

Equalities, Human Rights and Civil Justice Committee
Tuesday 17 February 2026
5th Meeting, 2026 (Session 6)

Inquiry into Neurodivergence in Scotland

Overview

1. At its meeting on 13 May 2025 the Committee agreed to undertake an inquiry looking at the challenges facing neurodivergent people and the services for them in Scotland.
2. This inquiry was precipitated by the Scottish Government's decision in 2024 to delay the introduction of a Learning Disabilities, Autism and Neurodivergence bill.
3. Following this decision the Committee took evidence from [stakeholders](#) and the then [Minister for Social Care, Mental Wellbeing and Sport](#) to find out more about the impact of the decision and what could be achieved in absence of the Bill.
4. The Committee also heard from Autistic Disabled People's Organisations as part of an informal session in 2025.
5. Informed by these sessions, the Committee agreed to focus this inquiry on the experience of neurodivergent people in education, the workplace and the criminal justice system.
6. This is the Committee's third formal evidence session as part of its inquiry. On 20 January the Committee took evidence from the Royal College of Psychiatrists and a roundtable of autistic disabled people's organisations and ADHD organisations. Then on 10 February the Committee continued its inquiry with two roundtable evidence sessions. The first focussed on the experience of neurodivergent people in education and the second focussed on their experience in the workplace.
7. At this meeting the will again hold two roundtable sessions. The first will focus on the experience of neurodivergent people in the criminal justice system and the second will consider all three limbs of the Committee's inquiry with bodies representing the interests of neurodivergent people. Specifically the Committee will hear from the following:

Roundtable one – Criminal Justice

- Sarah Angus, Director of Policy, Scottish Prison Service;
- Laura Buchan, Legal Director for Deaths Investigations, Crown Office and Procurator Fiscal Service;
- May Dunsmuir, President, Health and Education Chamber, First-tier Tribunal for Scotland;
- Superintendent Graeme Gallie, delivery lead for the Neurodiversity Strategic Working Group, Police Scotland;

- John Good, criminal defence practitioner and member of the Criminal Law Committee, Law Society of Scotland;
- Dr Inga Heyman, Associate Professor (Policing and Public Health), Edinburgh Napier University;
- Dr Natasha Spassiani, Associate Professor in Intellectual (Learning) Disability and Health Equity, Centre for Addiction and Mental Health (CAMH), Toronto;

Roundtable two – Bodies representing the interests of neurodivergent people

- Bill Colley, Chair, Scottish ADHD Coalition;
- Dani Cosgrove, Chief Operating Officer, Stronger Together for Autism and Neurodivergence (STAND);
- Rob Holland, Director, National Autistic Society Scotland;
- Dorry McLaughlin, Chief Executive, Scottish Autism;
- Jenny Miller, Chief Executive, PAMIS - Promoting a more inclusive society

8. The First-tier Tribunal for Scotland has provided a written submission and this is included as an Annex to this paper.

Committee consideration

9. The Committee is asked to note the information provided above.

Clerks to the Committee
February 2026

Annexe

Health and Education Chamber
First-tier Tribunal for Scotland



**Information Paper on the Additional Support Needs Tribunal
for the
Equalities, Human Rights and Civil Justice Committee Inquiry into
Neurodivergence in Scotland**

Word Meanings: in this document the following abbreviations or words are used.

UNCRC	United Nations Convention on the Rights of the Child
ECHR	European Convention on Human Rights
GC	UNCRC General Comment
2018 Rules	The First-tier Tribunal for Scotland Health and Education Chamber Rules of Procedure 2018
Tribunal	When used with a capital 'T' this means the Additional Support Needs Tribunal, which sits in the First-tier Tribunal for Scotland, Health and Education Chamber
tribunal	When used with a small 't' this means the <u>specific</u> tribunal which decides a case.
1998 Act	Human Rights Act 1998
2000 Act	Standards in Scotland's Schools etc. Act 2000
2004 Act	Education (Additional Support for Learning)(Scotland) Act 2004
2010 Act	Equality Act 2010
2024 Act	United Nations Convention on the Child (Incorporation)(Scotland) Act 2024
Child	This means someone up to and including the age of 15 years
Young person	This means someone aged 16 years and above who remains in school education

