

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

Power to decide reference without hearing

37.—(1) A legal member may, in any of the circumstances referred to in paragraph (2), decide the reference without a hearing.

(2) For the purposes of paragraph (1) the circumstances are—

- (a) where no response is submitted to the First-tier Tribunal within the time appointed by rule 19 or any extension of time allowed under rule 29;
- (b) where the authority states in writing that they do not resist the reference;
- (c) where the authority withdraws their opposition to the reference;
- (d) where both parties agree in writing to dispense with a hearing;
- (e) where it has been established that the child or young person requires a co-ordinated support plan and the authority fails to prepare such a plan within the time limit provided; or
- (f) where a reference to the First-tier Tribunal is made by a child or child's parent under section 18(3)(ea) or (eb) of the 2004 Act.

(3) In deciding a reference under paragraph (1) the legal member shall do so on the basis of the notice of reference, any response, any statement of case and any written evidence submitted in accordance with the Rules.

(4) The legal member shall, after receipt of a reference which is to proceed without a hearing in accordance with this rule, send to the parties—

- (a) information and guidance; and
- (b) an indication of when the legal member expects to be able to notify the parties of the decision of the legal member.