



Additional Support Needs
Tribunals for Scotland

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

2010/2011



Additional Support Needs
Tribunals for Scotland

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

2010/2011



Additional Support Needs
Tribunals for Scotland



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

June 2011

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

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

Jessica M Burns

Jessica Burns
President of the Additional Support Needs Tribunals for Scotland
Highlander House
58 Waterloo Street
Glasgow G2 7DA

www.asntscotland.gov.uk

Contents

	Page
President's Foreword	2
Tribunal Performance	3
Education (Additional Support for Learning) (Scotland) Act 2009	3
The Additional Support Needs Tribunals for Scotland (Practice and Procedure) Rules 2010	4
Representation	5
Take Note and Representation	5
Hearing from Children and Young People	6
Disability Discrimination Jurisdiction Under the Equality Act 2010	7
The Additional Support Needs Tribunals for Scotland (Disability Claims Procedure) Rules 2011	7
Standards of Authority Decision Making	8
The Tribunals and Dispute Resolution	8
Recruitment	9
Training and Appraisal	9
Presidential Guidance and Directions	9
Scottish Committee of the Administrative Justice and Tribunals Council	10
Legal Issues	10
Research	10
Tribunal User Group	11
Outreach	11
Venues	12
Website	12
The Secretariat	13
Scottish Tribunals Service	13
Concluding Remarks	14
Appendices:	
Appendix One	15
Appendix Two	16
Appendix Three	23

President's Foreword

This is now the sixth and last of my Annual Reports on the work of the Additional Support Needs Tribunals. After much careful thought, notwithstanding the renewal of my appointment for a further five years from November 2010, I have decided that the time has now come for someone new to take over the judicial leadership of these Tribunals. Changes over the past year or so have been such that the post has become too challenging for me to consistently meet the standards which the Tribunals require while working on the basis of the agreed fifty days per year. Of all my duties as President perhaps I derived most satisfaction from actually sitting as a convener and I was unable to expand the time needed for this function to sit as frequently as I would have wished.

It is already apparent from the activity since the end of this reporting year that 2011/2012 will see a significant rise in references due to the amending legislation and, together with a new cohort of conveners and members, this demands even greater involvement. I have been particularly pleased to be in post when the Tribunals acquired the Disability Discrimination jurisdiction under the Equality Act 2010 as this is consistent with the jurisdiction already exercised by the broadly equivalent tribunals in England and in Wales. It also results in the Tribunals, which were established under devolved legislation, primarily exercising jurisdiction over the devolved matter of education, taking on a jurisdiction which remains reserved relating to equality issues and therefore applying UK law.

One of the developments in the past year which may impact on the Tribunals and its jurisdiction was the legislation, the Children's Hearing (Scotland) Act 2010, amending the Children's Hearings system in Scotland to provide, among other changes, for a National Convener who has now been appointed. The establishment of a national rather than locally administered system provides for the possibility of consideration being given to whether all systems of decision making affecting children should be rationalised as far as possible. For some children and parents the decision making process can be complex where, for instance, there is a placing request reference before a Tribunal and a referral in tandem to a Children's Hearing considering a placement for a child in a residential school. Additionally some references in the past year have highlighted the complications arising out of the multiplicity of planning tools potentially all relating to children requiring additional support. It is surely desirable that co-ordinated support plans, applied by education authorities, the Child's Plan in the ownership of social work and the planning tools which sit under the GIRFEC (Getting It Right For Every Child) initiative, largely driven by the health agenda, may at some stage be simplified. Furthermore the establishment of the Scottish Tribunals Service may provide for groupings of Tribunals with common users and it may not be fanciful to envisage a division of tribunals encompassing Children's Hearings, the Additional Support Needs Tribunals and Education Appeal Committees where the needs of the children affected can be considered in a joined up way to ensure the best possible outcomes.

Tribunal Performance

The appendices to this report set out in tabular form the key performance indicators. The most notable change relates to the incidence of placing request references. Of the 64 references received in the reporting year, half related to placing requests. At the end of the first full reporting year in 2007 there were just 12 in this category, in 2008 there were 17, in 2009 just 10 and in 2010 there were 14. This pattern is shown at Fig. 2. At Fig. 6 City of Edinburgh Council remains the authority most active in relation to Tribunal activity.

Conveners continue to perform well in ensuring the issue of decisions within a reasonable time frame. The target time is 14 days after the end of the hearing but many hearings are complex and decisions are only issued after the members have also had an opportunity to confirm the terms. Where a delay may be incurred then guidance issued advocates the issue of a summary decision in advance of full findings and reasons. The average waiting time for the reporting year is 17 days.

There have been no complaints received this year. We do, from time to time, receive feedback on some aspects and we work towards meeting user expectations.

Education (Additional Support for Learning) (Scotland) Act 2009

Although this legislation received Royal Assent on 25 June 2009 the implementation date was somewhat delayed until 15 November 2010. The main changes for the Tribunals are the extension of the jurisdiction with respect to placing requests. The gateway for placing requests was formerly whether the child had a co-ordinated support plan. The main determinant of the Tribunals' jurisdiction is now whether that request is for a special school, independent or public, and only where the placing request is for a mainstream school and there is also a co-ordinated support plan in place or to be opened would the Tribunal apply its expertise in determining whether it should be granted.

Placing request references are seasonally distributed and as I write this report the impact of the amending legislation is already in evidence with an increased number of placing request references.

The definition of additional support in Section 1(3) of the 2004 Act is also amended to include after "provision" the words "whether or not educational provision" and the interpretation of this amendment has already been the subject of debate at hearings. It is likely that further judicial clarification of the precise meaning of this amendment may be required.

One hotly debated amendment was to Section 1 of the 2004 Act by including a presumption that looked after and accommodated children and young persons have additional support needs unless they are assessed as not having such needs. It is not clear to what extent this has led to authorities changing their processes and sadly research carried out by Barnardo's for the Equality and Human Rights Commission in Scotland in 2009 has still not been published at the time of writing although the draft contains interesting detailed information about the incidence of additional support needs among children in this category.

Another amendment which could potentially impact on volumes of references was an amendment to Section 18 of the Act providing for a right of appeal in respect of failure to implement a co-ordinated support plan. Sitting alongside this provision is an amendment to Schedule 1 of the 2004 Act enabling the President to monitor implementation of Tribunal decisions. These two provisions sit very closely and effectively give the Tribunals some enforcement powers.

We have had no references in respect of the first amending provision and we have received only one application in respect of the second so it is not possible to make general observations. Where parties have been in dispute, sometimes for several years, about the provision in place for a child, even the certainty of a Tribunal decision may not be sufficient to ensure co-operation between parties to implement the decision and the importance of positive ongoing relationships is vital to achieve the best outcomes.

The Additional Support Needs Tribunals for Scotland (Practice and Procedure) Rules 2010

The amended Rules also came into force on 15 November 2010. The consultation on the rules which took place between 5 October 2010 and 8 January 2011 was in the form of the proposed changes without producing a draft set of the proposed new rules which may have assisted the process as there are some minor errors such as the reference to the "Registrar" in Rule 45A(7) instead of "Secretary".