A. Jurisdiction

1. The Tribunal is a judicial body and a creature of statute. Each individual tribunal is comprised of judicial officer holders. As with all judicial bodies, the Tribunal operates within the rule of law and maintains judicial independence at all times. Most tribunals are made up of three judicial office holders from a legal, education and health or social work background. The legal judicial office holder conducts pre-hearing judicial case management, chairs the hearing and drafts the decision of the tribunal. A legal judicial office holder may also sit alone to decide matters of competence and procedure, and to decide cases where there is no requirement for an evidential hearing.

2. The Tribunal decides different types of cases in relation to school education. Parents, young people and children ¹ or pupils ² may make applications to the Tribunal under the 2004 (additional support for learning), 2010 (equality) and 2024 (UNCRC) Acts. The different types of application are summarised below.

Applications under the 2004 Act (called references)

3. Since 2004, the Tribunal has had jurisdiction to hear references from parents and young people against decisions of education authorities regarding placing request refusals, coordinated support plans (**CSPs**) ³ and school transitions. ⁴ Since January 2018, children aged between 12 and 15 years who have capacity to make a reference and where their wellbeing will not be adversely affected by doing so, have been able to make two types of reference. These are:
 - A reference in relation to a CSP; and
 - A reference appealing the education authority's assessment of the child's capacity or wellbeing (which is undertaken when the child seeks to exercise one of the rights available under the 2004 Act).
4. The making, cessation, review, content and implementation of CSPs may be the subject of a reference and the Tribunal's powers to make the necessary orders are broad.
5. On placing request references, the Tribunal may reverse (overturn) a decision of an education authority in which it refused to place a child in a particular school. Alternatively, it may uphold (confirm) that decision. If a decision of the education authority is overturned the child will be placed in the school specified in the placing request within the timeframe specified by the tribunal. The school which is the subject of the placing request (the specified school) may be a special school (public or independent) or a mainstream school. If the specified school is an independent special school in Scotland or elsewhere in the United Kingdom, the education authority must meet the fees and other costs. These fees are usually significant.
6. The largest volume of applications to the Tribunal are placing requests.

Applications under the 2010 Act (called claims)

¹ Although UNCRC Article 1 defines a 'child' for the purpose of the Convention as a someone below the age of 18 years, there are a variety of definitions of a child in Scots law. The definition used in this document is consistent with the Education (Scotland) Act 1980 and the 2004 Act. This definition triggers specific rights under the 2004 Act.

² In 2010 Act claims.

³ The CSP is the only statutory education plan in Scotland. The education authority and the school must provide the resources specified in the CSP.

⁴ The transition duties on the education authority are to seek and take account of views, advice and information and to provide information in the period before the child or young person with additional support needs is expected to cease receiving school education.

7. Since 2010, the Tribunal has had jurisdiction to hear claims from parents and pupils⁵ against responsible bodies⁶ in relation to alleged disability discrimination in school education. Disability is a protected characteristic under the 2010 Act.
8. There are different types of prohibited conduct or duties in the 2010 Act, and these are:
 - Direct discrimination
 - Indirect discrimination
 - Discrimination arising from disability
 - Harassment
 - Victimisation
 - The duty to make reasonable adjustments
9. The most common types of claims raised in the Tribunal relate to discrimination arising from disability, indirect discrimination and the duty to make reasonable adjustments. Examples of the circumstances giving rise to the claim include exclusion, expulsion, the use of restraint or seclusion, classroom provision, curriculum content, the sharing of personal medical data without the child's consent, the failure to provide BSL interpretation and the education assessment process. Any aspect of the provision of school education can attract a 2010 Act claim, provided the pupil has a disability.
10. The remedy powers available to the Tribunal in claims are broad, but do not include a power to award compensation.

