
STATUTORY INSTRUMENTS

2002 No. 1985

The Special Educational Needs and Disability Tribunal (General Provisions and Disability Claims Procedure) Regulations 2002

PART II

MAKING A CLAIM AND STATEMENTS OF CASE

(B) THE RESPONSIBLE BODY

Statement of the responsible body's case, and supplementary provisions

13.—(1) During the case statement period, the responsible body shall deliver to the Secretary of the Tribunal a written statement of its case and all written evidence on which it intends to rely.

(2) The statement of the responsible body's case shall be signed by a person who is authorised to sign such documents on the responsible body's behalf and shall state whether or not the responsible body intends to oppose the claim, and if it does intend to oppose the claim it shall state—

- (a) the grounds on which it relies;
- (b) the name and profession of a representative authorised to deal with the claim on the responsible body's behalf, and an address for service.

(3) The responsible body may amend its statement of case, deliver a supplementary statement of case or amend a supplementary statement of case if, in exceptional circumstances, permission is given by—

- (a) the President; or
- (b) at a hearing, the tribunal.

(4) The responsible body shall deliver to the Secretary of the Tribunal a copy of every amendment and supplementary statement for which permission was given.

(5) If permission is granted under paragraph (3)(a), the case statement period may, if necessary, be extended under regulation 51(1) or, if it has expired, a further period may be granted of no more than 15 working days.

(6) If, at the time permission is granted under paragraph (3), the parent has lost his entitlement to attend or be represented at the hearing in accordance with regulation 25, the giving of permission shall restore such entitlement and, if necessary, the hearing shall be rearranged or adjourned, as appropriate, so that the parent can attend or be represented.

Responsible body's representative

14.—(1) The responsible body may at any time change its representative for the purposes of the claim by notifying the Secretary of the Tribunal of the name and profession of its new representative.

(2) References in these Regulations (however expressed) to sending documents to, or giving notice to, the responsible body shall be construed as references to sending documents to, or giving notice to, the representative named in accordance with regulation 13(2)(b) or paragraph (1) above.

Failure to deliver a statement of case and absence of opposition

15. If the Secretary of the Tribunal does not receive a statement of case from the responsible body within the case statement period or if the responsible body states in writing that it does not resist the claim, or withdraws its opposition to the claim, the tribunal shall—

- (a) determine the claim on the basis of the notice of claim, and any other documentation already received or amended in accordance with regulation 9(1) and (2), without a hearing; or
- (b) without notifying the responsible body hold a hearing at which the responsible body is not entitled to attend or be represented.

Representation at hearing and further action by the responsible body

16.—(1) At any hearing or part of a hearing the responsible body may—

- (a) appear; and
- (b) be represented by a legally qualified representative, in addition to any representative whose attendance is necessary in order for the responsible body to appear at the hearing under sub-paragraph (a).

(2) The President or, at a hearing, the tribunal may grant the responsible body permission to be represented by any further representatives to those permitted under paragraph (1).

(3) The responsible body shall give the Secretary of the Tribunal the information requested in the enquiry made under regulation 20.

(4) If the responsible body does not intend to be represented at the hearing it may, not less than 5 working days before the hearing, send to the Secretary of the Tribunal additional representations in support of its case.