The two most notable changes have been the staged end dates for the case statement and the response and the powers of review. The Secretariat has found that by staggering the end date for the appellant's case statement and the date for the response by two working weeks it enables the respondents to add only those documents not already included in the appellant's bundle and does, in most cases significantly reduce, if not eliminate, duplication of documents. Parties have not encountered difficulties with this as additional documents which are relevant to the issue in dispute are always admitted even where strictly out of time.

The second change, the introduction of review powers for the Tribunals, has not been tested in the reporting year as only one application was received but not heard within that year. Here again the applicable Rule lacks some precision and it will be interesting to see the extent to which it is invoked in future years. The aim was, where possible, to prevent decisions where there is a clear error having to go by way of appeal to the Court of Session when they could be dealt with proportionately by the Tribunal carrying out its own review.

Representation

Section 14A of the 2004 Act as amended provides for the establishment of a national advocacy service for parents and young persons who wish to make a reference to the Tribunals. This was a fairly late amendment to the 2009 amending legislation. The principle of establishing a means by which parents and young people can be supported through the process of taking a reference to the Tribunals is indisputably a sound one. However there was no research carried out on this aspect and no evidence of which I am aware that prior to November 2010 parents who wished representation were unable to find any or that parents were dissatisfied with the representation available. The then main existing providers, ISEA (Independent Special Education Advice) (Scotland), were, at least latterly, being funded by the Scottish Government for short but renewable periods without any formal tendering process. The Scottish Government commissioned a report from Govan Law Centre to report on the options for ensuring a skilled, Scotland-wide provision which could be reliably available. Ultimately the scheme devised to meet the statutory requirement was to identify a fixed “pot” of funding and invite tenders from organisations to present their model for delivery of the service within the limits of the funding identified. Quite properly, the Tribunals were not involved in the selection process in any way although the Secretary attended a meeting for interested providers to supply information on the Tribunals which might not already be publicly available through the website, Annual Reports and decisions database. The enabling legislation was passed in June 2009 but the tendering process did not commence until well into 2010. This meant that the preferred provider was not announced until three weeks before the service was due to go live in November 2010. The handling of this process has had a detrimental effect on the ability of the Tribunals to efficiently clear some of the cases over a period of three or four months where representation was transferred after the reference had been submitted.

Take Note and Representation

The preferred providers appointed are Barnardo’s in partnership with the Scottish Child Law Centre, under the banner of “Take Note”. The managers were faced with the difficult task of recruiting and appointing advocacy workers within a very short period of time who were expected to immediately engage with mature as well as new references. Neither organisation had experience of representing at ASNTS hearings. The gateway to the service is an enquiry line staffed by the Scottish Child Law Centre which acts as a filter to ensure that the referral is appropriately made to one of the three advocacy workers now in post. The legal nature of the work has been particularly challenging for lay advocates but to date no cases have been represented by the Scottish Child Law Centre as opposed to those working under the Barnardo’s umbrella.

At the time of writing, the service has been in operation for just five and a half months so it is not possible to make evidence based observations as to the impact of Take Note in assisting access to the Tribunals. To the end of March they were, or had been, the named representative in just six cases, three had been withdrawn after settlement on a placing request had been reached, two had gone to hearings and been concluded and one was in the process of proceeding to a hearing. Three of these cases had been “inherited” from ISEA. In view of the two month window in which a reference may be submitted after the disputed decision has been made, many more cases may be worked on and in some it is expected that some form of settlement will be reached before the need to make a reference. It is anticipated that Take Note will become a significant representative organisation in the coming months and it is in the interests of both Take Note and the Tribunals that there can be close co-operation to ensure that those challenging decisions can be as well supported as possible.

Hearing from Children and Young People

The child or young person will always remain the focus of the Tribunal although the legislation covering this jurisdiction does not apply any overarching test such as the “best interests of the child”. In order to flag up the requirement for Tribunals to ensure that the child’s views are represented, particularly in placing request references where the decision could potentially result in a radical change of schooling for the child, directions are increasingly made once the reference is registered to enable parties to consider how those views might best be represented at the earliest possible stage. There are some children whose disabilities are so severe that they are unable to express any view but most are willing to engage in this process and their views are invariably helpful, although they can never be the determining factor.

In most instances the most effective way of obtaining the child’s views is to ask a child advocacy worker to meet with the child in their own home or a neutral environment. Many local advocacy organisations have a particular group for which they provide advocacy. This has caused some difficulties in arranging advocacy for certain children in some areas of Scotland but generally we have managed to instruct appropriately.

As at the end of the reporting year only one young person has brought their own reference. In some cases it appears that the young person may well have sufficient capacity to bring their own reference but the parent acts as the appointee and where the lack of capacity has been accepted by the authority it is difficult to then explore this aspect. In one reference in the past year where the child became a young person during the currency of the reference on a placing request, it then became particularly important to ascertain that the child’s wishes and the parent’s wishes were the same.

Disability Discrimination Jurisdiction Under the Equality Act 2010

The relevant provisions of the Equality Act impacting on the Tribunals' jurisdiction "went live" on 18 March 2011. One claim was received that same day and another has since been registered. It is too early to make any observations. It will be for my successor to report next year on the impact which this jurisdiction has had on the business of the Tribunals. Experience south of the border has shown that claims are not numerous and that many fall at the first hurdle of establishing that the pupil's disability is the reason for the discrimination.

In Scotland there is potential for more activity since the Tribunals have jurisdiction in respect of admissions and exclusions which are attributable to disability and therefore potentially discriminatory. There is an absence of any statutory obligation on authorities to alert those who believe that they have experienced discrimination in that (or any other) context that they may have a right of redress and parallel remedies are still available through the Education Appeal Committees in respect of exclusions and admissions where there is no allegation of disability discrimination.

There is the possibility under these rules that a reference on an additional support needs issue may be heard in a consolidated hearing together with a claim of disability discrimination but in view of the complexities of this type of case, for which Employment Tribunals have already created a large body of precedent, it is not thought that such a direction will be the norm.

The Additional Support Needs Tribunals for Scotland (Disability Claims Procedure) Rules 2011

I was heavily involved in the consultation regarding the draft disability claims rules relating to the Tribunals during 2010 and understood that it was anticipated that these rules would, as closely as possible, mirror the rules for additional support needs references. I would have favoured one set of rules applying equally to both but at that time the final form of the revised ASN rules had not been determined and it seemed to me that following parallel track which could enable consolidation at a later stage was an appropriate way to proceed. The consultation was conducted not on the basis of the actual rules but only on an indication of what they would contain. I had no sight of the final rules until after they were laid, very late in the process and the result is that the numbers of the rules lose their synchronicity part way through and thereafter identical rules have different numbers.

Perhaps of more concern was the fact that the Rules, even in a draft form, were not available until 10 February 2011 and the consultation on the Draft Code of Practice: Schools in Scotland issued by the Equality and Human Rights Commission in January 2011 could not take account of these so that Chapter 15 “Enforcement” states “Please note that information regarding the Additional Support Needs Tribunal (sic) will be added when the Scottish Government publish their regulations.”

The EHRC Consultation on the Schools Code ended on 22 April 2011 but no response was submitted by the Tribunals in view of the absence of the content applicable to its jurisdiction. A further consultation on a jurisdiction covering discrimination in relation to ancillary goods and services is expected but there is no further information available on this at the present time.