UNCRC

11. The vast majority of the Articles in the UNCRC (as well as the first and second optional protocols) entered into force in Scotland on 16 July 2024 through the 2024 Act. This allows proceedings alleging a breach of the UNCRC requirements to be brought in any Scottish court or tribunal (as a freestanding 2024 Act application or as part of an existing reference or claim) in which the remedy sought is available.
12. Since incorporation the Tribunal has received 42 applications which rely on the UNCRC in claims (24) and references (18) and one freestanding UNCRC application.

B. Parties and representation

13. There are two parties in a reference or claim. The person raising the action in a reference is called an appellant and the education authority is called a respondent. The person raising the action in a claim is called a claimant and the other party is

⁵ Where the pupil has the capacity to make the claim - there are no comparable statutory 'capacity and wellbeing' tests in the 2010 Act. 'Pupil' is as defined under the Education (Scotland) Act 1980, section 135(1) as (in summary) a person of any age for whom school education is or is required to be provided.

⁶ The responsible body will be the education authority, the proprietor of an independent school or the managers of grant-aided school: 2010 Act, section 84(8) and section 84(9)(c)-(e). In the vast majority of cases the responsible body is the education authority.

called the responsible body (this is the education authority, independent or grant-aided school).

14. In cases involving the UNCRC other agencies may participate as a party in the proceedings. These agencies are the Lord Advocate, the Commissioner for Children and Young People in Scotland and the Scottish Commission for Human Rights.
15. The majority of applications to the Tribunal are made by parents who are legally represented, although there has been a rise in unrepresented parent parties over the past 5 years. Most parent representatives are solicitors. Most respondent and responsible body representatives are also solicitors although we have seen a recent and growing rise in the number instructing counsel.
16. A small but significant number of applications to the Tribunal are made by children or young people. In the majority of these cases, the child or young person party is legally represented.

C. Neurodiversity ⁷

17. Since the Tribunal's inception ⁸ the majority of children and young people who are either the subject of the application or the party raising the action are neurodiverse, most commonly with autistic spectrum condition, attention deficit hyperactive disorder and dyslexia or a form of learning difficulty or learning disability. Many have more than one neurodiverse condition.
18. Different supports are needed for different neurodivergences, and the Tribunal has been assisted by children and young people who are neurodiverse to develop an accessible sensory hearing environment that minimises sensory overload (sight, sound, smell, taste, touch).
19. The Tribunal has a child-centred approach which means the system is adapted to suit the needs of the child or young person – the child or young person is not expected to adapt to the system. This is consistent with the UNCRC, the Lundy Model of Child Participation (Space, Voice, Audience, Influence) ⁹ and the principles of Voice and Scaffolding from The Promise Scotland (the five principles are Voice, Family, Care, People and Scaffolding). It is also consistent with the wellbeing indicators, particularly Respected, Responsible and Included (the eight

⁷ The National Autistic Society (**NAS**) describes neurodivergence as 'having a 'neurocognitive' experience (to do with how information is processed by the brain) that 'diverges' from (is different to) what is considered typical. Neurodivergent people experience and react to the world differently to 'neurotypical' people.' *NAS, Autism and neurodiversity*

⁸ The Additional Support Needs Tribunals were introduced by the 2004 Act. The Additional Support Needs Tribunals transferred into the Health and Education Chamber in January 2018.

⁹ See [Laura Lundy - Queen's University Belfast](#) and [The-Lundy-model-of-child-participation.pdf](#)

indicators are Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included).

