

SEN **4** YOU

# SERVICES FOR LOCAL AUTHORITIES



# SPECIAL EDUCATIONAL NEEDS & DISABILITY

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**SEN4You is a niche legal practice that specialises in providing legal advice and assistance to schools and public bodies.**

We are one of the leading providers of Special Educational Needs (SEN) legal advice and support to local authorities, including support and representation for all aspects of SEN tribunals. We have staff with relevant experience of working for both parents and local authorities. We therefore have a unique insight into cases from both the perspective of parents and the local authority.

We provide comprehensive services for local authorities including general advice, specialist support for tribunals and training. We have established a dedicated website for our SEN work, [www.sen4you.co.uk](http://www.sen4you.co.uk) and this sets out the wide range of services that we offer.

We look forward to working with you.



# SPECIAL EDUCATIONAL NEEDS MEMBERSHIP

## SEN PASS is our Membership Service for Local Authorities and those working in the field of Special Educational Needs and Disability.

The introduction of the Children and Families Act has reformed the system for identifying and supporting children and young people with Special Educational Needs (SEN) and disabilities from 0 to 25. As with any legislative changes, those working in the field need to be sure that they have access to advice and support to respond to the inevitable challenges that will arise. SEN PASS has been designed to meet these requirements.

## WHO IS THE MEMBERSHIP FOR

SEN PASS is designed to be used by professionals working in the SEN field including:

- SEN officers
- Educational psychologists and specialist teachers
- Social workers
- Parent Partnership officers
- SENCOs or SEN Co-ordinators
- Health service professionals

## BENEFITS OF MEMBERSHIP

Membership of SEN PASS provides access to the following resources:

- Access to a password protected Members' Area providing access to legal briefings, precedents and guidance in key areas of SEN Law and Practice.
- Legal advice guides and briefings on all areas of SEN law and practice. These are supplied in a custom made binder and are the perfect resource for dealing with queries and understanding the legal framework. Throughout the year new and updated guides will be released to ensure that they remain in touch with the legislation. All of our advice guides are revised on an annual basis.
- As a Member, you will be entitled to attend our training events without charge and are able to bring two delegates to an event (limited to two delegates per event)
- If you require legal advice on an ongoing basis we also offer our members a discounted hourly rate of £150 per hour (+VAT).
- To ensure that our members are aware of developments in the area of SEN and Disability, we publish a quarterly publication, the SEN Brief. This provides updates and discussion on the latest developments in the field.

## Cost of SEN PASS

SEN PASS Membership lasts for one year and is competitively priced at **£1,500 per annum (+ VAT)**.

There is no obligation to renew the package.

## Ordering and Contacts

To become a member simply complete our online membership form which is available on our website [www.sen4you.co.uk](http://www.sen4you.co.uk) or email us directly at [advice@sen4you.co.uk](mailto:advice@sen4you.co.uk) and we can do the rest for you. For further information contact us on **01908 082422**.



# SEN HEALTH CHECK

**With the implementation of the Children and Families Act, local authorities need to ensure that their systems are robust and able to meet the new statutory demands.**

We can help you to identify areas of weakness through our SEN Health Check. As part of the support we can undertake an audit of your SEN policies and procedures and advise you on areas where you may be susceptible to challenge or how existing practices can be strengthened and improved. We also provide follow up work such as drafting policies and arranging specific staff training. The purpose of the Health Check is to build capacity and resilience in SEN Teams and to ultimately improve the quality services offered to families.

## WHAT SUPPORT WE PROVIDE

Every health check is different and depends entirely on the local authority. However, a typical audit may involve the following:

- We will meet with your senior SEN Managers and agree a brief for the audit; we will set a timescale for completing the audit
- We will attend your offices and undertake the audit which may involve:
  - Observing several SEN Panel meetings
  - Considering a random selection of Education, Health & Care Plans
  - Considering a random selection of annual reviews
  - Considering a random selection of case files
- Providing a questionnaire for officers to complete so as to establish the level of SEN awareness
- Liaison with Parent Partnership, which can provide useful feedback on how parents perceive the service
- Considering the number of SEN Appeals and the nature of the appeals
- Liaising with a selected pool of local schools to obtain their feedback on how they perceive the service
- We will prepare a preliminary report setting out our findings and recommendations
- We will undertake any remedial action required on your behalf or provide you with the guidance to do it



## OUR EXPERIENCE

We have experience undertaking a number of SEN Health Checks for a number of authorities, in particular:

- Establishing SEND appeal services for a London Borough and eastern county resulting in better preparation of appeals, legal support for officers and improving outcomes at the tribunal
- Reviewing the SEN panel procedures for a London Borough and suggesting new terms of reference to reduce the bureaucracy of the process and implementing new decision-making procedures to ensure that decisions are taken with legal considerations in mind and recorded more transparently

- Establishing an appeal system for parents to appeal against SEN transport decisions, where the local authority has declined to provide transport for a child with an Education, Health & Care Plan
- Reviewing the specificity and quantification of Education, Health & Care Plans and undertaking staff training so that officers are confidently able to draft Education, Health & Care Plans; this reduced the Council's reliance on external consultants

### Costs

The SEN Health Check is available either via our daily agreed rate of or via an agreed fixed fee, tailored to your own individual needs.