Standards of Authority Decision Making

As noted in last year’s Report the standards of ASN decision making is improving as authorities become more accustomed to the requirements of decision making. It is now less common to see a decision letter omitting to signpost appeal rights. Inevitably changes in personnel responsible for this process mean that there has been some lack of continuity in some authorities leading to a skills gap. In March 2011 Enable Scotland published a report “Bridging the Training Gap” highlighting some shortcomings in continuing training. It is noted that simple matters such as omitting a date on the decision letter means that the timescales for making a reference can be unclear.

Some authorities also remain uncertain about the jurisdiction regarding their Education Appeal Committees and the Tribunals. Where there is a need for contact between the Secretariat and the EAC, those responsible for the EAC within the authority are often difficult to identify. The Scottish Committee of the Administrative Justice and Tribunals Council have retained their interest in the performance of the EACs and will be issuing further guidance.

The Tribunals and Dispute Resolution

The Tribunals remain committed to promoting dispute resolution where possible. The strategies of issuing directions early in the processing of the reference which leads parties to focus more actively on the matter in dispute and the standardisation of the telephone conference call before hearings means that no parties come to the hearing taken unawares by the evidence to be presented. Fig. 7 indicates that 39% of references were withdrawn in the reporting year but in many cases this is because the authority has acceded to the parent’s wishes. In many cases the very fact of making a reference can accelerate the settlement process.

Recruitment

I refer to Appendix 3 which sets out the membership of the Tribunals over the past year.

The earlier part of 2010 was particularly challenging as the numbers of members and conveners available to sit proved inadequate to meet demand. The recruitment process was managed by the sponsoring department within the then Support for Learning Division. The new members have added considerably by ensuring that those sitting on Tribunals have either a current or very recent knowledge of working within the system. I believe that it is important for the credibility of the Tribunals that the members have the requisite knowledge of health, education and the needs of children requiring additional support to make the fullest possible contribution. In addition we have recruited more conveners anticipating rising appeal loads and to replace those who have retired or resigned.

Training and Appraisal

During 2010/2011 four days of training have been held for conveners and members. In October 2010, induction training was held for the six newly appointed conveners and 12 members followed by a training day for all conveners and members. In February and March 2011 training on the disability discrimination jurisdiction was held over two days for conveners to cover the very complex legal issues and one day for members. We also ensured that at least the newly appointed conveners had the opportunity of participating in visits to special schools as this had formed a very successful part of the initial induction in 2005. Those who participated felt they were privileged to see at first hand something of the good practice in this field. I hope that my successor will afford further opportunities for conveners and members to benefit from this direct experience. We continue to issue a quarterly e-bulletin to conveners and members signposting relevant information to assist them in their role.

Presidential Guidance and Directions

All guidance and directions were updated and reissued in October 2010 to take account of the amending legislation. These all appear on the website. New guidance has been issued as follows:

- Presidential Guidance 12: Issuing Decisions
- Presidential Guidance 13: Hearings with no Case Officer Available
- Practice Direction 6: Instructing Child Advocacy to take the Child's Views
- Practice Direction 8: Directions under Rule 24 Expert Evidence (Tribunal)
- Practice Direction 10: Recovery of Documents
- Practice Direction 14: Directions under Rule 39 (Expenses)
- Practice Direction 15: Exercise of the Power of Review under Rule 45A
- Practice Direction 19: The Use of Live Text-Based Forms of Communication

Scottish Committee of the Administrative Justice and Tribunals Council

The Tribunals received no visits from the Scottish Committee of the AJTC during the past year but a member of the Scottish Committee did attend one of the training events and we have provided responses to a number of requests during the year.

The Scottish Committee's significant publication, *Tribunal Reform in Scotland: A Vision for the Future*, contributed immeasurably to the debate on the future shape of tribunals in Scotland and their forthcoming consultation on the position of Education Appeal Committees may be particularly relevant in relation to creating a more coherent appeal structure for all types of education appeals.

Legal Issues

During the past year there have been six appeals to the Court of Session. Three of these were not decided as the appeals were withdrawn or agreement reached between parties. Two are currently outstanding and there is no process by which the Tribunals are informed of the outcomes unless the appeal is remitted back for re-hearing. One of these appeals was heard and an opinion has been issued which can be found at <http://www.scotcourts.gov.uk/opinions/2011CSIH13.html>. This decision supported the summary and flexible nature of Tribunal proceedings but attracted a significant amount of publicity as it concerned a Tribunal decision to allow a placing request to enable a severely autistic child to attend an independent school as a residential pupil. The authority concerned argued strongly on the basis of the disproportionate cost to the authority as a result of the decision and such arguments are likely to feature more prominently as authorities seek to achieve best value from their expenditure.

Research

Professor Sheila Riddell of the Centre for Research in Education, Inclusion and Diversity, University of Edinburgh, has received further funding in order to explore the user experience focussing on children and parents. This research is not likely to report until well into next year and perhaps my successor will be in a position to report briefly on the outcomes.

Tribunal User Group

This body continues to meet annually and reports are available on the website. The last meeting was held on 19 November 2010 in Edinburgh and was attended by 21 users. The next meeting has already been arranged for Glasgow on 7 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 the following conferences:

- ASL Implementation Group (several)
- UK Education Tribunals Jurisdictional Forum, Belfast – 11 June 2010
- Legal Services Agency Tribunals Service Seminar – 14 June 2010
- Administrative Justice and Tribunals Council (AJTC) Conference – 22 June 2010
- Govan Law Centre – 11 October 2010
- Special Educational Needs and Disability (SEND) Conference – 21 October 2010
- Education Lawyers Group – 11 February 2011
- School Visits (Glasgow) – 18 February 2011
- Scottish Child Law Centre DD Conference – 18 February 2011

I remained a member of the working group focussing on the implementation of the 2009 Act. This group has continued to meet following implementation in November 2010 and its remit is currently being re-examined. I have also been involved in meeting with other judicial heads and Scottish Tribunals Service staff during the development of new ways of supporting Scottish tribunals.

In addition to these events, I have met informally with representatives from Govan Law Centre, Take Note, Common Ground and Resolve.

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

- Children in Scotland Annual Conference
- Enquire Seminar

In addition to this the Secretariat took part in training which was delivered by the Scottish Child Law Centre on the way in which different aspects of the law impacts on children and young people.

Venues

Increasing pressure on our budget has meant we have had to be more resourceful in keeping venue costs within reasonable limits. Wherever possible, the Secretariat look at the suitability and cost effectiveness of accommodation to hold hearings. This has led to exploring the use of more government buildings and in some cases local authority venues. However, there are on occasion, restrictions based on availability and suitability where the use of commercial venues is the only available option. Venue sharing with other Tribunals has, to date, not been achievable as hearing premises in other systems are either unsuitable for ASNTS hearings or they are booked too far in advance to meet the timescales to which we normally work.

Website

The Additional Support Needs Tribunals Website (www.asntscotland.gov.uk) has recently been updated to include information and guidance on the new jurisdiction regarding claims of disability discrimination relating to pupils in school education in Scotland. A new user's guide to disability discrimination claims is available to download and there is also the facility to submit an online claim form to the Tribunals. This facility is already available for Additional Support Needs references.

Hits on the site this year have increased from 221 in April 2010 to a record 684 in March 2011. The average over the year was 460 hits per month, the lowest in July and August coinciding with the summer holidays and the highest in February and March coinciding with the run up to the period when the greatest number of placing requests is received.