D. The sensory hearing and our processes

20. UNCRC General Comment 12, *The right of the child to be heard* (in terms of UNCRC Article 12) explains the importance of preparation for a hearing and the environment of the hearing:

Those responsible for hearing the child have to ensure that the child is informed about her or his right to express her or his opinion in all matters affecting the child and, in particular, in any judicial and administrative decision-making processes, and about the impact that his or her expressed views will have on the outcome. The child must, furthermore, receive information about the option of either communicating directly or through a representative. She or he must be aware of the possible consequences of this choice. The decision maker must adequately prepare the child before the hearing, providing explanations as to how, when and where the hearing will take place and who the participants will be, and has to take account of the views of the child in this regard. (para 41)

The context in which a child exercises her or his right to be heard has to be enabling and encouraging, so that the child can be sure that the adult who is responsible for the hearing is willing to listen and seriously consider what the child has decided to communicate. (para 42)

21. Our sensory hearing model was developed consistent with these principles. Sensory hearings are designed to reduce sensory overload, using sensory architecture, colourways and furnishing. They are of particular value for those who are neurodiverse, who include the child, young person, parents, witnesses and other attendees.

22. Hearings may take place in-person in a sensory hearing venue, online or in a hybrid version of the two (part in-person, part online). Around thirty percent of our hearings are conducted on a hybrid basis.

23. Bespoke sensory hearing suites now exist in Glasgow, Edinburgh and Inverness. Mobile sensory hearings have recently been introduced in Stirling, Aberdeen and Dundee. This involves modifying an existing venue. The mobile sensory hearing kit is transported by staff of the Scottish Courts and Tribunals Service to identified venues and set up on the basis of the default sensory hearing model.

24. The purpose of the sensory hearing model is to secure the child or young person's best evidence in a participative and trauma informed way (Safety, Relationship, Choice, Control and Collaboration and Kindness). ¹⁰

¹⁰ Kindness is added to the trauma informed principles we use in the Tribunal as children and young people consistently highlight how important this is to them.

25. The child or young person may attend the tribunal hearing in person or online to provide their views or to give their evidence. Child and young person parties attend the whole of their hearings.

26. The key features of our bespoke sensory hearing suites ¹¹ are:

- a) The child or young person arrives at the venue through a dedicated entrance which is discreet and separate to the public entrance. This minimises the number of people they come into contact with and avoids 'airport security'.
- b) They are met on arrival by the clerk whose name will have been shared in advance using the venue Visual Guide. This means that the child or young person knows who to expect to see on arrival. A child engagement plan is completed by the legal judicial office holder before the hearing, and this contains valuable information to help the clerk to prepare for the hearing and to connect with the child or young person on arrival.

For example, in a recent hearing the child had acute sensory difficulties with smell, light and sound. They asked that no-one wear any fragrances on the day of the hearing, that no-one spoke too loudly and that the hearing room lighting be dimmed. They had a favourite toy that they expected to bring with them. The clerk was able to meet the child equipped with this information in advance.

- c) All areas in the bespoke venue suite (corridors, waiting rooms, hearing rooms, sensory room) are painted in an autism friendly colour palette (no bold or primary colours). Groups of looked after neurodiverse primary school children picked the colour scheme at the Glasgow Tribunals Centre. White walls are not used. Some neurodiverse children and young people and others with different health conditions said white reminded them of visits to hospitals and health clinics.
- d) Feedback from children and young people is that the colour scheme "feels warm", "feels like a hug" and makes them feel "brighter". A young neurodiverse person who visited our sensory hearing suite in Glasgow in 2025 described the hearing room colour (blush walls) as more inclusive and they felt they could "tell their story better there". The young person was given access to three different (conventional) tribunal hearing rooms (white walls) before visiting the sensory hearing room.
- e) The route to the waiting room is as direct and short as possible. This reduces anxiety of the unknown and the amount of time the child or young person has to wait until being settled. They have their own waiting area which is next door to the hearing room. No other witnesses are permitted in this room. In Glasgow there is an extra sensory waiting area with a break-out space and a sensory rest area for children and young people who may need more sensory regulation.

