' work.

As in past reports, any reference to "child" or "children" in this report should be read as including young persons also.

## Tribunal Performance

The full set of statistical information is to be found in Appendix 2. In the past year the number of references has shown a 54% increase on the 2009 figure with 14 placing request references compared to 10 in the previous year and 40 co-ordinated support plan issues as opposed to 25 in the previous year. The numbers of co-ordinated support plans was reported as having increased from 2,694 to 3,201 in the statistical report Pupils in Scotland, 2009 published 27 November 2009. The number of references reflects that just over 1% of co-ordinated support plans have resulted in disputes which came to the Tribunals. In terms of the gender division the number of references for females increased from 14% to 22%. In relation to reference type the single biggest increase relates to failure to review up from two to nine but from such a small sample base it is unreliable to try to discern particular trends.

This year 19 of the 32 authorities had references brought to the Tribunal and the graph at Figure 7 shows the distribution. There is no meaningful correlation between the size of the authority and the numbers of references.

The outcomes continue to show a similar, almost even, balance between those references refused and those allowed. The equivocal category relates to those references dismissed as the parent has withdrawn. This accounted for 10 references in 2009 and 18 in 2010 (both as at 31 March). It is not necessary for the parent or those representing them to give reasons why the reference has been withdrawn. In some instances we are informed this is because the authority has conceded the outcome sought. In other instances the parent has decided not to pursue the matter to a hearing for unexplained reasons. When read together with Figure 16 showing the outcome following postponement, seven withdrawals this year were made at a fairly late stage in proceedings. Without seeking the reasons for withdrawal it is not possible to surmise whether the withdrawal represents that the dispute has been settled in favour of the parent or the authority.

This year, for the first time, I have also included a chart to illustrate the spread of types of witnesses who appear at hearings. This does not include the parent as a witness but in all hearings evidence was also taken from the parent as a party to the reference.

## The Legislation and Appeals to the Court of Session

Notwithstanding the minor amendments to the primary legislation currently pending, the past year, from a Tribunal perspective, has been one of consolidation. There was just one Court of Session appeal which proceeded to a conclusion. One appeal was withdrawn and another is pending. The reported case highlights the exacting criteria for co-ordinated support plans.

### **[2009] CSIH 46 XA207/08**

Lord Hardie wrote the opinion of the Inner House which was issued in June 2009 and therefore too late to influence the terms of the amending legislation. The effect of this decision is that it appears to give a narrow interpretation of what might amount to “significant” input from an agency provider.

The judgment holds that the criteria for a co-ordinated support plan were not met even where a child had:

- a disability nurse – 2 hours per week;
- physiotherapy – advisory and ongoing;
- speech and language therapy (unspecified) delivered in blocks;
- a social work department Section 23 report and changes in residence;
- a befriender 3 hours per fortnight;
- a health board occupational therapist for several years then transferred to a school occupational therapist.

The Court found that the Tribunal did not apply the criteria in respect of co-ordinated support plans accurately. The decision of the Tribunal was therefore overturned on the basis that the statutory interpretation of Section 2(1) (d) (ii) of the 2004 Act was flawed because:

- The Tribunal did not sufficiently link the support provided to the statutory requirement “to enable the child to benefit from school education”.
- The Tribunal failed to sufficiently address frequency, nature, intensity and duration criteria in relation to each provider.
- It was held it was pointless to commit resources where no co-ordination was likely to be necessary.
- By the time the reference was heard, the relevant period related to a new school and fresh reports were required.
- There had been no evidence led from only possible provider of significant support and the reports produced were out of date.

Further, Lord Hardie stated:

“The Tribunal should have distinguished between therapy provided directly to [the child] by Speech and Language Therapy and indirect therapy provided as part of the curriculum i.e. through the guidance of Speech and Language Therapy by the teacher or classroom assistant to the class of whom [the child] is a member. In our view it is only if the former can be said to amount to significant additional support that the test in section 2(1) (d) (ii) can be satisfied.”

The way in which speech and language therapy is delivered in schools has changed considerably over the last decade with many more children receiving input through blocks of sessions commonly lasting for six weeks and reinforced by instructed teaching professionals at other times or delivery in groups where several children may benefit from joint participation in the session.

## Independent Experts

During the past year, a Tribunal made an order for the first time, of its own volition, to obtain a report from an independent expert under Rule 24 where the circumstances of the reference made this desirable. Subsequently evidence was taken from the expert by way of telephone conference call at hearing partly to restrict costs. A further application was also made by an appellant for an expert to be appointed in another appeal but this application was refused on the circumstances of the case. The potential for the equivalent of this rule in relation to disability discrimination claims is also recognised.

# Co-ordinated Support Plans

Of the 54 references received throughout reporting year 2009/2010, 38 included copies of co-ordinated support plans. 17 of the references received specifically related to the content of the CSP.

The 38 CSPs submitted during the period came from 15 different Education Authorities. All but four EAs used the CSP template as detailed in the Code of Practice. Dundee, Aberdeenshire and East Dunbartonshire all use a broadly similar format to the template, however, Falkirk CSPs vary further from the template issued in the Code of Practice by using a much less tabular form but contain all of the specified information.

The *Profile* section of the CSPs continues to be consistent in the main, with detailed information provided in most CSPs sampled. A few CSPs also specifically included the parent's view of the child's needs. *Factors Giving Rise to Additional Support Needs* in the sample considered presents as more detailed than formerly with far more CSPs giving a much more holistic overview of the child's needs and how this affects their education.

*Educational Objectives* and *Additional Support Required* continue to demonstrate considerable variation. Some CSPs show more specific objectives and detailed accounts of the additional support that will be provided whereas some provide much less information. However, fewer CSPs are referring to the IEP for specific information on objectives and other headings. Few plans showed timescales for or frequency of support with only 12 of 38 containing any such information.

The *Parental Comment* facility also continues to be consistently used. Where some references contain different iterations of the CSP showing, for instance, in a failure to review reference with a subsequent reference on contents, the reviewed version of the plan has incorporated some of the comments made by parents.

Although 10 plans still did not include the child's comments and no explanation of the failure to do so, there has been an increase in plans using other methods of recording the child's opinions where the child is unable to comment due to the nature of their additional support needs, such as photographs, PECS symbols showing likes and dislikes, a description of how the child presents at school or an additional parental comment. The practice of baldly stating that the child is "unable to comment" was far more prevalent in 2008/2009.

# Standards of Decision Making

In general, although the cross section of decision letters appear to support the conclusion that education authorities are now more compliant with the legislation in appropriately signposting the correct remedies for parents who wish to challenge the decision, some letters worryingly continue to be deficient in this regard. Of the six appeals which were submitted late, three decision letters did

not provide any information regarding appeal rights, one did not indicate any time limit for appeal and two incorrectly directed the parent to the Education Appeal Panel. A further five references were not submitted late but the enclosed decision letters showed that the information on appeal rights was omitted or inaccurate. Despite these deficiencies, most authorities do appear to have a more structured approach to the issuing of decision letters and many continue to be highly consistent.

## The Tribunals and Dispute Resolution

A reference to the Tribunals is normally an option which is only pursued when other avenues of reaching agreement fail but in view of the two-month time limit for making a reference, it is always stressed that the fact that a case has been referred to the Tribunals does not mean that more informal ways of resolving the dispute require to be abandoned. In some instances the very fact that the case has been referred to the Tribunal encourages parties to become more focussed about the distance between them and the potential for reaching agreement can increase.