The Secretariat

Due to modest hearing activity in 2008/2009, the Secretariat had its staffing reduced from five to four to deliver on government cost-saving targets. The departure of one member has required an even greater commitment to the business and more multi-functional working to ensure that there is no reduction in the level of service in a year which has seen more demands being placed on the Tribunals. The move from Europa Building in October 2010 to Highlander House added to the challenges of the year.

Furthermore, the formation of the Scottish Tribunals Service has been a significant change in creating an administrative support for six devolved tribunals. The tribunals involved are Mental Health Tribunal for Scotland, Lands Tribunal for Scotland, Scottish Charity Appeals Panel, Additional Support Needs Tribunals for Scotland, Private Rented Housing Panel and Pensions Appeal Tribunals. This restructuring is designed to bring about efficiencies by streamlining some of the administrative processes but there should be no change to the level of tribunal support. As with many demand driven services, in the ASNTS system there are peaks and troughs of activity which make providing consistent administrative support even more challenging in times of close financial scrutiny.

Scottish Tribunals Service

The ASNTS formally joined the Scottish Tribunals Service on 1 April 2011 although this was the culmination of a process which started almost a year before. The position of the conveners and members of the individual tribunals is currently unaffected by the formation of the Scottish Tribunals Service and it is now likely that there will be consultation shortly on any judicial changes to mirror the administrative consolidation. There is already much informal cross jurisdictional working since many conveners sit or have sat in other jurisdictions, both reserved and devolved, and bring high levels of transferrable expertise to their role on the Tribunals. In addition a number of members are or have been members of the Children's Panel or other decision making bodies quite apart from their Tribunal appointment.

As President I have greatly enjoyed and appreciated the opportunity which the Scottish Tribunals Forum has provided tribunal leaders to share good practice and work towards the development of an identifiable Scottish tribunals judiciary.

Concluding Remarks

In concluding this report I would like to pay warm tribute to the excellent work of the Secretariat in meeting the needs of the Tribunals throughout my tenure and in the past year – a particularly challenging time. As I write this report, the caseload has never been higher with an unprecedented number of placing request appeals.

I would also wish to thank, most sincerely, all the members and conveners for their unfailing support over the past six years. Each Tribunal sits quite independently and the work of the Tribunal is often legally and emotionally demanding for all those involved but I hope that I have succeeded in creating a camaraderie among members and conveners which has added to the satisfaction of their roles. I am also pleased that I leave with a balance of new and more experienced members and conveners in place to carry forward the good work of the Tribunals and I know my successor as President, when appointed, will appreciate this excellent resource of skilled and enthusiastic individuals. I will miss them all.

Finally, it has been an added privilege of the post that I have met so many committed and able people involved in the education and support of children with additional support needs whether from authorities, health boards, organisations supporting children, academics, administrators and representatives. Their experience and wisdom has added incalculably to my ability to fulfil this post. It would be invidious to name individuals but I am sure they are aware of the debt I owe them.

I have also witnessed at first hand some of the very good work being carried out in this field all over Scotland however it is not a job that is ever completed but must be an ongoing process to reflect the dynamism of the system. Much of the work involves weighing difficult competing demands and resources to ensure the best possible outcomes for the children concerned. I hope that challenges to, or grievances about, this system will be regarded as a way of strengthening and not undermining it and I also hope that those involved now feel more accepting of the Tribunals' important role in the decision making process.

Jessica M Burns

President

Appendix One

Additional Support Needs Tribunals for Scotland: Expenditure

Expenditure from 1 April 2010 to 31 March 2011

Expenditure	Amount
Tribunal Member Fees (Training)	£29,024.25
Tribunal Member Fees (Hearings) (including Presidents' Fees)	£58,133.22
Tribunal Member Expenses	£9,164.34
Tribunal Member Training Costs	£7,331.24
Tribunal Secretariat Headquarters Costs*	£0
Tribunal Secretariat Hearing Costs**	£22,099.82
Tribunal Secretariat Staff Salaries	£120,094.22
Tribunal Secretariat Staff Expenses	£3,764.60
Tribunal Secretariat Staff Training Costs	£1,501.69
Tribunal Secretariat Office Costs***	£13,806.58
Tribunal Secretariat Specialist Costs****	£9,897.08

* Since ASNTS became part of the Scottish Tribunals Service it is no longer liable for headquarter costs.

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

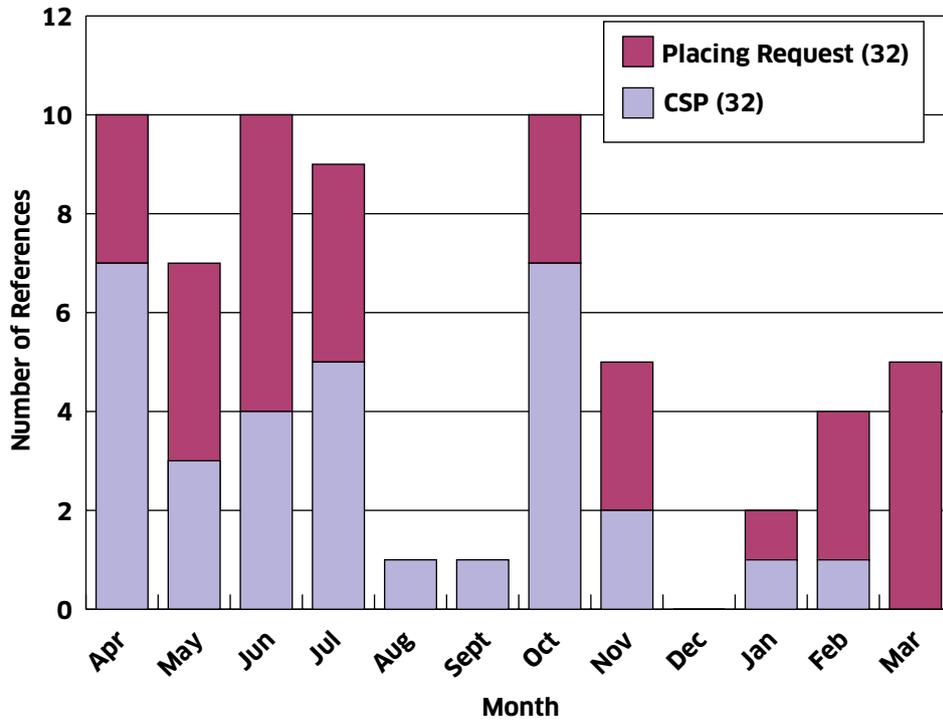
*** This expenditure includes cost for meetings such as the Tribunal User Group, stationery, postage, minor purchases, office machinery and ICT.

**** 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. This figure includes website hosting fees for 2011/2012 paid in February.