¹¹ Most of the sensory features are replicated in mobile venues, apart from the dedicated entrance, the sensory room and the bespoke colour scheme (although venues that are selected for use will not have prominent colourways).

- f) The sensory hearing room has a round table and equal height chairs which look the same, where the tribunal judiciary, parties and their representatives and the child or young person sit. The round table was the invention of the Young Ambassadors for Inclusion who stressed the value of equality. The child or young person can choose to sit in another area of the hearing room if they prefer not to sit at the table.
- g) There is a separate small round table and a chair for witnesses.
- h) There are two sofas in the hearing room. If the child or young person is giving their views or their evidence, they can choose where they sit to do this. They can sit at the round table, on the sofa or in the 1-2-1 room. Children and young people who give their evidence are not subjected to cross-examination. A list of agreed questions is prepared by the parties or representatives, which can be given to the child or young person in advance and/or while they give their evidence. One questioner then asks the questions from the list.
- i) There is a break-out area, with a screen, beanbag and small fridge, which is an exclusive area for the child or young person to use when they want to take a break during and in the hearing. We learned that snacking and fresh water are important for neurodiverse children and young people. We also learned the importance of the simple things – a drinking straw – for children and young people with disabilities who don't want to "stand out".
- j) Many of the children and young people we consulted spoke about the importance of being "allowed to be upset" when speaking about difficult things. The break-out space is valuable here. One neurodiverse child shared that they need a "sad space" and another said they needed a "feeling space".
- k) There is a sensory wall, which can be personalised with an image or colour of the child or young person's choice. This helps to reinforce that the hearing is all about them and they have a choice about how it should look.
- l) The lighting in the waiting and hearing rooms can be dimmed, and natural light can be reduced with blinds.
- m) A 1-2-1 room ¹² is attached to one of the hearing rooms where the child can give their views or evidence. This room is used at the child or young person's request. During this experience, the questioner and legal judicial office holder may use a live hearing link (ear pod). There is a one-way mirror which allows the tribunal judiciary and parties to see and hear the child or young person and the questioner. The child is aware that others are observing but does not see or hear them. The 1-2-1 room is softly furnished with two armchairs, and sensory toys can be added.
- n) The child or young person may bring a pet to the hearing room as a support. We learned the value of this from a registered intermediary ¹³ who provided

¹² This was developed in a similar fashion to the *Barnahus* model.

¹³ A registered intermediary is an impartial communication specialist who facilitates effective communication between justice system professionals and vulnerable individuals.

training to us on how to communicate with children and young people in our proceedings.

For example, a child party who was very nervous about giving their evidence was given time beforehand in the 1-2-1 room with a supporter and a dog to settle. The child described this as “really valuable”. Petting the dog was a “soothing” experience.

- o) The child or young person is given a stop/go card which they can simply hold up to have a break in the proceedings. This means they have an element of choice and control, and they don't have to say anything or explain why they need a break.
 - p) A separate sensory room is available, which has bubble tubes, sensory lighting, floors and walls, for the child or young person to access before, during or after the hearing, to rest, regulate or de-stress during proceedings. This is particularly important for neurodiverse children and young people.
- 27. In tandem with our sensory hearing design, we developed a catalogue of sensory images unique to the Tribunal. We recognised the importance of visually demonstrating judicial independence by the images we used. It was important that these were distinct from education, social work and health.
- 28. We adapt our processes to suit the child or young person. They may give their views or evidence by letter, drawing or audio or video recording, or by using some other means of communication familiar to them (for example, Talking Mats).
- 29. An independent advocate (including one directly appointed by the tribunal) may support the child or young person to enable them to give their views or evidence to the tribunal. An independent advocate is almost always appointed by the tribunal where the child or young person is not a party.
- 30. Where the child or young person is a party, they are entitled to have a representative and a supporter at the hearing. They hold all the same rights as an adult party. In the majority of child party cases the child is legally represented by a solicitor who works with the national children's service *My Rights, My Say*. Other child and young person parties have been represented by their parents. In a smaller number of cases the child is unrepresented.

