



Additional Support Needs Tribunals for Scotland

PRACTICE DIRECTION 2

Hearing from children

This Direction is issued consequent to Paragraph 12 of Schedule 1 to the **Education (Additional Support for Learning) (Scotland) Act 2004** which provides that the President may give directions as to the practice and procedure to be followed by Tribunals in relation to any matter.

1. The Tribunal will at all times endeavour to manage the reference in such a way that the interests of the child remain central to the process.
2. In all hearings of the Tribunal, the convener and members on receiving the case papers shall consider whether steps require to be taken to hear the views of the child consistent with the ethos the legislation and having regard, where appropriate, to seek the views of the parent bringing the reference and any other parents who views require to be taken independently.
3. Where it is determined that it is not appropriate to seek the views of the child, in framing the decision the convener will indicate why it was not necessary for the Tribunal to seek the views of the child in that particular reference.
4. The Tribunal shall endeavour to take all necessary steps to ensure that the views, where sought, will be obtained in a way appropriate to the needs and interests of the child having regard to Rule 33 of the **Additional Support Needs Tribunals for Scotland (Practice and Procedure) Rules 2006**.
5. Where the views of the child are sought then the Tribunal should have regard to the steps taken by the Education Authority to seek the views of the child and where those views are recorded on evidence produced by the Education Authority this should be reviewed to determine whether further views require to be sought.

Jessica M Burns
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