Despite this, there continues to be a misperception that the existence of the Tribunals may, of itself, stimulate a more adversarial approach to dispute resolution in this highly sensitive area of support for children with additional support needs. I have set out the facilitating procedures followed such as pre-hearing conference calls in previous Annual Reports. The very small numbers of cases which do result in a hearing (just 11 hearings have been held for references received 2009/2010 so far and 14 last year) are testimony to this potential for such disputes to settle without recourse to the formality of hearing evidence. The scope for settling the dispute is clearly less where the decision relates to a placing request than where it concerns a co-ordinated support plan and compromise may be negotiated.

It is also apparent that those cases which do result in a hearing are often those where parties have become polarised in their positions long before the hearing takes place. Nevertheless the Tribunals always try to ensure that they function in a way which is supportive of proportionate dispute resolution and that cases which can be settled without a hearing are given every opportunity to try and achieve this outcome. In many ways this impacts adversely on the clearance times of references which are commonly well over the 10-week target. In order to focus parties on the hearing date all references are given a proposed hearing date as soon as the case is registered and I have discouraged postponements or suspensions particularly where no fixed date is stated.

In addition, there was also a perception among some stakeholders that where hearings were delayed it was mainly due to non-co-operation of the authority in providing the relevant information.

In order to dispel these misperceptions, I am additionally reporting this year on the pattern of postponements over the past two years. The collated figures

appear in Figure 13 of Appendix 2 to the Report and ably demonstrate the willingness of the Tribunal to allow parties to have the hearing deferred if this is likely to achieve an agreed outcome. They also show that in only one appeal was the postponement due to the failure of the authority to provide information. The experience of the Secretariat is that authorities are usually willing to open their files to parties where a case is likely to go to a hearing. Where there is any reluctance then the Tribunals have powers to compel production of documents. Two such applications have been made in past years, both in respect of documents held by a health board, and in each case they were granted. No applications have ever been received in relation to information held by the authority.

Of the 54 references received during reporting year 2009/2010, 22 were postponed or suspended at least once. In the overwhelming number of cases the reason was to enable the party or parties to take action towards or make progress on achieving a negotiated agreement. Six of these were consolidated with other references giving a total of 16 postponed hearings. With regard to these 16 postponed hearings there were a total of 26 postponements/suspensions with some hearings being postponed on more than one occasion.

Of the 35 references received during reporting year 2008/2009 13 were postponed or suspended at least once. Two of these were consolidated with other references giving a total of 11 postponed hearings. With regard to these 11 postponed hearings there were a total of 17 postponements/suspensions with some hearings being postponed on more than one occasion.

The pie charts at Figures 14 and 15 provide a further breakdown of these statistics with regard to the party requesting the postponement, the reasons for the request and the final outcome of the reference following the postponement.

## Training and Appraisal

Conveners and members participated in two training events in the past reporting year. One was also attended by a representative from the Scottish Committee of the Administrative Justice and Tribunals Council. Committee members also continue to attend hearings on occasion and the reports which they prepare are helpful and informative ensuring an appropriate degree of transparency in an otherwise private hearing.

Due to the high number of postponements and withdrawn references it continues to be a challenge to ensure that all members and conveners are appraised. All conveners have now been either appraised through observation or through monitoring recorded hearings and decision review.

2010 marks the end of the first tranche of five-year appointments affecting 15 members and 7 conveners, including the President. Of the conveners, one, Alan Miller, was appointed permanently to the shrieval bench in April 2010 and has now resigned from his Tribunals appointment; Richard Scott, is retiring and

another, Lynda Brabender, is not seeking reappointment. All these conveners have served the Tribunals well and I have been fortunate to have benefited from their commitment and expertise at such a critical time. It is appropriate that I record my warm thanks to them formally in this Report.

The three remaining conveners represent considerable accumulated expertise together with the three further convener appointments made in 2007. It is nevertheless important that Scottish Ministers are able to recruit additional conveners in anticipation of a slightly higher case load in the coming year. The complexity of the references and the active case management means that conveners are reluctant to undertake more than two cases simultaneously.

Of the 15 members appointed in 2005, it is a matter for Ministers to determine how many should be reappointed for a further five-year period to ensure that the expertise available to the Tribunal remains current and well informed.

## Representation

Representation before the Tribunal continues to be an important dynamic as we currently await details of the implementation of Section 10 of the 2009 Act which provides for “the provision of an advocacy service to be available on request and free of charge to parents or a young person”. Currently, ISEA remains the most active provider of non-legal representation for parents. During the reporting year only two appellants were unrepresented, 10 had non-legal representation and four had legal representation. Six authorities had non-legal representation and 10 had legal representation including two junior counsel (advocates). Figure 11 shows no discernible correlation between legal representation and outcome.

## Tribunal User Group

This body continues to meet annually and reports are available on the website. The last meeting was held on 13 November 2009 in Glasgow and was attended by 21 users. The next meeting has already been arranged to be held in Edinburgh on 19 November. Apart from this formal opportunity to meet users, the President and Secretariat have the opportunity to meet regularly with users at other meetings.

# Outreach

Contacts with others involved in additional support needs are an important part of the work of the Tribunals and have continued throughout this reporting year. With regard to the changing legislation and other topics surrounding the current tribunal landscape I have been asked to speak at several events and conferences including:

- Govan Law Centre Training (The Enabling Tribunal)
- Additional Support for Learning Conference 2010 (ASNTS Update)
- Donaldson's ASL Information Day (Making a Reference)
- Govan Law Centre Training (Legislative Changes)
- ESRC Dissemination Conference (Tribunals and Dispute Resolution)

I was also invited to be a member of the working group focussing on the implementation of the 2009 Act. This group currently meets on a monthly basis and has most recently considered changes required to the Code of Practice. Other events and seminars which have a bearing on the work of ASNTS that I have attended include:

- Scottish Public Law Group Seminar
- Reform of Children's Hearings System
- Children in Scotland Annual Conference 2009
- AJTC Annual Conference
- Enquire Annual Conference 2010
- A consultation meeting of Scottish judicial heads regarding tribunal reform in Scotland

In addition to these events, I have also met less formally with representatives from the National Autistic Society, ISEA, Govan Law Centre and HMle.

Members of the Secretariat have also represented ASNTS at various events including:

- Alternative Dispute Resolution Conference
- Additional Support for Learning Update
- AJTC Reception
- Disability Equality in Scotland
- Implementing the New Equality Bill
- Secondary Legislation Consultation Events – Ayr, Edinburgh and Glasgow
- Children in Scotland Annual Conference 2009
- Enquire Annual Conference 2010

In addition to this the Secretariat met with Enquire as a mutual training exercise regarding the types of calls received by both helplines; have undertaken deaf awareness training organised by Deaf Connections and have arranged to take part in more extensive training on the spectrum of how the law impacts on children and young people organised and delivered by the Scottish Child Law Centre.

## Research

In September 2009 the project on Dispute Resolution and Avoidance in Education: A Study of Special and Additional Support Needs in England and Scotland concluded. A conference was held at the University of Manchester in October 2009 to disseminate the findings of the research funded by the Economic and Social Research Council. Various publications were produced and these can be accessed at [www.creid.ed.ac.uk/adr/index.html](http://www.creid.ed.ac.uk/adr/index.html).