Our daily rate is **£450.00** per day. The level of fixed fee will depend on the nature of the agreed brief and is agreed in advance



# SPECIAL EDUCATIONAL NEEDS AND DISABILITY TRIBUNAL SUPPORT

**We work in partnership with a number of local authorities across the country advising on all areas of Special Educational Needs (“SEN”) and providing advice and representation on Special Educational Needs and Disability Tribunal appeals.**

As parental rights are strengthened following the implementation of the Children and Families Act, local authorities can expect to see increasing numbers of appeals being lodged against their decisions to the Special Educational Needs and Disability Tribunal (SEND). It is therefore important that decisions are taken with a sound understanding of the legal issues involved and that officers are familiar with the tribunal process and the legal framework.

We have extensive experience of advising and representing local authorities in this niche area and provide support through a number of packages:

- Casework Package
- Advisory Package
- Individual Tribunal Support

We undertake a wide range of SEN Appeals for local authorities which includes –

- Appeals against a refusal to assess a child’s needs
- Appeals against a refusal to issue a plan
- Appeals against the named school
- Appeals against the contents of Education, Health and Care Plans
- Appeals against a refusal to amend
- Appeals against a refusal to change the named school
- Appeals against a refusal to re-assess

We have considerable experience of handling complex SEN appeals and we handle all types of appeals in both the First Tier Tribunal and the Upper Tier.





We also have extensive experience of managing appeals before the Upper Tier Tribunal and have been responsible for some of the leading cases considering the application of the Children and Families Act 2014:

- JS v Worcestershire County Council [2012] UKUT 451 (AAC) (20 November 2012)
- CW v Hertfordshire County Council [2013] UKUT 90 (AAC) (07 February 2013)
- Davies & Bowie v Gloucestershire County Council [2013] UKUT 0112 (AAC)
- CS v WCC [2013] HS/0896/2013
- Buckinghamshire County Council v ST [2013] UKUT 468 (AAC)
- Buckinghamshire County Council v HW [2013] UKUT 0470 (AAC)
- Worcestershire County Council v JJ (SEN) [2014] UKUT 0406 (AAC)
- LW v Norfolk County Council [2015] (SEN) UKUT 0065 (AAC)
- KC v LB Hammersmith and Fulham (SEN) [2015] UKUT 0177 AAC
- MA v Borough of Kensington and Chelsea (SEN) [2015] UKUT 0186 (AAC)
- Cambridgeshire County Council v SF (SEN) [2015] UKUT 0231 (AAC)
- Royal Borough of Kensington and Chelsea v CD [2015] UKUT 396 (AAC)
- Hammersmith & Fulham LBC v L, Hammersmith & Fulham LBC v F, O v Lancashire CC, H v Lancashire CC [2015] UKUT 0523 (AAC)
- P v Worcestershire County Council (SEN) [2016] UKUT 0120 (AAC)
- R (Y) v London Borough of Croydon [2016] 138 QBD
- Cambridgeshire County Council v FL-J [2016] UKUT 225 (AAC)
- London Borough of Croydon v LE (SEN) [2016] HS/2365/
- SC and MS v Worcestershire County Council [2016] UKUT 267 (AAC)
- London Borough of Hillingdon v WW [2016] UKUT 0253 (AAC)
- Buckinghamshire County Council v SJ [2016] UKUT 0254 (AAC)
- S v Worcestershire County Council [2017] UKUT 0092
- Gloucestershire County Council v E (SEN) [2017] UKUT 0085
- CG v Proprietor of NHS [UKUT] 319 (AAC) [2017]
- The Royal Borough of Kensington and Chelsea v GG (SEN) [2017] UKUT 141 (AAC)
- London Borough of Hillingdon v SS and TS and ES (SEN) (Special educational needs - special educational provision - naming school or other institution in EHC plan) [2017] UKUT 250 (AAC) (12 June 2017)
- Nottinghamshire County Council v SF and GD (SEN) [2019] UKUT 243 (AAC)
- JI and SP v Hertfordshire County Council (SEN) (Special educational needs) [2020] UKUT 200 (AAC) (17 June 2020)
- PM v Worcestershire County Council [2022] UKUT 53 (AAC)(16)

# SEND CASEWORK PACKAGE

Price on Request

**It is important for local authorities to have access to effective and accessible legal support in order to prepare and defend appeals brought by parents to the Special Educational Needs and Disability Tribunal (SEND).**

Under this package we will deliver in full or to your own individual requirements your SEN Tribunal Service.