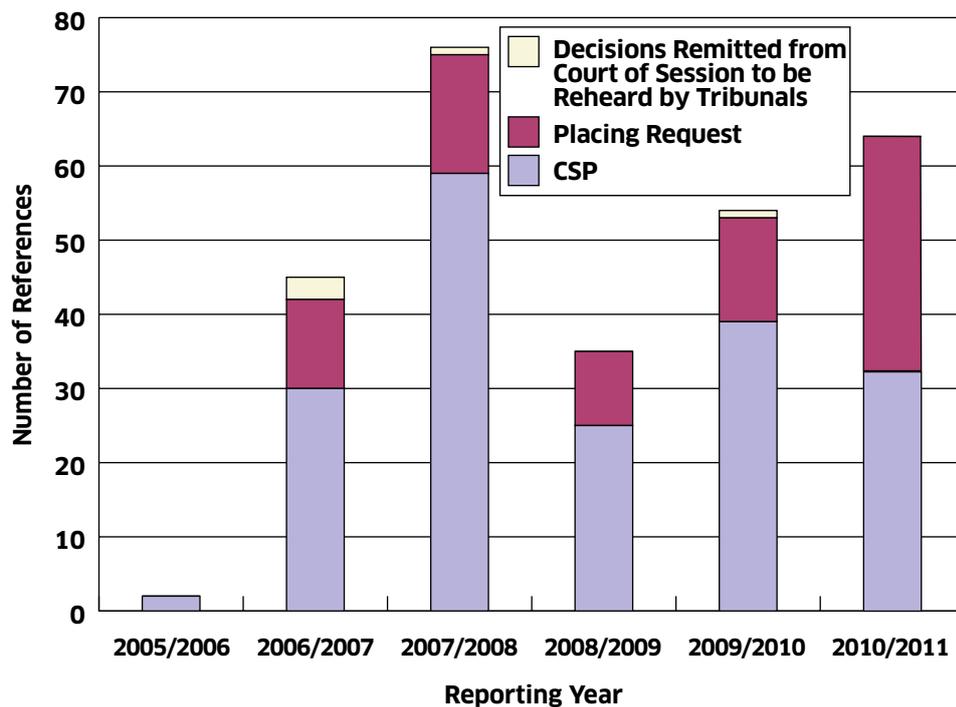
Appendix Two

Caseload Statistics – Reporting Year 2009/2010

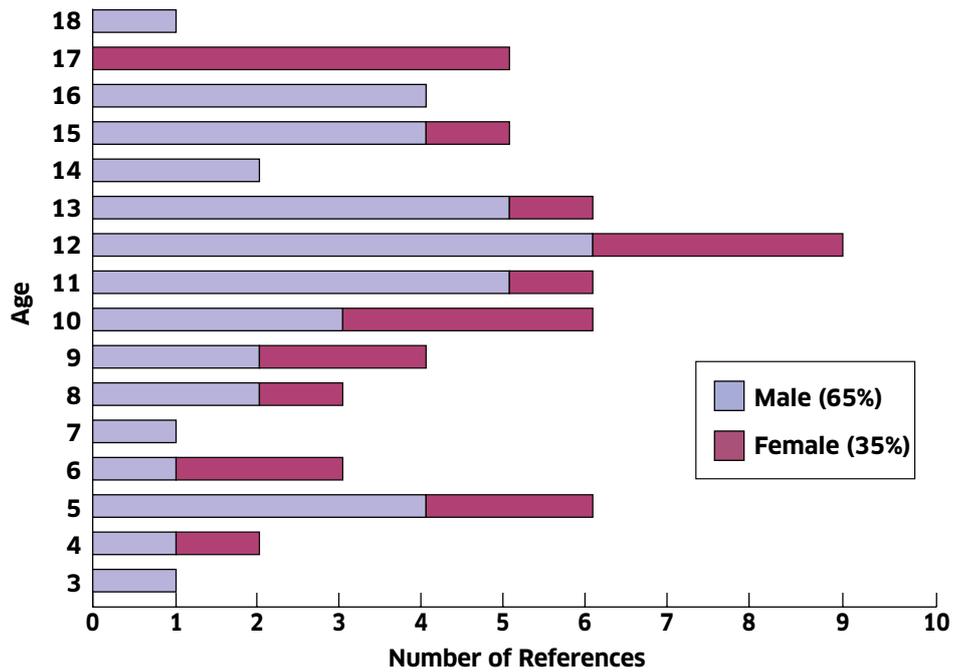
1. References Received per Month 1 April 2010 – 31 March 2011



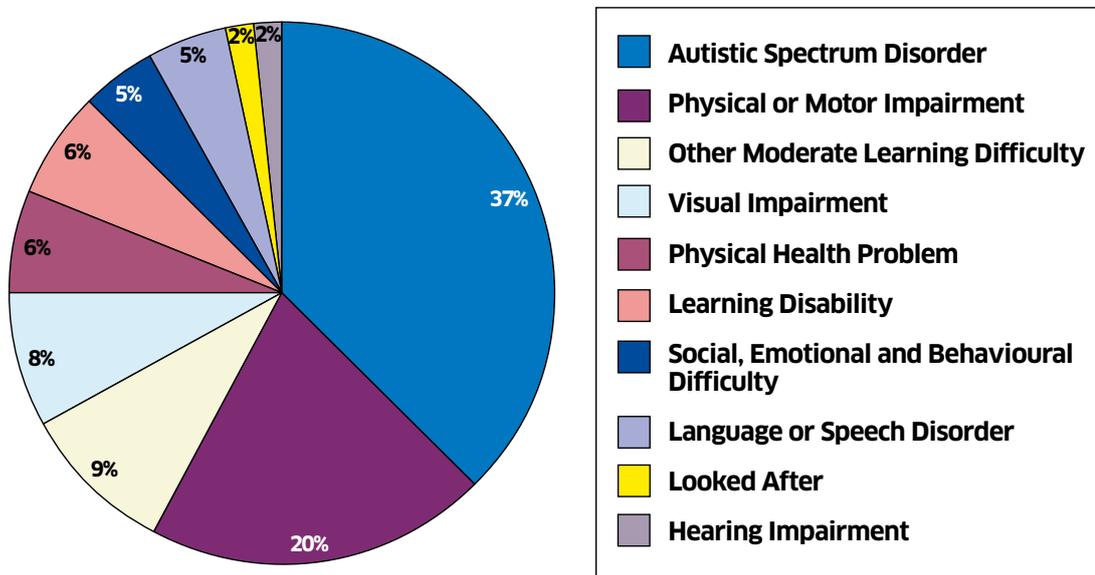
2. References Received by Reporting Year



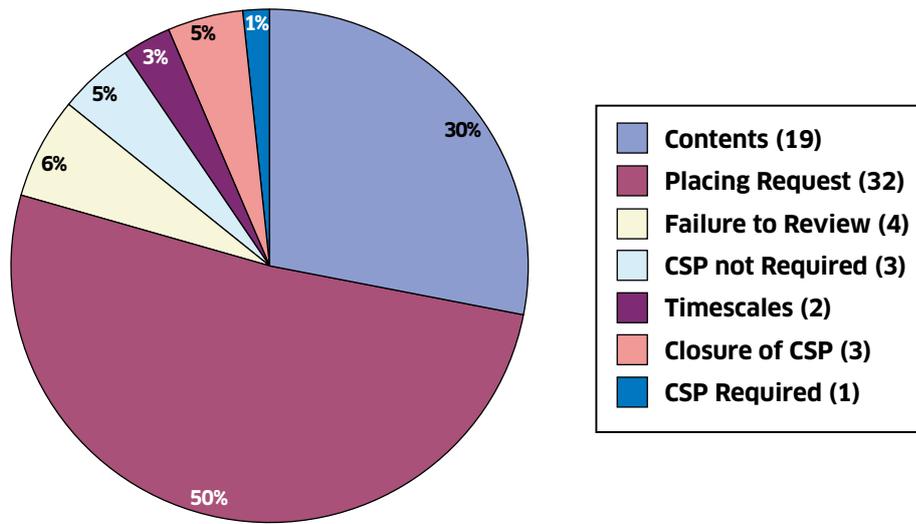
3. References Received by Age and Gender 1 April 2010 – 31 March 2011