E. The sensory hearing - online

- 31. Online hearings were introduced during the pandemic as a means of ensuring safe access to justice without delay. Some children and young people preferred the online experience and for that reason online hearings remain an option. During online hearings the sensory principles are maintained. These include the following:

- a) Minimal background furnishings/wall coverings are encouraged by parties and their representatives.
- b) Clear badging on screen of the tribunal judiciary, using a sensory blue backdrop and our unique imaging.
- c) Replicating the 1:2:1 hearing room experience by asking all participants, apart from the questioner and the child or young person to switch off their cameras during the child or young person's evidence.
- d) Use of a stop/go card by the child or young person to regulate when they needed a break during proceedings.

For example, in one online hearing during a period of lockdown, the child party was invited to make their own stop/go card. They did this with some creative flair, showed it to the tribunal and attendees and then used it minimally but with decisiveness during the hearing.

F. UNCRC

- 32. The UNCRC recognises children ¹⁴ as independent rights holders. As far as it is possible to do so, Scottish courts and tribunals must read and give effect to Acts of the Scottish Parliament in a way which is compatible with the UNCRC requirements. The UNCRC requirements are the 42 UNCRC Articles found in the Schedule to the 2024 Act.
- 33. Article 2 provides that the UNCRC applies to every child without discrimination of any kind, irrespective (amongst other things) of the child's disability, birth or other status. Article 23 provides that a disabled child should enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. This includes the right of the child to special care and assistance, subject to available resources. Assistance extended shall be designed to ensure that the disabled child has effective access to and receives (amongst other things) education in a manner conducive to the child's achieving the fullest possible social integration and individual development.
- 34. Most of the children and young people in our proceedings who are neurodiverse are also disabled.
- 35. Children and young people understand what justice means and often demonstrate a keener understanding of this concept than many adults. However, they often do not know how to access the justice *system* without the help of adults such as parents or guardians. Dissemination of knowledge about available systems for seeking a remedy is crucial. Those with additional support needs or a disability

¹⁴ For the purposes of the UNCRC a child is someone who is below the age of 18 years.

may need a tailored style of communication, suited to their needs. The Tribunal uses Visual Guides and Social Stories to provide tailored information to the child or young person in advance of their hearing. There is also a dedicated section on the Chamber's website for 12 to 15 years olds and child-friendly sensory video animations.

36. The United Nations Committee on the Rights of the Child Concept Note: *General Comment on Children's Rights to Access to Justice and Effective Remedies*, sets out principles, which include:

- a) Access to justice includes the right to an effective remedy.
- b) Effective remedies are necessary to claim rights.
- c) All rights must be justiciable for remedies to be effective.
- d) Access to justice includes just, equitable and timely remedies for rights violations.
- e) Identifying barriers which hinder children from accessing justice.
- f) Adapting the justice system to make it child friendly.
- g) Providing child friendly safeguards to access justice and effective remedies.

37. In short, access to justice should be child friendly and include the ability to seek and obtain a just, equitable and timely remedy for rights violation (Concept Note, para 6). This is of particular importance to the neurodiverse child. The Tribunal is a specialist jurisdiction. We have an overriding objective,¹⁵ which is to deal with applications fairly and justly. This includes seeking informality and flexibility in the proceedings, ensuring the parties are on an equal footing and able to participate fully in the proceedings, and using our specialist expertise effectively. Access to our hearings is designed to be child-friendly, inclusive, timely, flexible and less formal than court. Our sensory hearing environment is of particular value here.

