
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 339

**Special Educational Needs and Disability
Tribunal Regulations (Northern Ireland) 2005**

PART II

MAKING A SEN APPEAL AND STATEMENTS OF CASE

(B) THE BOARD

Statement of board's case, and supplementary provisions

13.—(1) During the case statement period, the board 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 board's case shall be signed by an officer of the board who is authorised to sign such documents, and shall state whether or not the board intends to oppose the appeal and if it does intend to oppose the appeal shall state—

- (a) the grounds on which it relies;
- (b) the name and profession of the representative of the board and the address for service of the board for the purposes of the appeal;
- (c) a summary of the facts relating to the disputed decision;
- (d) the reasons for the disputed decision, if they are not included in the decision;
- (e) the views of the child concerning the issues raised by the appeal, or the reasons why the board has not ascertained those views.

(3) In exceptional circumstances the board may amend its statement of case, deliver a supplementary statement of case or amend a supplementary statement of case if permission is given by—

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

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

(5) If the President gives permission under paragraph (3)(a), the case statement period may be extended under regulation 60(1), or if it has expired, grant such further period as he considers appropriate.

(6) Where, the parent has lost his entitlement to attend or be represented at the hearing in accordance with regulation 35, the giving of permission under paragraph (3) shall restore such entitlement and, if necessary, the hearing shall be rearranged or adjourned, so that the parent can attend or be represented.

Board's representative

14.—(1) The board may at any time change its representative for the purposes of the appeal 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 board 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).

Failure to deliver a statement of case and absence of opposition

15.—(1) If the Secretary of the Tribunal does not receive a statement of case from the board within the case statement period subject to Article 18A of the 1996 Order⁽¹⁾ or if the board states in writing that it does not resist the appeal, the tribunal shall—

- (a) determine the appeal on the basis of the notice of appeal and any other documentation already received or amended in accordance with regulation 9(1) and (2) without a hearing; or
- (b) without notifying the board hold a hearing at which the board is not represented.

(2) Where the parent's appeal relates to the contents of the child's statement, no statement that the board does not resist the appeal or that it withdraws its opposition shall take effect until the board sends the Tribunal a written statement of the amendments (if any) to the statement which it agrees to make.

Representation at hearing and further action by the board

16.—(1) Subject to paragraph (2), at a hearing the board may be represented by one person.

(2) If permission is given by the President or, at a hearing the tribunal the board may be represented by more than one person.

(3) The board shall supply the Secretary of the Tribunal the information required in the enquiry made under regulation 30.

(4) If the board 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.

(1) As inserted by Article 8 of S.I.2005/1117 (N.I. 6)