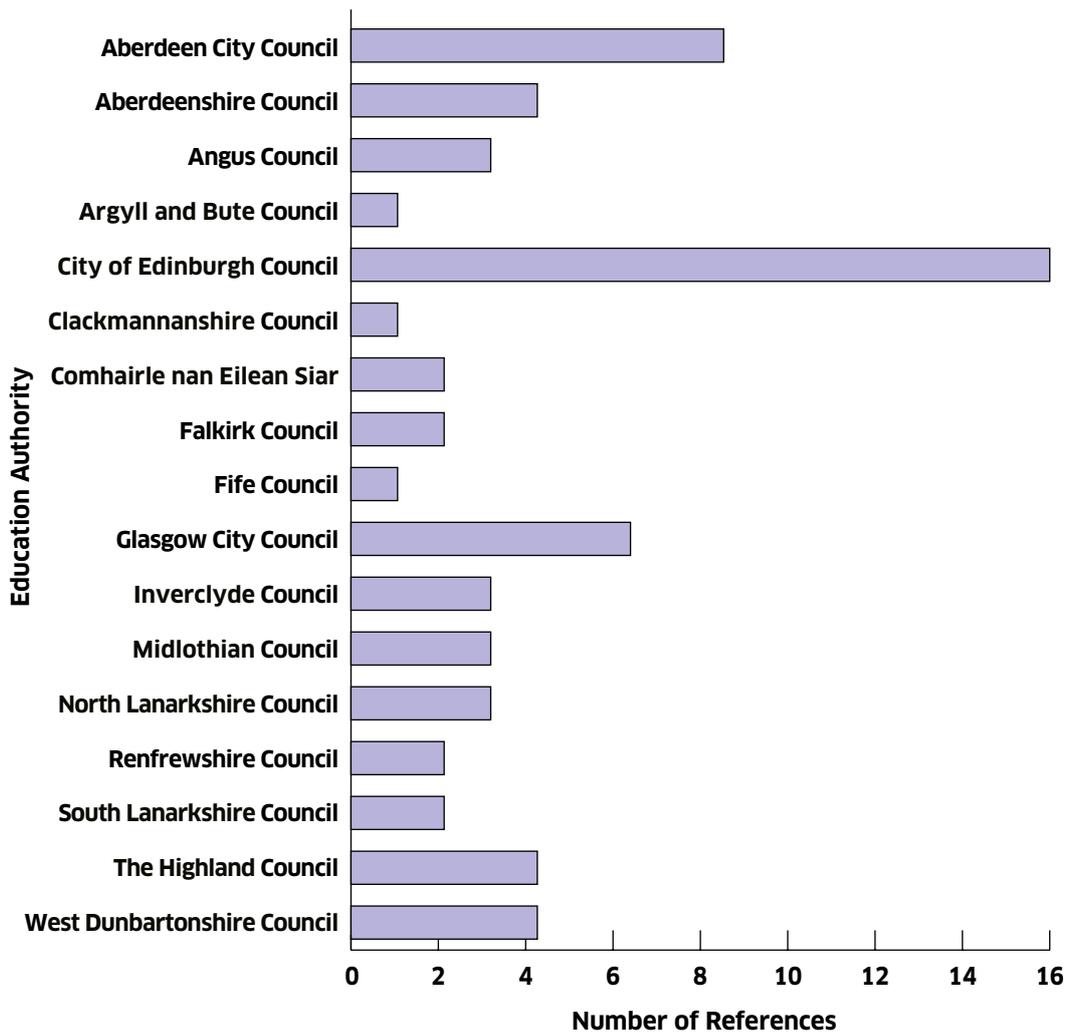
4. Nature of Additional Support Needs for References Received 1 April 2010 – 31 March 2011



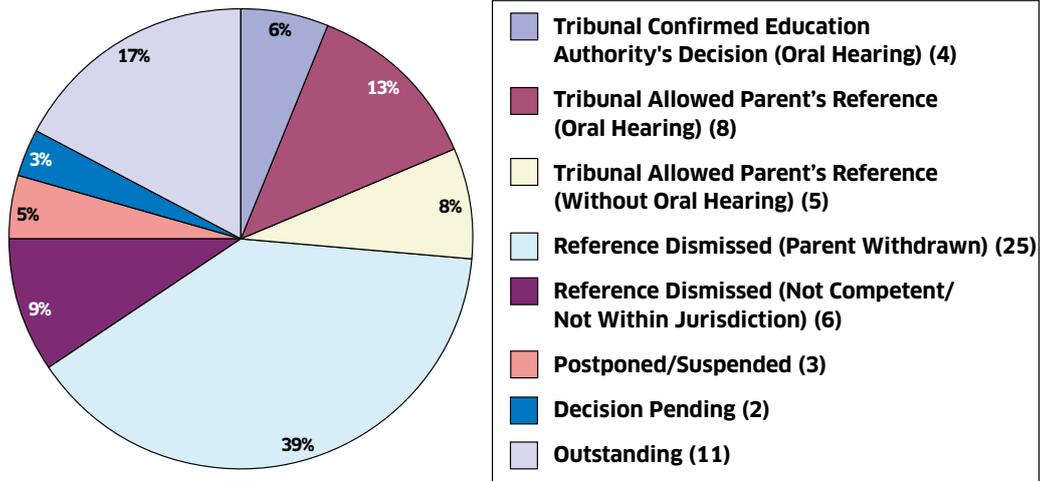
5. References Received by Type 1 April 2010 – 31 March 2011



