

LEGAL SUPPORT FOR PARENTS & YOUNG PEOPLE

SPECIAL EDUCATIONAL NEEDS & DISABILITY

SEN **4** YOU

The support we provide through SEN4You is offered to parents and young people in local authorities where we do not currently provide a service. This ensures that we are able to advise you without any conflict arising.

ABOUT US

SEN4You is a specialist service offered in the areas of Special Educational Needs (SEN) and Disability.

At SEN4You we provide advice and legal support to parents who are in dispute with their local authority in respect of the provision made for their child with Special Educational Needs. We also provide support to young people aged 16 or over who require legal support to challenge their special educational needs provision at college.



OUR SERVICES

We provide advice across all areas of Special Educational Needs and offer the following services:

General advice

The Special Educational Needs framework is complex and is evolving following the introduction of the Children and Families Act 2014. To support parents and young people navigate through the new process we are able and well positioned to provide general SEN Advice and Support. In particular we can advise you on the following:

- Requesting an Education, Health and Care (EHC) Needs Assessment;
- Providing advice on the contents of EHC Plans and what type of support needs to be Included;
- Advice where the local authority refuses to issue an EHC Plan and instead issues non-binding "feedback";
- Challenging the non-provision or delivery of health and social care advice;
- Your entitlement to a Personal Budget and what this means in practice;
- Your rights to request a specific educational setting;
- Annual Reviews and how they need to be approached;
- Amending EHC Plans and the timescales which need to be observed by the local authority;
- Requests for home educational provision and home programmes combined with part time school attendance;

- Dealing with disputes concerning the capacity of a young person to make decisions about their education;
- Assisting you with complaints to the Local Government Ombudsman where there has been a failure to make SEN provision;
- Disputes with schools on the SEN provision being provided.

Mediation and disagreement resolution support

The Children and Families Act 2014 has re-emphasised the importance of mediation and disagreement resolution as a means of resolving disputes between parents, young people and local authorities. For the first time, it can also be used as a means to consider disputes against health and social care. We endorse the amicable resolution of disputes through these processes as they are cost effective for parents and help to preserve relationships between parties.

You would use mediation services if you are appealing to the SEN Tribunal in connection with a local authority's decision. You would use disagreement resolution services for non-Tribunal related matters. Our factsheet sets out the circumstances when mediation must be considered and what it involves. We also have a separate factsheet for using the disagreement resolution services.

Regardless of when mediation and disagreement resolution may be used, we provide advice and support for you to be able to navigate through these processes and can appoint a non-legal advocate to support you and to represent you at the mediation session.



Special Educational Needs (SEN) & Disability Tribunal support & representation

Local authorities are only required to provide support which is suitable and appropriate to meet a child's or young person's needs. Therefore, it is inevitable that there will be cases where there is a disagreement between parents, the young person and the local authority on how a child/young person's needs are best met.

Where there is a dispute and this cannot be resolved through mediation, parents and the young person (16+) have the right to appeal the decision to the Special Educational Needs and Disability Tribunal (SENDIST). This is a specialist and independent Tribunal which sits within HM Court Service and is tasked with deciding disputes in this area.

Although the SENDIST process is more informal than an ordinary court and is inquisitorial in nature, over the years it has become more legalistic and more and more parties are becoming legally represented. We can assist you in gathering all of the evidence that you will require to bring an appeal. Where we are instructed to represent you we will manage the process for you so you do not have to worry about the day-to-day management of the appeal. We will prepare all evidence for you and instruct experts to act on your behalf in providing independent advice about your child's needs and the support they require.

WHY INSTRUCT US?

We have extensive experience and knowledge from our work with local authorities and are leading experts in our field. We can offer you:

- Access to our specialist education team. We have a vast depth of knowledge and expertise in special educational needs. We will provide you with the time to fully explain your child's needs, so you are confident knowing that your case will be dealt with professionally, sensitively and ultimately ensuring that your child's needs are at the centre for all those involved. We will keep you informed of progress throughout, thus alleviating you of the pressure and burden of case management;
- Experience and knowledge of how local authorities function and make decisions;
- Insight into how local authorities prepare for appeals and address the issues that are raised;
- Experience of providing advocacy services before the First Tier Tribunal and Upper Tier Tribunal in a range of appeals;
- Competitive and cost effective rates.

