



SCOTTISH EXECUTIVE

Education Department
Additional Support Needs Division

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Circular 6/2005

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Dear Sir/Madam

**EDUCATION (ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) ACT 2004
SECTION 27: DISPUTE RESOLUTION ARRANGEMENTS
APPOINTMENT AND PAYMENT OF INDEPENDENT ADJUDICATOR – GENERAL
DIRECTION NUMBER 1**

The purpose of this circular is to inform you of the statutory arrangements in place for the appointment of an independent adjudicator and to inform you of the Scottish Ministers' general direction as to the fee payable by the authority for such services.

Appointment of Independent Adjudicator

The Additional Support for Learning Dispute Resolution (Scotland) Regulations 2005 provide that the education authority must appoint the person nominated by the Scottish Ministers from the panel of independent adjudicators.

Payment of Independent Adjudicator

Scottish Ministers, in line with the provisions of the Additional Support for Learning Dispute Resolution (Scotland) Regulations 2005, and under the powers conferred on them by section 27 of the Education (Additional Support for Learning) (Scotland) Act 2004, hereby direct that the fee that the education authority must pay, on submission of a report with recommendations, is set at a rate of £355 per case, until further notice.

The Scottish Ministers also hereby direct that the education authority meet any expenses in relation to travel and subsistence incurred directly by an independent adjudicator appointed by the authority in relation to a specific case for the purpose of meeting with one or more parties. However, as indicated in the code of practice, it is expected that only exceptionally will the independent adjudicator be expected to meet with one or more parties.

The rate payable shall be the same rate as applies to employees of the Scottish Executive. Details of this rate can be obtained from ASLAct@scotland.gsi.gov.uk.



Provision for the costs of independent adjudication is included in allocations to date and is also included in the funding for the next two financial years as announced in Circular 5/2005.

Yours faithfully



Mike Gibson
Head of Division