As might be expected, given the very recent establishment of the Tribunals in Scotland, there was greater resistance from education authorities to the role of the Tribunals in Scotland compared to England where the equivalent Tribunal has been operating since 1995. In both jurisdictions the desirability of settlement being achieved without the need to access the Tribunal was recognised but experience of mediation, independent adjudication and the Tribunal itself was very limited in the Scottish sample. There are plans to conduct further research into the behaviours of parents and authorities in accessing dispute resolution.

In August 2009 I was also consulted regarding research commissioned by the Equality and Human Rights Commission and undertaken by Barnardo's Scotland. The research aimed to provide a greater understanding of the needs of looked after and accommodated children and young people with additional support needs and how the supporting of these needs differed throughout Scotland. The final report following this research should be available in the near future and certainly prior to the amending legislation coming into force which introduces a presumption of additional support, pending assessment, for children in this category.

## Venues

During the reporting year, the Tribunals have continued to endeavour to keep venue costs to a minimum as this makes up a large proportion of the overall hearing cost. This has included sourcing local authority venues with the successful use of accommodation in the Scottish Borders and the booking of a similar venue in Perth and Kinross. The reasonable charges applied to such venues also helps to keep cancellation costs to a minimum when references are withdrawn at short notice.

The use of Scottish Government buildings has also had a significant effect on venue costs as ASNTS can book these free of charge. Such buildings have been used in both Glasgow and Edinburgh and the potential for using Tribunals Service accommodation in Aberdeen has also been agreed in principle.

## Website

The Additional Support Needs Tribunals Website ([www.asntscotland.gov.uk](http://www.asntscotland.gov.uk)) now has a clean modern appearance which is user friendly and provides a range of information about the Tribunals and their operation. This includes the facility to submit an online reference form electronically to the Tribunals.

There is information on attending a hearing, links to all the relevant legislation and copies of all Presidential Guidance. There is also a news section with which the Secretariat can inform users of any upcoming events, publications or any other relevant information.

One of the largest areas is the decisions database which has an effective search facility using a number of different criteria. Decisions are loaded in an anonymised version with copies being forwarded to parties four weeks after the issue of the original decision, allowing a further four weeks for representations. If no representations are received the anonymised decision is published three months after the date of the original decision. Where a decision has been appealed to the Court of Session and that appeal is pending, a note is placed on the decision indicating its status. When an opinion of the Court of Session has been issued a note will be placed on the decision stating whether the appeal was allowed or refused. Hits on the site are in the range of 200 – 400 each month.

## The Tribunals and Administrative Justice

Although the Tribunals currently operate as a small independent organisational structure, we do form part of the wider tribunal landscape which has been subject to particular scrutiny over the past 10 years since the publication of the *Leggatt Report* in 2000 on the future of tribunals. The changes implemented as a result of that Report are largely contained in the Tribunals Courts and Enforcement Act 2007 which created a chamber structure of First-tier Tribunals for reserved jurisdictions and English tribunals starting from November 2008. This left the devolved jurisdictions without a comparable consolidation either administratively or in terms of the tribunal membership. The announcement in March 2010 that the Tribunals Service and HM Court Service in England are to merge, has thrown into relief the options for the future organisation of tribunals in Scotland and the process is now accelerating. Ministers have announced that a Scottish Tribunals Service will be created, probably from the end of 2010 and the Additional Support Needs Tribunals for Scotland will be included in the first phase. These developments should ensure that the Secretariat becomes part of a larger and more flexible organisation which can deliver cost savings without impacting on the level of service to users. It is not envisaged that the Tribunals will lose its Glasgow base and it is hoped that there will also be continuity of personnel.

For the tribunal heads, the Scottish Tribunals Forum remains the point of contact for the judiciary of all tribunals with a presence in Scotland and we meet quarterly under the able chairmanship of Lord Philip, a retired Court of Session judge, who has played a key role in the development of tribunals in Scotland.

It is now proposed that the Scottish Tribunals Service will sit under the Justice Department. Since all tribunals are creatures of statute and must continue to identify with the policy areas which created them, it is still necessary to keep a meaningful connection with the relevant areas and the strength of the tribunal system in the high level of expertise which can be exercised by the members and conveners will continue to be safeguarded. The Scottish Committee of the Administrative Justice and Tribunals Council will play a role in taking forward any judicial developments.

The Secretary and I continue to meet annually with our counterparts in England, Ireland and Wales to share information and practices which may be of mutual benefit. The last meeting was in Cardiff in September 2009 and the next meeting is in Belfast in June 2010. These meetings are normally attended by an observer from the Administrative Justice and Tribunals Council.

## The Secretariat

Lesley Maguire who had served the Tribunals as Deputy Secretary and latterly as Secretary since the outset in 2005, left in July 2009 to take up a post as Business Manager for Disclosure Scotland. We were sad to lose her. Lesley served the Tribunals well and had a wealth of knowledge about the legislation and procedures which is often very difficult to acquire except through experience. Her post was filled by Sally Burns from September 2009. This appointment was quickly followed by changes in the Scottish Government Support for Learning Division at a busy period for the Tribunals in terms of legislative consultation. The new Secretary is now heavily involved in seeing through the further structural changes which will impact greatly on this and other tribunals in Scotland in the coming year and beyond. The Secretariat has also been joined by Benet Brodie who serves as the Office Manager. The continued commitment and flexible working of all five members of the Secretariat has been important in ensuring that we can maintain a good level of service to users.

# Appendices

## Appendix One

### Additional Support Needs Tribunals for Scotland: Expenditure

Expenditure from 1 April 2009 to 31 March 2010

<b>Expenditure</b>	<b>Amount</b>
Tribunal Member Fees (Training)	£12,387.00
Tribunal Member Fees (Hearings) (including Presidents' Fees)	£60,253.25
Tribunal Member Expenses	£6,109.30
Tribunal Member Training Costs	£3,320.00
Tribunal Secretariat Headquarters Costs*	£66,328.10
Tribunal Secretariat Hearing Costs**	£18,102.61
Tribunal Secretariat Staff Salaries	£114,185.21
Tribunal Secretariat Staff Expenses	£2,286.05
Tribunal Secretariat Staff Training Costs	£1,836.97
Tribunal Secretariat Office Costs***	£11,879.34
Tribunal Secretariat Specialist Costs****	£4,792.11

\* This figure does not include last quarter payment and reconciliation to estimated figure which has not been received yet.

\*\* This expenditure includes costs for venue hire, cancellation fees, catering and conference calls.

\*\*\* This expenditure includes cost for meetings such as the Tribunal User Group, stationery, postage, minor purchases, office machinery and ICT.

\*\*\*\* This expenditure includes cost involved in the hosting of ASNTS website and decisions database. It also includes the cost involved in the production of the President's Annual Report.