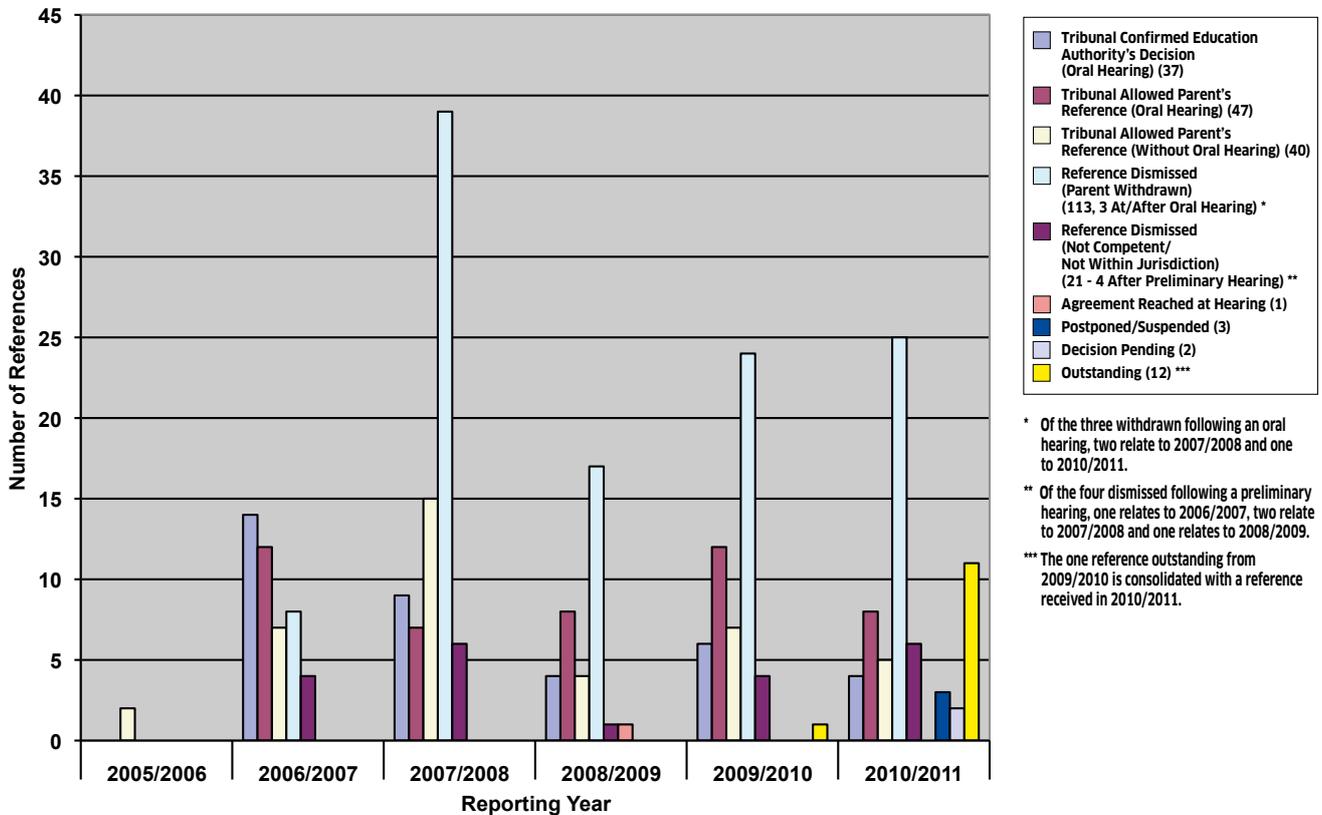
6. References Received by Education Authority 1 April 2010 – 31 March 2011



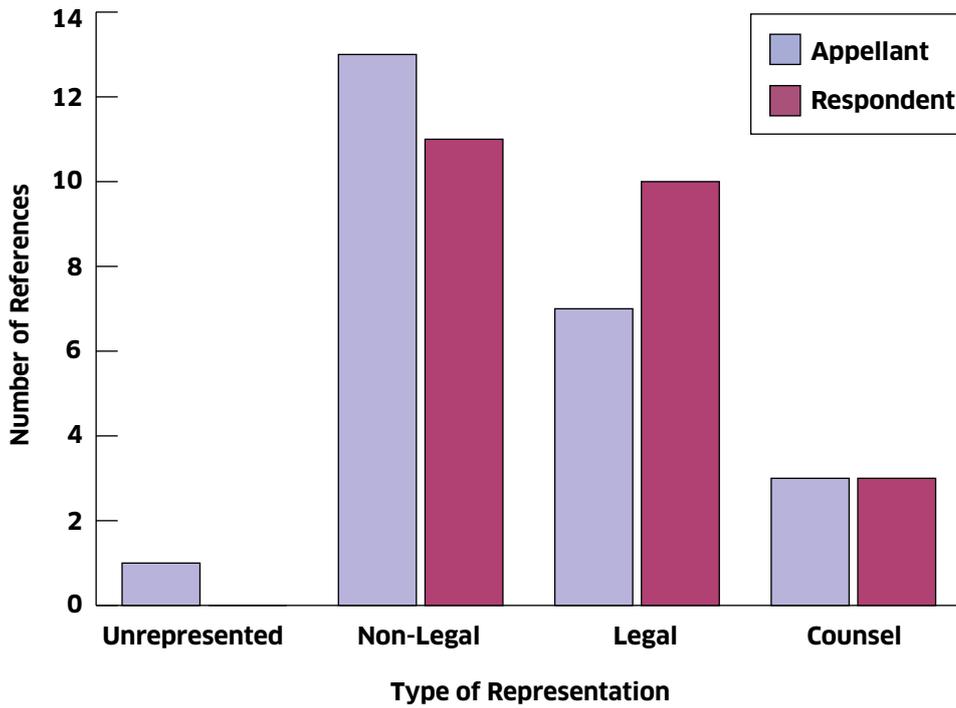
7. Outcomes from References Received 1 April 2010 – 31 March 2011



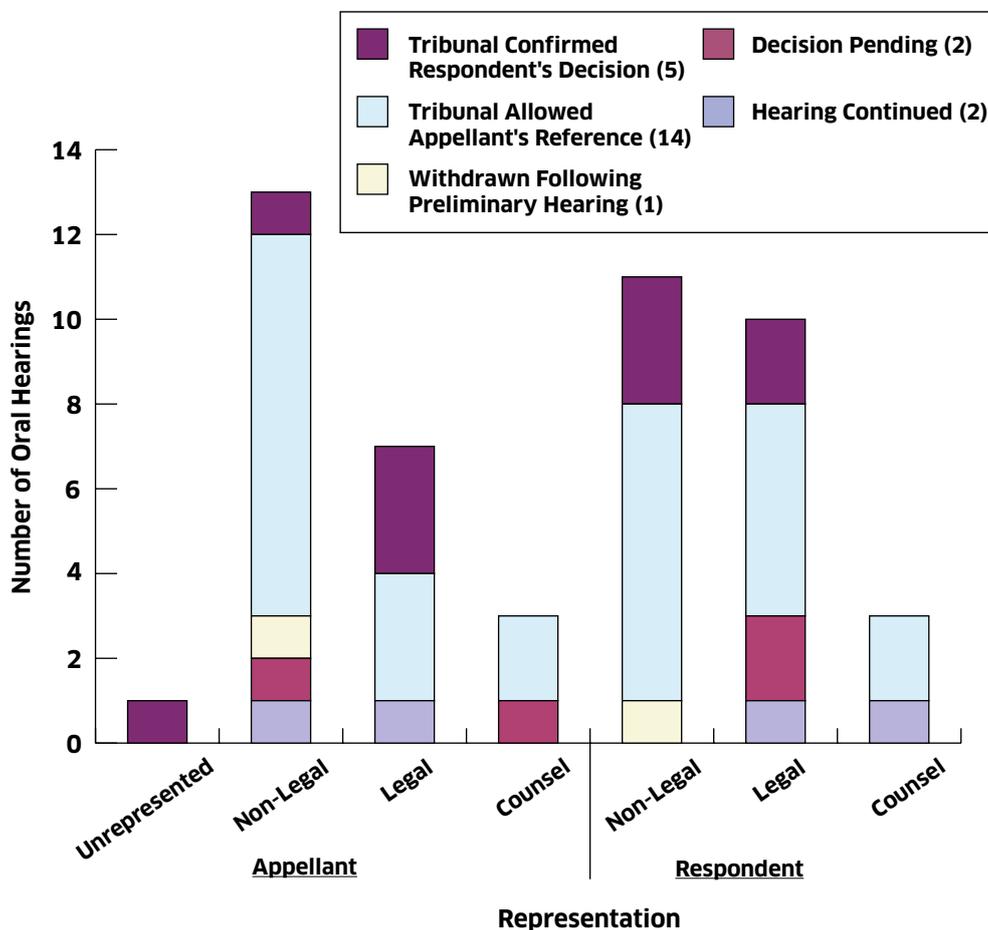
8. Outcomes from References Received by Reporting Year