38. On 'effective remedies', part of what is effective is what the child thinks would be an effective remedy. The 2024 Act requires children with a UNCRC non-compliance case to be consulted about the effectiveness of the relief. This applies to any Scottish court or tribunal. An effective remedy is one that removes, mitigates or compensates for the breach of the right. There must be a close, direct and proportionate relationship between the breach and the remedy.¹⁶

39. Children are not routinely educated on their rights to access remedies, especially judicial remedies. In the Tribunal, children who are aged 12-15 years are entitled to ask for the creation of the statutory education plan (CSP). This right is found in the 2004 Act. Certain conditions must be met, and the children who are entitled to such a plan must have additional support needs. However, there are indications

¹⁵ Found in rule 2 of the 2018 Rules.

¹⁶ See *East Lothian Council v SH* [2026] UTS 14 at paras 36 to 55. This is a decision of the Upper Tribunal on an appeal from this Tribunal. Lady Poole provides general comments about remedies.

that far less children than anticipated have CSPs. Recently, an appeal court judge pointed out the gap between the anticipated and actual number of CSPs.¹⁷

40. The Tribunal must seek the views of the children and young people who are at the centre of each case.¹⁸ Even from a very young age children and young people can form their own views and have their own reasons for them. Those who are neurodiverse may not always use conventional means of communication and in some cases they may be non-verbal. It is important that their own style, choice and means of communication is supported. Language is more than verbal. Adequate resources in various accessible formats are an important way of informing and educating children and young people.¹⁹

G. The end of the process

41. It is important that children and young people understand that their participation in the tribunal process has been valued and that their voice was heard. This is the 'Influence' part of the Lundy Model and consistent with UNCRC Article 12 (see also General Comment 12). We write short letters to the child or young person who has shared their views or evidence. This summarises what they told the tribunal and the decision the tribunal has made. Where the child is non-verbal, holds no language, or prefers to communicate with images, we use images in the letter. Letters are adapted to suit the child or young person's particular needs, for example a letter may be written in braille or in their first language where this is not English.

42. Feedback from children, young people, parents and children's agencies suggest that this is a valuable part of the hearing process. One child said they "liked getting the letter" and that they store it in their memory folder. They found the pictures "good" which helped them to "understand the letter". Another said, "it's a good idea

¹⁷ [Aberdeenshire Council v CD 2023 UT 28](#), Lady Poole in the Upper Tribunal, paragraph 27 where she cites an estimate of 1% of children who would require CSPs when the 2004 Act was passed against 0.2% in reality at the time of the decision.

¹⁸ Tribunal rules, rules 44 or 90. This is in compliance with the UNCRC, Article 12, and is furthered by section 9 of the 2024 Act, on the subject of remedies.

¹⁹ See John Flavell, 'Cognitive Development: Past Present and Future' in Kang Lee (ed), *Childhood Cognitive Development: The Essential Readings* (Blackwell 2000) 8, 9, where the author refers to the fact that children, even from birth, are 'very active, constructive thinkers and learners.' This source is cited with approval in Tobin (ed), *The UN Convention on the Rights of the Child, A Commentary*, OUP, 2019 at page 399, footnote 7. See also the conclusion of the UN Committee on the Rights of the Child in its General Comment No.7 (2005), while commenting on Article 12 at paragraph 14: 'Young children are acutely sensitive to their surroundings and very rapidly acquire understanding of the people, places and routines in their lives, along with awareness of their own unique identity. They make choices and communicate their feelings, ideas and wishes in numerous ways, long before they are able to communicate through the conventions of spoken or written language.' This observation is referred to in the UN Committee on the Rights of the Child General Comment No 12 (2009) at paragraph 21. The Committee goes on: "Consequently, full implementation of Article 12 requires recognition of, and respect for, non-verbal forms of communication including play, body language, facial expressions, and drawing and painting, through which very young children demonstrate understanding, choices and preferences.'

because its more personal and human". A representative said, "it is a very proactive and reassuring idea for a client to receive a letter after a tribunal as it is a very stressful situation" and the letter made the client "feel valued and very grown up".

43. It is important that letters arrive on time and not too late. One parent pointed out that they understood the relevance of the letter but felt it arrived too late to be of any relevance. By the time it arrived they had already explained the tribunal's decision to their child.