Part 3 of the Public Services Reform (Scotland) Bill imposes new duties on Scottish Ministers and the public bodies listed in Schedule 8 to the Bill to publish as soon as practicable after the end of the financial year a statement of any expenditure incurred on certain matters including:

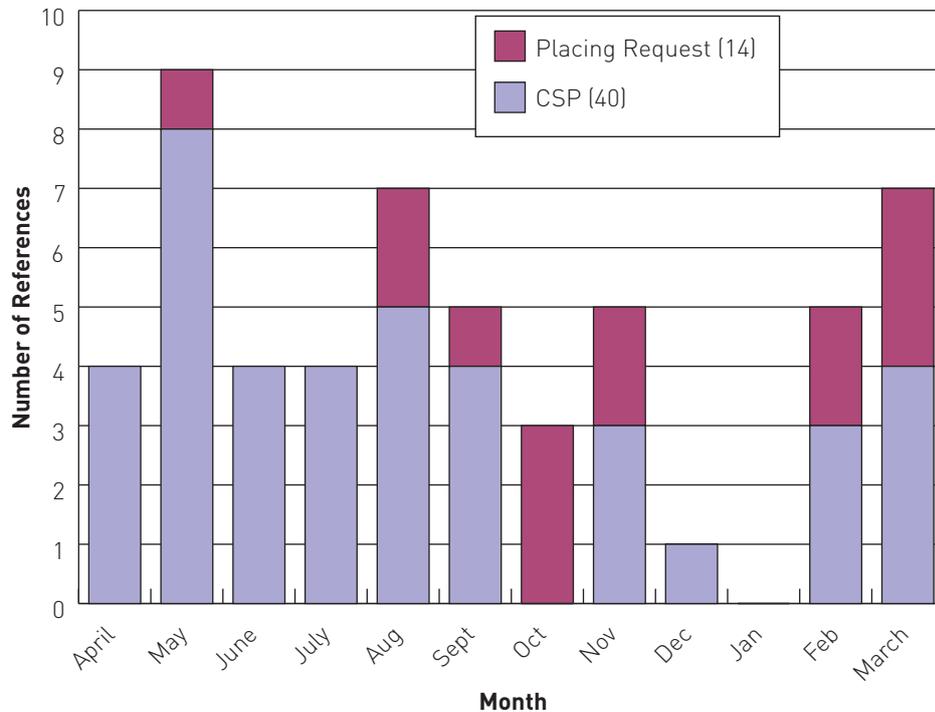
- Public relations;
- Overseas travel;
- Hospitality and entertainment;
- External consultancy;
- Payments with a value in excess of £25,000; and
- The number of members and staff who received remuneration in excess of £150,000.

The Additional Support Needs Tribunals for Scotland have made no payments in the above categories with the exception of headquarters costs which are detailed on the previous page.

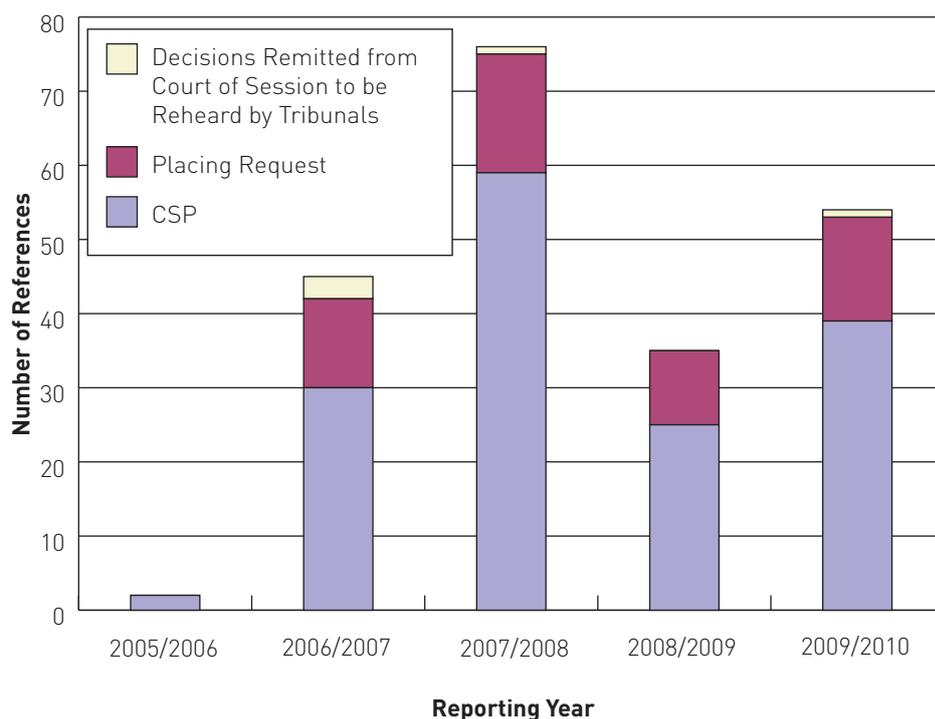
# Appendix Two

## Caseload Statistics – Reporting Year 2009/2010

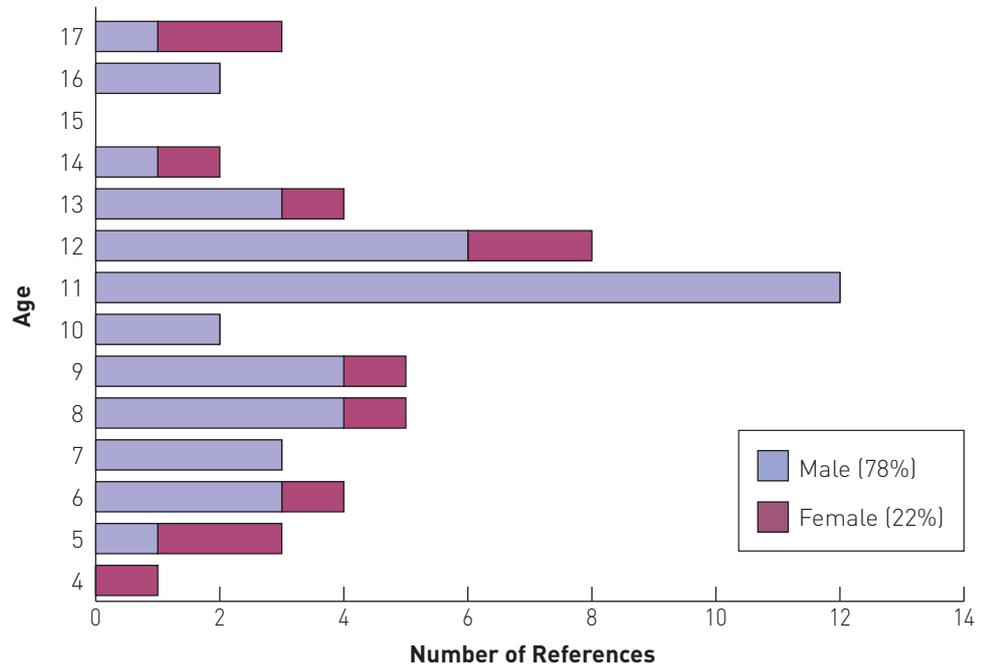
### 1. References Received per Month 1 April 2009 – 31 March 2010