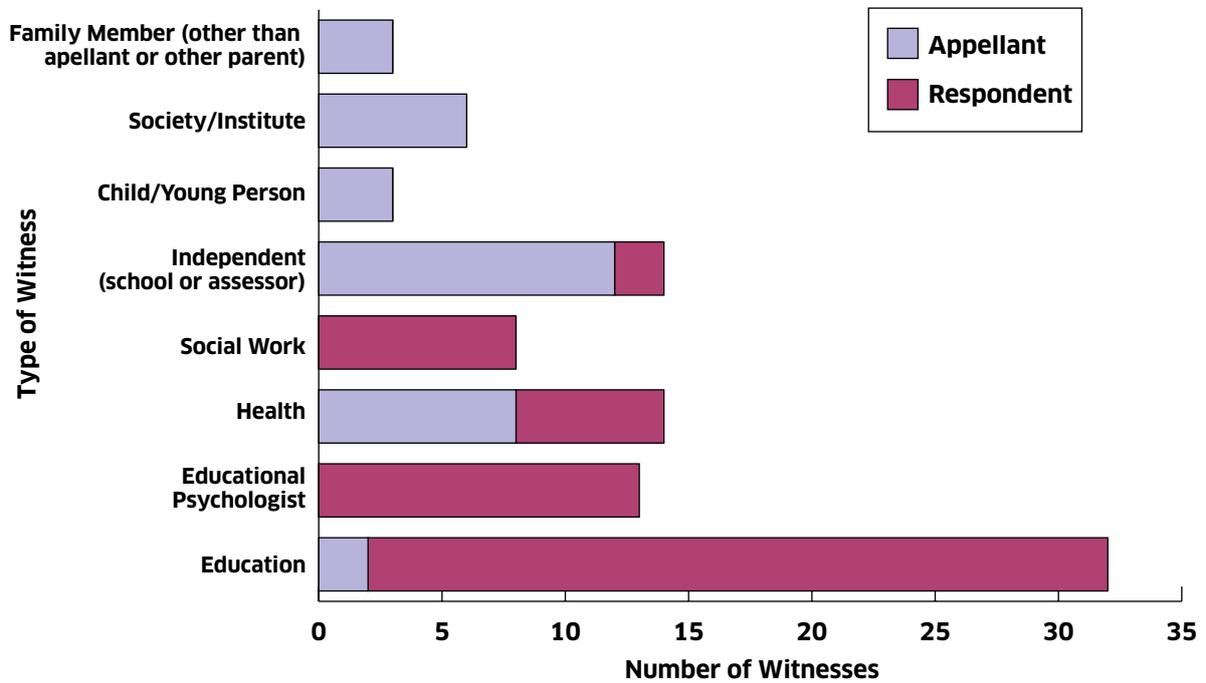
9. Representation at Oral Hearings Held 1 April 2010 – 31 March 2011 (including hearings in respect of references received during previous reporting year)



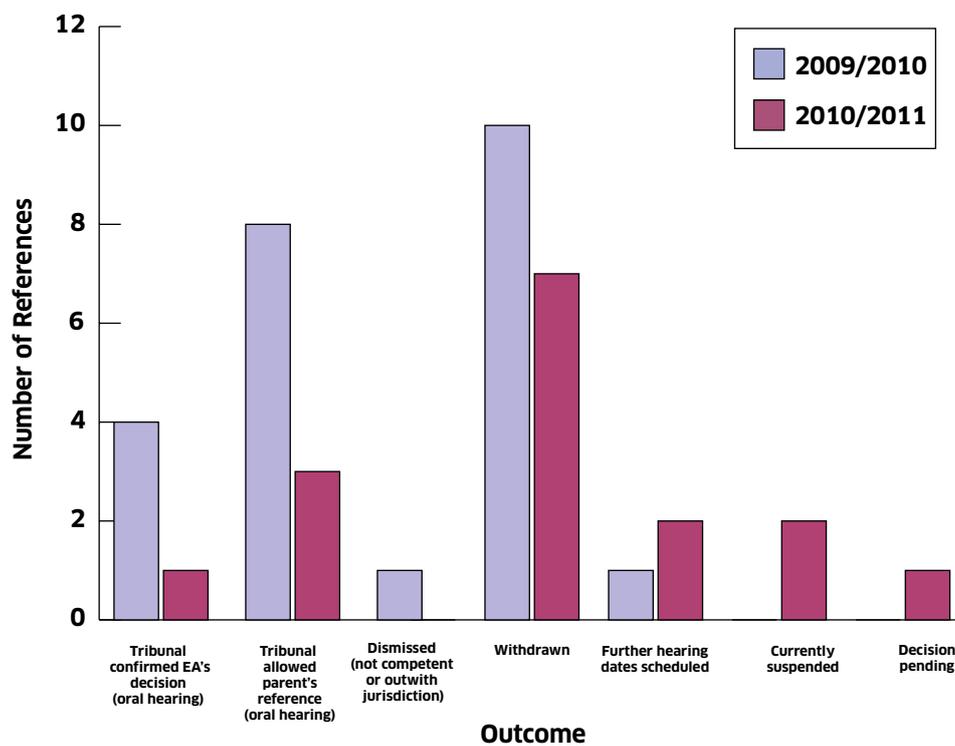
10. Outcomes of Oral Hearings Held 1 April 2010 – 31 March 2011 with Regard to Representation (including hearings in respect of references received during previous reporting year)



**11. Number and Type of Witnesses Heard at Oral Hearings Held
1 April 2010 – 31 March 2011**
(including hearings in respect of references received during previous reporting year)



12. Outcome Following Postponement



Part 3 of the Public Services Reform (Scotland) Act 2010 imposes new duties on Scottish Ministers and the public bodies listed in Schedule 8 to the Act 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.

Appendix Three

Tribunal Membership

Conveners

Derek Auchie▲
Lyndy Boyd▲
Lynda Brabender●
Jessica Burns (President)
May Dunsmuir▲
Peter Hessett▲
Joseph Hughes
Frances Konopka▲
David Logan
Sara Matheson
John McKendrick▲
Richard Mill
Richard Scott●
Isobel Wylie

Members

Stuart Beck
Terry Carr▲
Alison Closs●
Margaret Cooper▲
Janice Duguid
Jill Gorzkowska
James Hawthorn
Hilda Henderson●
Richard Hendry
Carol Hewitt●
Barbara Hookey
Morag Jenkinson●
Linda Jones
Sandra Kerley▲
Jane Laverick
Christina Leitch▲
Maureen Lorimer▲
Susan McCool
Dorothy McDonald
John McDonald▲
Hazel McKellar▲
Gillian McKelvie
Kate MacKinnon
Sharon McWilliam
Ian Morrison▲
Lio Moscardini▲
Elizabeth Munro▲
Elizabeth Murray●
Barbara Peardon▲
Lesley Sargent▲
Eleanor Spalding●
Irene Stevens
Nicola Whitfield
John Young●

● Appointment ended October 2010

▲ Appointed October 2010

