Children in Scotland, Resolve and Enquire are pleased to respond to the Scottish Government’s call for evidence on proposals for a new tribunal system for Scotland. Children in Scotland has a long standing interest and involvement in additional support for learning, hosting both Enquire - the national advice and information service for additional support for learning, and Resolve: ASL, Scotland’s largest independent education mediation service.

We support points made in the separate, original consultation response by ASN Mediation Providers Scotland, in particular that user grounds for challenge and appeal should be understandable to them, and information tailored to young people where relevant. We also support the recommendation that mediation should continue to be an option throughout the conflict resolution process.

We are reassured that the new system will be as accessible as the Additional Support Needs Tribunals for Scotland currently is - and that there will not be any added complications or hurdles for young people, parents and professionals to navigate. We would like to reiterate our call for supporting documentation explaining how different tribunals work, especially where tribunals follow different legal pathways.

During the original consultation, we produced an easy read publication of the consultation document – which can be found here – and following on from this work, would like to continue to advocate for clear and accessible information for users of the tribunals system: any changes should be made clear in a format that is user-friendly for people from BME communities, those with literacy difficulties and those with additional needs who may need support to understand the process.

Children in Scotland particularly welcome the fact that mediation is now being embedded and used in the Tribunal landscape e.g. the Housing Panel Private Rented Housing, and is now more accepted, respected and understood as a credible route for dispute resolution than ever before.

Enquire received 45 helpline calls or e-mails in 2012-13 in which the Additional Support Needs Tribunals for Scotland was a discussion topic (albeit not always the main focus of the enquiry). There were 15 referrals to the Additional Support Needs Tribunals for Scotland and 15 referrals to Take Note (the National Advocacy Service for Additional Support Needs). Enquire’s approach is to support resolution of disputes and disagreements at the lowest possible level and encourage the uptake of mediation when appropriate. We support the fact that the Additional Support Needs Tribunals for Scotland also adopts this approach, with very few cases reaching a hearing.

During 2012/13 -- in relation to over 21 of the 32 education authorities in Scotland -- Resolve:ASL and Common Ground Mediation Services handled 90 mediation
cases of which approximately 25% had: made a referral to ASN Tribunal; been through the full tribunal process and hearing; or, had potential to go to Tribunal.

Children in Scotland
2 August 2013