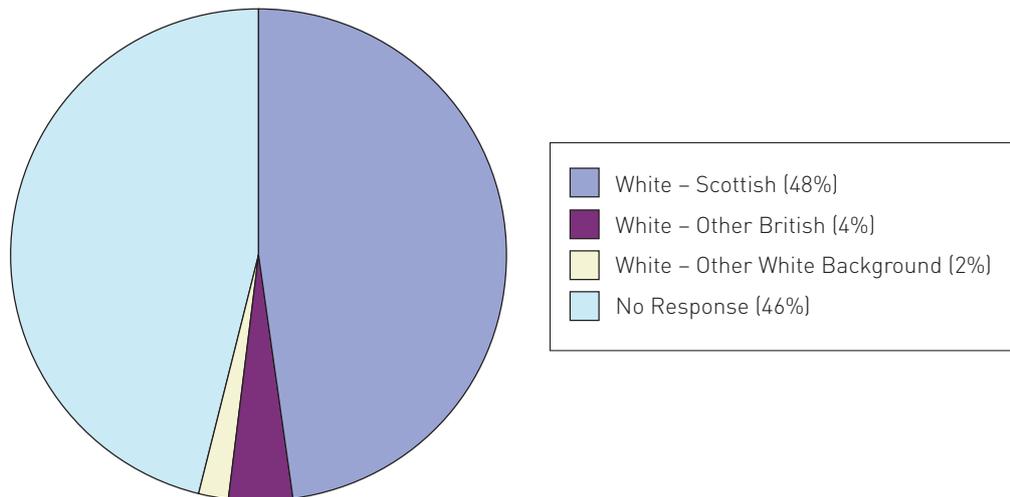
### 2. References Received by Reporting Year



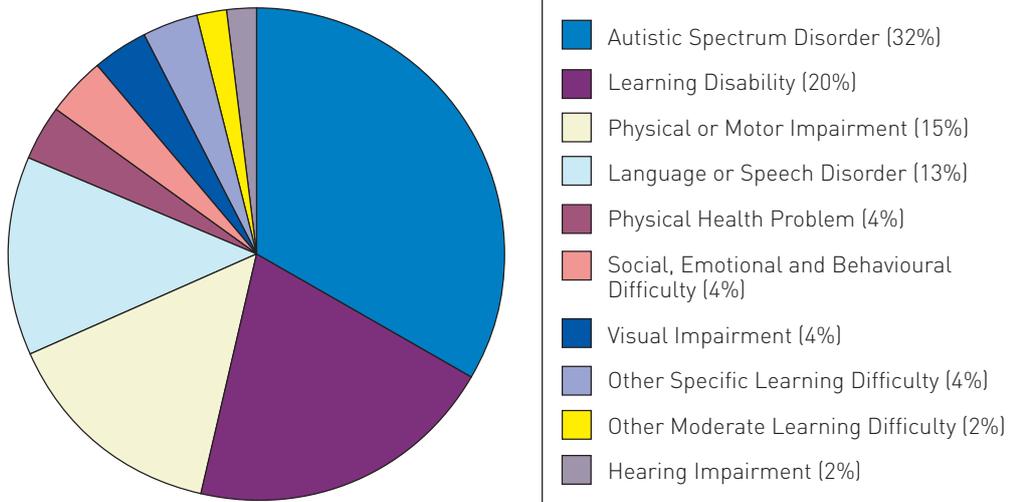
### 3. References Received by Age and Gender 1 April 2009 – 31 March 2010



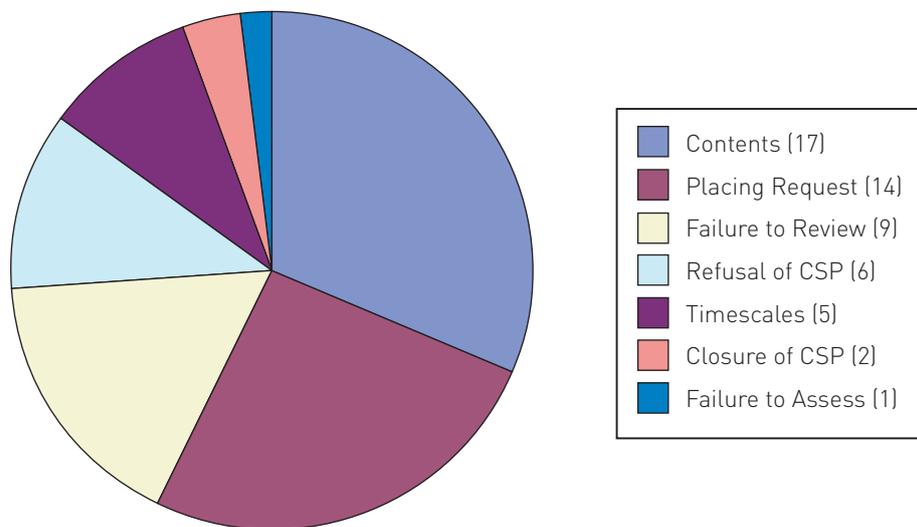
### 4. Summary of References by Ethnic Background 1 April 2009 – 31 March 2010



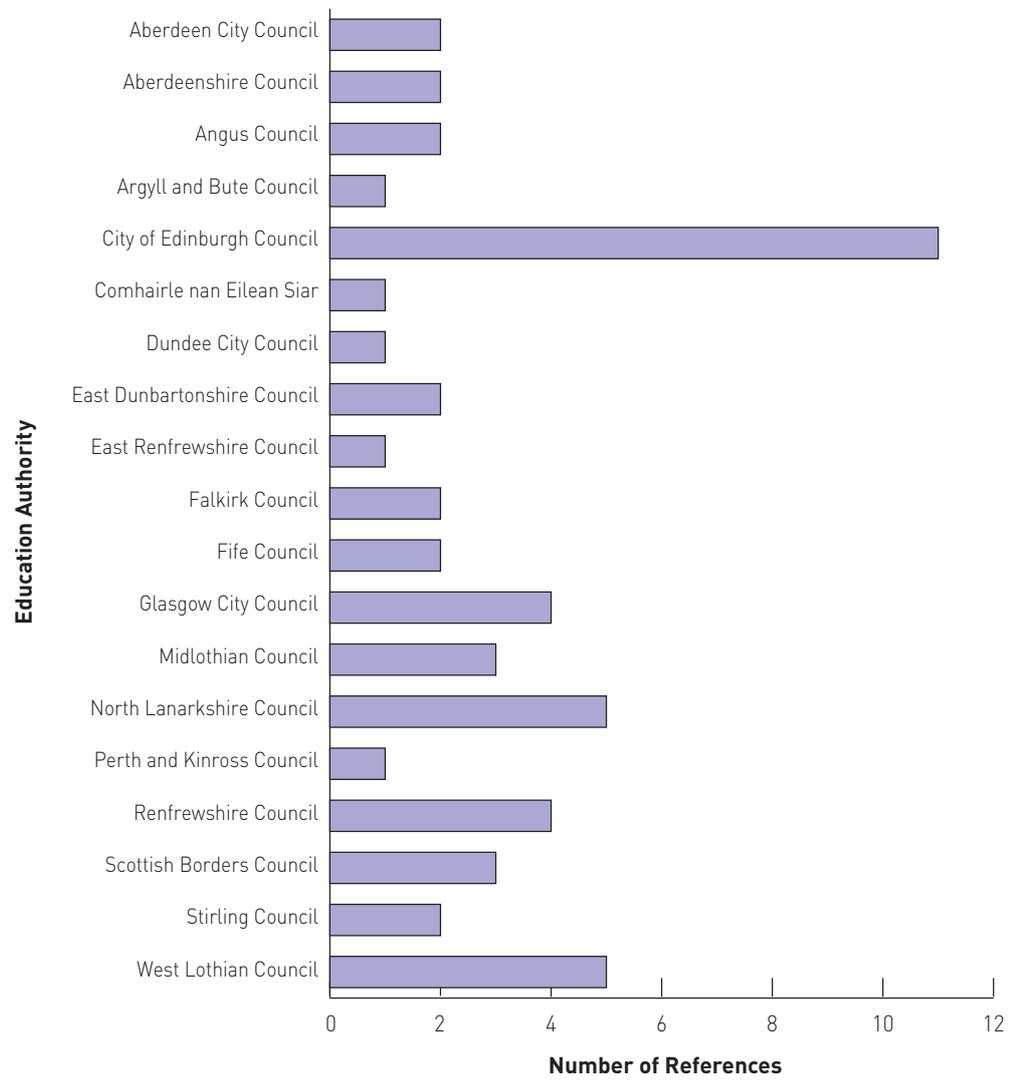
**5. Nature of Additional Support Needs for References Received  
1 April 2009 – 31 March 2010**



