
WELSH STATUTORY INSTRUMENTS

2012 No. 322

The Special Educational Needs
Tribunal for Wales Regulations 2012

PART B

SPECIAL EDUCATIONAL NEEDS APPEALS AND DISABILITY CLAIMS

Case preparation before the hearing

The Tribunal's management powers

Evidence and submissions

- 31.**—(1) The President or the tribunal panel may give directions on—
- (a) the issues which require evidence or submissions;
 - (b) the nature of the evidence or submissions required;
 - (c) whether the parties are permitted or required to provide expert evidence, and if so whether the parties must jointly appoint a single expert to provide such evidence;
 - (d) the manner in which any evidence or submissions are to be provided, which may include a direction for them to be given—
 - (i) orally at a hearing; or
 - (ii) by written submissions or witness statement; and
 - (e) the time by which any evidence or submissions are to be provided.
- (2) The President or the tribunal panel may direct in relation to an appeal—
- (a) the parent of the child to make the child available for examination or assessment by a suitably qualified professional person; or
 - (b) the person responsible for a school or educational setting to allow a suitably qualified professional person to have access to the school or educational setting for the purpose of assessing the child or the provision made, or to be made, for the child.
- (3) The President or the tribunal panel may consider a failure by a person who is a party to the appeal to comply with a requirement made under paragraph (2), in the absence of any good reason for such failure, as a failure to co-operate with the Tribunal.
- (4) The President or the tribunal panel may—
- (a) admit evidence whether or not the evidence would be admissible in a civil trial in England or Wales;
 - (b) exclude evidence that would otherwise be admissible where—
 - (i) the evidence was not provided within the time allowed by a direction;
 - (ii) the evidence was otherwise provided in a manner that did not comply with a direction; or

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(iii) it would otherwise be unfair to admit the evidence.