

EXECUTIVE NOTE

THE ADDITIONAL SUPPORT NEEDS TRIBUNALS FOR SCOTLAND (APPOINTMENT OF PRESIDENT, CONVENERNERS AND MEMBERS AND DISQUALIFICATION) AMENDMENT REGULATIONS 2011 (S.S.I 2011/ 103)

The above instrument was made in exercise of the powers conferred by paragraph 3(1)(b) of schedule 1 to the Education (Additional Support for Learning) (Scotland) Act 2004 and all other powers enabling them to do so. The instrument is subject to negative resolution procedure.

Policy Objectives

The purpose of the instrument is to amend the Additional Support Needs Tribunals for Scotland (Appointment of President, Conveners and Members and Disqualification) Regulations 2005 which set out the qualifications, training and experience prescribed for appointment to the panel of individuals, each of whom may act as a member of an Additional Support Needs Tribunal for Scotland. The remit of the Additional Support Needs Tribunals for Scotland (ASNTS) is being expanded to enable it to hear disability claims cases in schools education in line with the provisions of the Equality Act 2010. The current regulations state that members should have knowledge and experience of children or young persons with additional support needs within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004. The extension to the remit of the ASNTS means that it would be appropriate for some members of the ASNTS to have knowledge and experience of children or young persons with a disability within the meaning of the Equality Act to enable them to sit on Tribunals hearing disability claims cases in school education.

The changes are to come into force on 18th March 2011.

Consultation

The Scottish Committee of the Administrative Justice and Tribunals Council were consulted on a voluntary basis during the preparation of the instrument.

An Equality Impact Assessment has been completed.

Financial Effects

The instrument to establish the rules has no financial effects on the Scottish Executive, local government or on business.

Scottish Executive Learning Directorate
December 2010