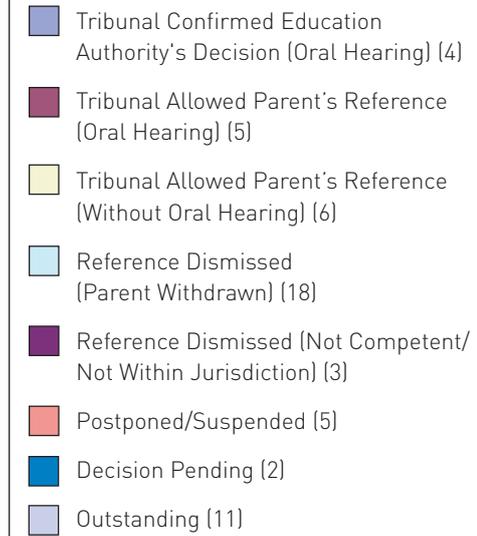
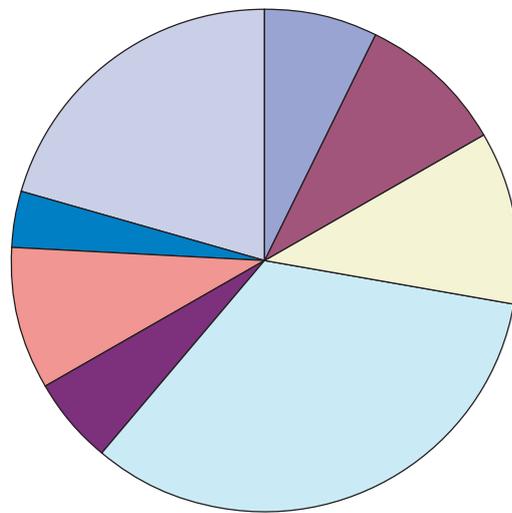
**6. References Received by Type  
1 April 2009 – 31 March 2010**



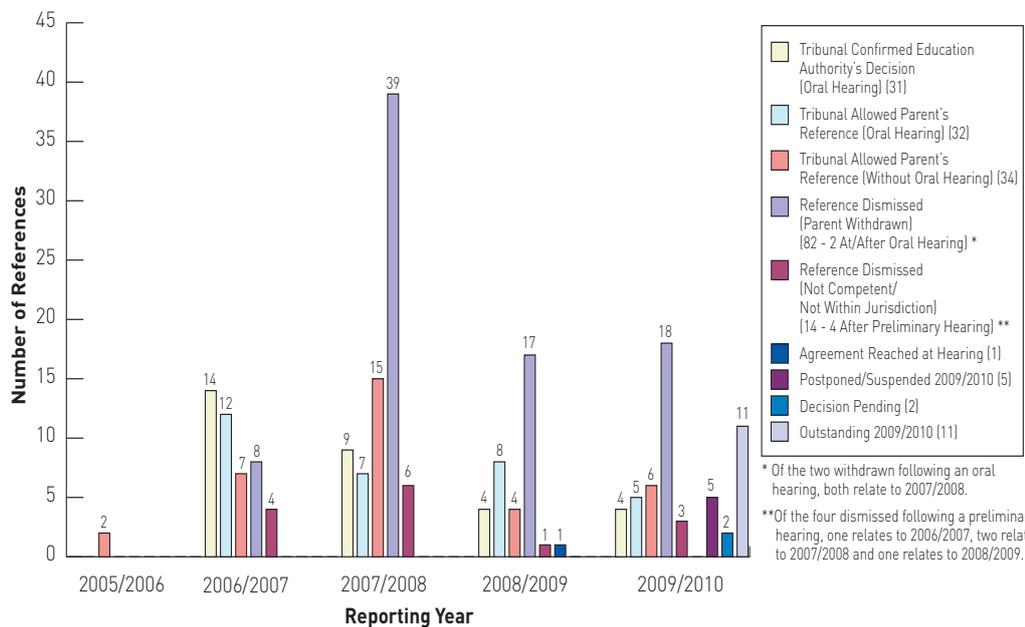
### 7. References Received by Education Authority 1 April 2009 – 31 March 2010



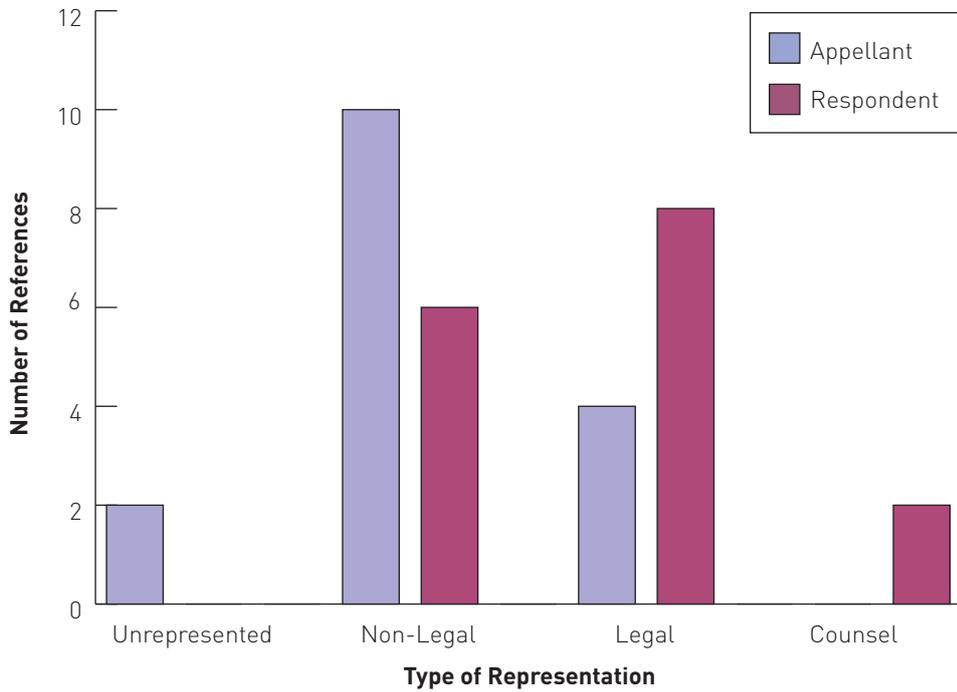
## 8. Outcomes from References Received 1 April 2009 – 31 March 2010



