
STATUTORY INSTRUMENTS

2001 No. 600

The Special Educational Needs Tribunal Regulations 2001

PART 4

DETERMINATION OF APPEALS

Hearings to be in private: exceptions

- 30.**—(1) A hearing shall be in private unless—
- (a) both the parent and the authority request that the hearing be in public; or
 - (b) the President, at any time before the hearing, or the tribunal at the hearing, orders that the hearing should be in public.
- (2) The following persons (as well as the parties and their representatives and witnesses) shall be entitled to attend the hearing of an appeal, even though it is in private—
- (a) the child;
 - (b) subject to the provisions of paragraph (8) below, any person named by the parent in response to the enquiry under regulation 20(b) unless the President has determined that any such person should not attend the hearing and has notified the parent accordingly;
 - (c) a parent of the child who is not a party to the appeal;
 - (d) the clerk to the tribunal and the Secretary of the Tribunal;
 - (e) the President and a member of the chairmen's or lay panel (when not sitting as a member of the tribunal);
 - (f) a member of the Council on Tribunals;
 - (g) a person undergoing training as a member of the chairmen's or lay panel or as a clerk to the tribunal;
 - (h) a person acting on behalf of the President in the training or supervision of clerks to tribunals;
 - (i) an interpreter.
- (3) The tribunal, with the consent of the parties or their representatives actually present, may permit any other person to attend the hearing of an appeal which is held in private.
- (4) Without prejudice to any other powers it may have, the tribunal may exclude from the hearing, or part of it—
- (a) a person whose conduct has disrupted or is likely, in the opinion of the tribunal, to disrupt the hearing;
 - (b) a person, including the child, whose presence is likely, in the opinion of the tribunal, to make it difficult for any person to adduce the evidence or make the representations necessary for the proper conduct of the appeal;
 - (c) a representative or witness whom a party omitted to name, without reasonable cause, in response to the enquiry by the Secretary of the Tribunal under regulation 20.

(5) For the purposes of arriving at its decision a tribunal shall, and for the purposes of discussing a question of procedure may, notwithstanding anything contained in these Regulations, order all persons to withdraw from the sitting of the tribunal other than the members of the tribunal and any of the persons mentioned in paragraph 2(d) to (g).

(6) Except as provided in paragraphs (7) and (8) below none of the persons mentioned in paragraphs 2(a) to (i) or (3) above shall, save in the case of the clerk to the tribunal or an interpreter as their respective duties require, take any part in the hearing or (where entitled or permitted to remain) in the deliberations of the tribunal.

(7) The tribunal may permit the child to give evidence and to address the tribunal on the subject matter of the appeal.

(8) The tribunal may permit a parent of the child who is not a party to the appeal to address the tribunal on the subject matter of the appeal.

(9) Where the parent has named more than two persons in response to the enquiry under regulation 20(b) only two persons shall be entitled to attend the hearing unless the President has given permission before the hearing or the tribunal gives permission at the hearing for a greater number to attend.

(10) Section 576 of the 1996 Act (which defines the word “parent”) applies to paragraphs (2) and (8) of this regulation.