

## SCHEDULE

### THE FIRST-TIER TRIBUNAL FOR SCOTLAND HEALTH AND EDUCATION CHAMBER RULES OF PROCEDURE 2018

#### PART 2

##### Procedure in Respect of references to First- tier Tribunal under section 18(1) of the 2004 Act

#### **Response**

**19.**—(1) The authority shall submit a response to the First-tier Tribunal within the last ten working days of the case statement period.

(2) The response shall be signed and dated on behalf of the authority and shall state—

- (a) the name and address of the authority;
- (b) the address to which correspondence should be sent, if different;
- (c) the response to the grounds stated in the reference;
- (d) the basis on which the reference is resisted;
- (e) which facts as set out in the reference or in any statement of case under rule 17 are admitted and which are disputed;
- (f) any further facts on which the authority propose to rely;
- (g) the views of the child or young person concerning the issues raised by the reference, or the reason why the authority has not ascertained those views; and
- (h) the name, address and profession of any representative appointed by the authority, and, where available, the representative's telephone number, fax number and electronic address.

(3) The authority must submit along with the response all written evidence to be relied on.

(4) An authority who does not submit a response shall not be entitled to take any part in the proceedings, except—

- (a) to make an application under rule 25 for a direction requiring the appellant to provide further information on the grounds on which the appellant relies and any facts and submissions relevant thereto, to enable the authority to respond;
- (b) to apply under rule 29 for an extension of the time appointed under this rule for the response; or
- (c) in exceptional circumstances at the discretion of a legal member or the First-tier Tribunal at a hearing.

(5) In exceptional circumstances the authority may amend the response if permission is given by a legal member or the First-tier Tribunal at a hearing.

(6) The authority shall submit to the First-tier Tribunal a copy of every amendment for which permission is given.