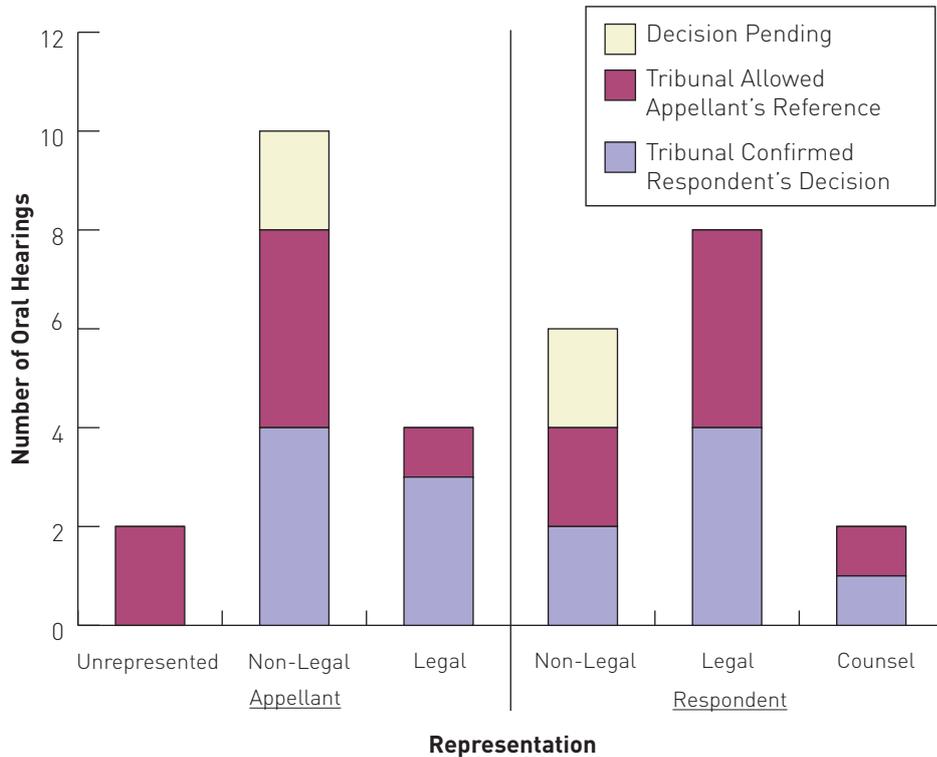
## 9. Outcomes from References Received by Reporting Year



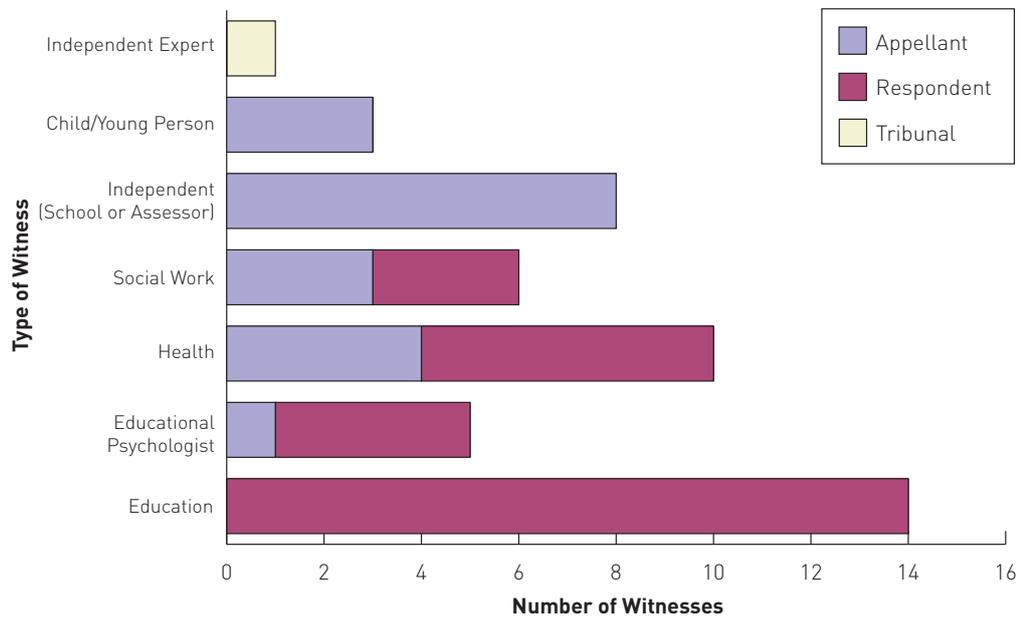
**10. Representation at Oral Hearings Held 1 April 2009 - 31 March 2010  
(Including hearings in respect of references received during previous reporting year)**



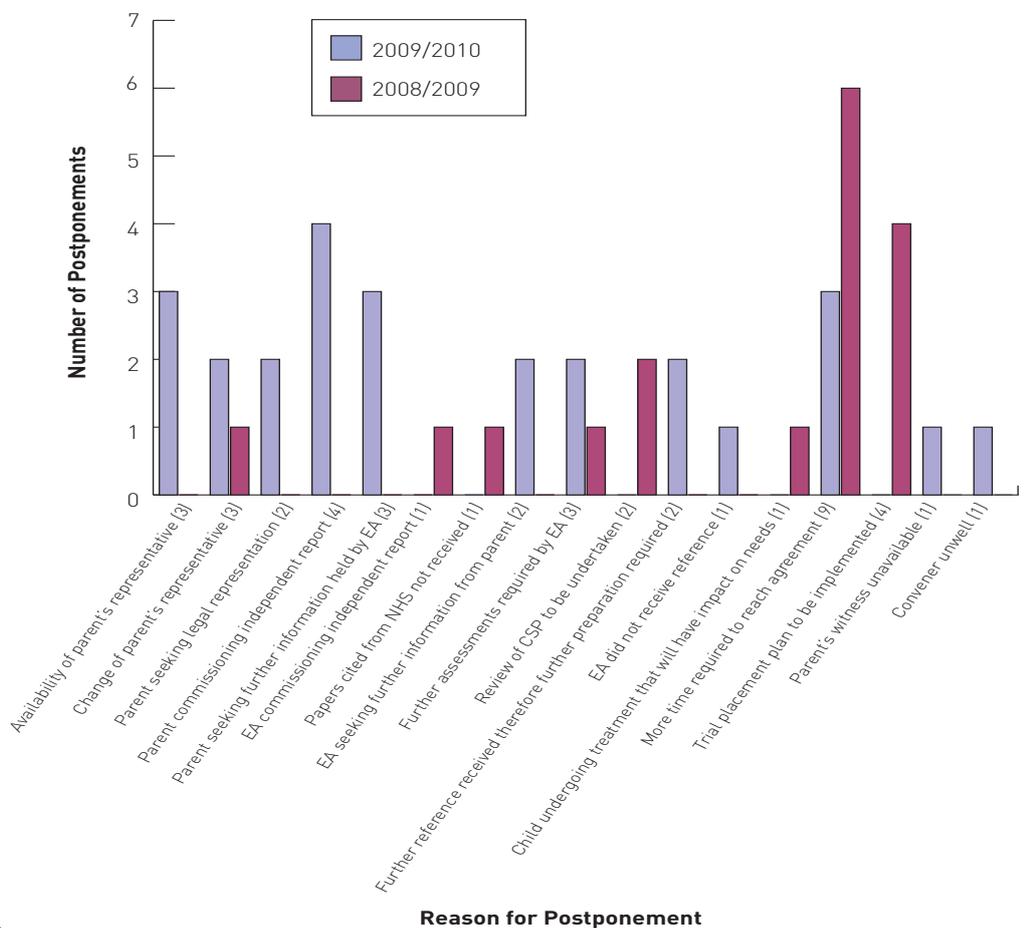
**11. Outcomes of Oral Hearings Held 1 April 2009 - 31 March 2010 with  
Regard to Representation (including hearings in respect of  
references received during previous reporting year)**



