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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 88**

**The Additional Support Needs Tribunals for  
Scotland (Practice and Procedure) Rules 2006**

**PART II**

**START OF PROCEEDINGS**

**Reference**

**5.—(1)** A reference to a Tribunal shall be made by notice in writing and shall be signed by the appellant.

(2) The reference shall state—

- (a) the name, address and telephone number of the appellant;
- (b) the address to which correspondence should be sent to the appellant if different;
- (c) the name and date of birth of the child or young person;
- (d) the name and address of the authority;
- (e) the date on which—
  - (i) the authority notified the appellant under section 11 or 28 of the Act of the right to make a reference to a Tribunal in respect of the decision as referred to in section 18(3) (a), (b), (d)(iv) or (e), or of the information as referred to in section 18(3)(d)(i) which is the subject of the reference;
  - (ii) the authority, if they failed to notify the appellant of the right to make such a reference, notified the appellant of that decision or information;
  - (iii) the authority became deemed, in terms of regulations made under paragraph 4 of schedule 2 to the Act, to have refused the placing request which is the subject of the reference; or
  - (iv) the failure as referred to in section 18(3)(c), (d)(ii) or (iii) which is the subject of the reference first occurred.
- (f) the details of the decision, failure or information in respect of which the reference is made;
- (g) the appellant's reasons for making the reference;
- (h) the main facts on which the appellant intends to rely;
- (i) if the appellant seeks an order that a co-ordinated support plan be amended, the part or parts of that plan to which the reference relates; and
- (j) the name, address and profession of any representative appointed by the appellant, and, where available, the representative's telephone number, fax number and electronic address.

(3) Where the child or young person is the subject of a placing request, and whether or not that placing request is the subject of the reference, the reference shall state—

- (a) whether there is an outstanding reference to an appeal committee under paragraph 5 of schedule 2 to the Act; or
  - (b) whether there is an outstanding appeal to the sheriff under paragraph 7 of that schedule in which case it shall specify the court in which the appeal is proceeding and, if known to the appellant, any case reference number relative to it.
- (4) The reference shall be accompanied by–
- (a) a copy of any decision in respect of which the reference is made; and
  - (b) where the reference relates to a co-ordinated support plan, a copy of that plan.
- (5) Where the reference is in respect of a decision or information as referred to in paragraph (2)(e)(i) the reference shall be sent so as to be received by the Secretary no later than two months from the later of the date on which the authority–
- (a) notified the appellant of the right to make reference to a Tribunal; or
  - (b) in a case as referred to in paragraph (2)(e)(ii), notified the appellant of the decision or information which is the subject of the reference.
- (6) Where the reference is in respect of the deemed refusal of a placing request as referred to in paragraph (2)(e)(iii) the reference shall be sent so as to be received by the Secretary no later than two months from the date on which the authority became deemed to have refused that request.
- (7) Where the reference is in respect of a failure as referred to in paragraph (2)(e)(iv) the reference shall be sent so as to be received by the Secretary no later than two months from the date on which that failure first occurred.