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COSTS

We offer a range of services and believe our costs are competitive when compared to those offered by other law firms in this field. We do not have significant overheads or partners' costs and have therefore chosen to pass on these benefits to you, our customer.

We provide legal support on an hourly rate or through fixed fees. This gives you the flexibility to engage us depending on your requirements.

Hourly Rate

We can offer you the following hourly rates if you choose to instruct us on this basis:

- £120.00 per hour for solicitor-advocate;
- £100.00 per hour for solicitor;
- £85.00 per hour for all other fee earners.

We would invoice you on a monthly basis and would also be happy for you to make payments on account of costs to assist you in budgeting for the legal support

Fixed Fees for SEN Tribunals

If you would like to discuss the option of a fixed fee on a specific case, we are happy to discuss your requirements with you and can provide you with a fixed cost. For SEN Tribunal Appeals (all categories of appeal) we will agree a fixed cost for our fees of £3,500 (+VAT). This includes the following support:

- Carrying out an initial case evaluation on the strength of the case;
- Meeting with you to discuss the case and providing you with a case plan setting out what is required to pursue the appeal;

- Ongoing liaison with you via telephone/email/meetings as the case progresses;
- Preparing the appeal documentation and supporting evidence;
- Dealing with all correspondence with the local authority/school and LA professionals;
- Dealing with all correspondence with the Tribunal;
- Instructing professional experts;
- Preparation of further information which will include, witness statements, costs schedules, information from your proposed school and any supporting school records/documentation;
- Preparation of the Working Document where the appeal relates to the contents of the Statement/EHC Plan;
- Attending a pre-Tribunal meeting;
- All travel costs;
- Providing representation at the final hearing (one day hearing) by an experienced solicitor or solicitor-advocate. If the hearing goes beyond one day, we will agree an additional fee with you.

The advantage of a fixed fee is that you can budget for bringing the claim and are not liable for unexpected costs which may or may not have been budgeted for. If the case settles we will only charge you for the work that has been incurred up to the fixed fee.

The fixed fee does not include the instruction of professional experts or any other disbursements which may be required. These will need to be separately arranged and funded. We can assist you in identifying and instructing the experts required.

No win, No fee

For certain types of SEN Tribunal Appeal cases we are also able to offer the services above on a 'no win no fee' basis (eligibility criteria must be met). Please contact us on 01908 246034 or by email at advice@SEN4You.co.uk to see if you would qualify.

Expenses

For SEN Tribunal appeals, you may need to obtain private advice from a range of professionals. We can assist you in identifying and arranging the required assessments. Depending on the type of appeal, the costs of expenses will cover the following:

- Carrying out an assessment of the child either at home or in school
- Writing a report and reviewing the evidence
- Attending a pre-Tribunal conference
- Preparing for a Tribunal hearing
- Attendance at a Tribunal hearing (minimum of 1 day) which may also include travel and accommodation
- Depending on the professional instructed, the costs of the above can equate to £3,000.00 per expert instructed.

There are also the costs that will be incurred by appointing specialist Counsel. Fortunately we have an agreement with a leading and experienced barristers' chambers who will provide us with fixed rates for representation before SEN appeals. In certain circumstances, we may also be able to provide representation for the hearing and this cost will be discussed with you at the commencement of the appeal.

Unfortunately, we are not currently able to offer Legal Aid. For more information about firms who are able to offer Legal Aid, please contact the Civil Legal Advice line on 0345 345 4 345.





WHAT'S NEXT?

For an initial free discussion on whether we are able to advise you please contact us on **01908 889082** or by email at **advice@SEN4You.co.uk**

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