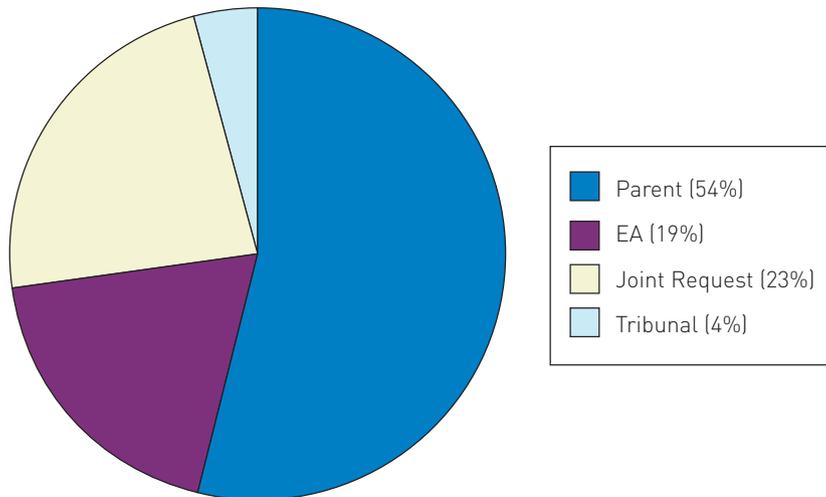
### 12. Number and Type of Witnesses Heard at Oral Hearings Held 1 April 2009 - 31 March 2010 (including hearings in respect of references received during previous reporting year)



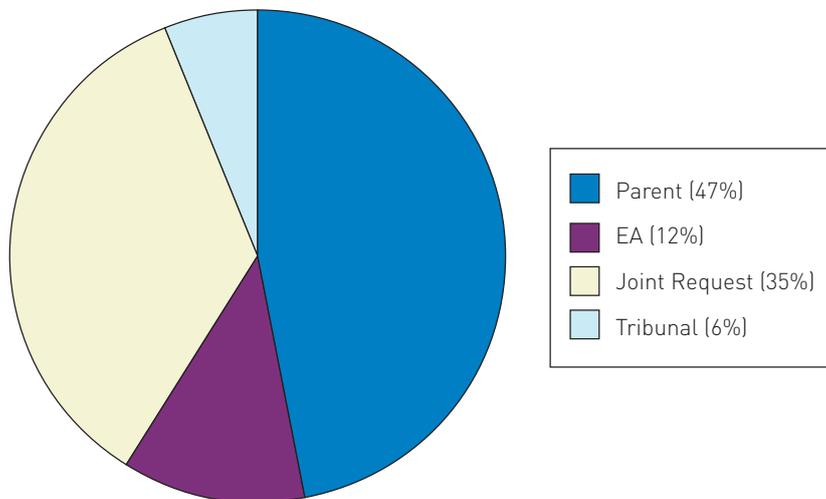
### 13. Reasons for Postponement of Oral Hearings



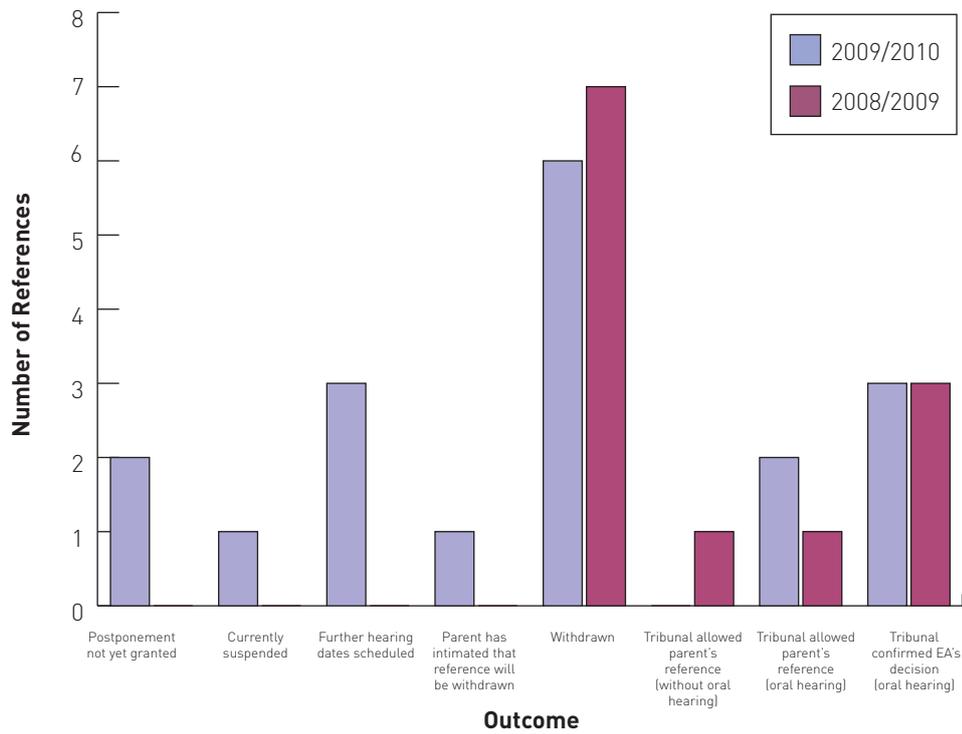
**14. Party Requesting Postponement for References Received  
1 April 2009 - 31 March 2010**



**15. Party Requesting Postponement for References Received  
1 April 2008 - 31 March 2009**



## 16. Outcome Following Postponement



# Appendix Three

## **Tribunal Membership**

### **Conveners**

Lynda Brabender  
Jessica Burns (President)  
Joseph Hughes  
David Logan  
Sara Matheson  
Richard Mill  
Alan Miller\*  
Richard Scott  
Isobel Wylie

### **Members**

Stuart Beck  
Alison Closs  
Janice Duguid  
Jill Gorzkowska  
James Hawthorn  
Hilda Henderson  
Richard Hendry  
Carol Hewitt  
Barbara Hookey  
Morag Jenkinson  
Linda Jones  
Jane Laverick  
Susan McCool  
Dorothy McDonald  
Gillian McKelvie  
Kate MacKinnon  
Sharon McWilliam  
Elizabeth Murray  
Nicola Robinson  
Eleanor Spalding  
Irene Stevens  
John Young

\*Resigned 31 March 2010