The costs of the support provided will depend on the nature of the specification and the volume of appeals managed. However, the service includes the following as standard:

- Full administration of SEN Tribunals from start to completion, which will include all liaison with schools, professionals, SEN Officers, parents, legal representatives and the Tribunal Service.
- Appointing a dedicated contact for you.
- Creating a dedicated email address for you to send queries to and to deal with all Tribunal administration.
- All correspondence and personal information is managed in accordance with the Data Protection Act.

- We will carry out all preparatory steps required to respond to the appeal. This will involve arranging pre-tribunal meetings, briefing witnesses, arranging further evidence, drafting submissions, preparation of the Tribunal bundle and all Tribunal related liaison.
- Liaising closely with the SEN Team and SEN Management as required throughout the appeal process by attending weekly or monthly review meetings.
- Providing representation at the Tribunal hearing and ensuring that all arrangements are made in advance to support witnesses who have been asked to attend.

The advantage of this package is that it takes away the burden of managing appeals and is managed by SEN specialists. It allows the SEN Team to spend time working with families.

## Costs

The cost of the service is “fixed” for a year, and we will manage whatever number of appeals arise during the course of the year.

We have managed as few as 15 appeals per year to over 100.



# SEND ADVISORY PACKAGE

£15,000 (+VAT)

**To ensure that local authorities are making the right decisions in respect of their appeals, we offer an advisory service which gives SEN Officers access to legal advice to help answer general SEN queries as and when they require it.**

The package comprises of the following support:

- Access to 100 hours of legal advice and support.
- A dedicated and legally qualified and experienced contact who will work closely with you.
- A dedicated email address where queries can be sent.
- The support hours can be used as required by the Local Authority and will include the following:
  - Providing advice on general SEN queries (e.g. casework issues on individual cases, admissions disputes, transport queries, complaints)
  - Drafting letters and documents
  - Providing written advice on cases
  - Reviewing complaints
  - Dealing with pre-action letters

## **How Long Do Our Subscription Packages Last?**

All of our packages are for one year, unless commissioned otherwise. However, any unused support hours can be carried over until they are used.

If you use all of your support hours you can either renew the package or pay for additional support on a discounted hourly rate.

## **What Are The Benefits of our Packages**

For subscribers of either the Advisory or Casework Package, there are a number of benefits, which include:

- Immediate access to specialist SEN legal support
- Cost effective
- Support at your disposal to ensure that your SEN practices and procedures are informed by legal advice

# INDIVIDUAL TRIBUNAL SUPPORT & REPRESENTATION

(Fixed fee £5,500 + VAT  
or via an hourly rate)

## We provide support to local authorities in response to individual SEND appeals.

We offer our clients a fixed fee of £5,500 (+VAT) per appeal. The fixed fee is highly competitive and includes:

- Initial advice on the merits of the appeal
- Attendance at case planning meeting with SEN Officers to discuss the case and what evidence is required.
- Drafting and preparation of documents, including case statements and witness statements.
- Liaising with SEN Officers on the conduct of the appeal and the preparation of evidence - i.e. the preparation of expert reports and reports from school.

- Liaising with parental representatives in respect of the appeal.
- Preparation of the Council's evidence.
- Pre-Tribunal meeting with witnesses.
- Representation at the hearing.
- Post hearing written review.
- All travel and expenses.

If the case settles before a final hearing then you will only pay for the work that has been undertaken, which means that in all cases local authorities can budget for the defence of appeals without unexpected costs being incurred.

## Support via an Hourly Rate

Local Authorities/public bodies may decide that they do not wish to engage us via a fixed fee.

We are therefore able to offer an hourly rate of **£200.00 per hour + VAT.**

Where a Local Authority/public body requires ongoing legal support and engages our services on an hourly rate, we would provide an initial estimate of costs so that you have some idea of the likely legal cost involved overall in resolving the matter. As the case progresses, we will provide you with regular cost updates to ensure that the costs are manageable and within the budget allocated to the case.

# TRIBUNAL CASE STUDIES

## Case of "K"

We provided advice and represented the Council in a two-day hearing before the SEN Tribunal. The parents were legally represented throughout and instructed leading counsel for the hearing. The parents were seeking a residential placement for their child which would have significant financial implications for the Council if successful. K's parents were not content with the combination of a specialist day school placement and social care provision that the Council was offering.

The Tribunal dismissed the appeal and upheld the Council's case. As a result of the appeal the Council projected had savings of £1.25 million (costs of child's secondary education, (5 years))

## Case of "S"

We provided advice and represented the Council in a hearing over three days before the SEN Tribunal. The parents were legally represented. The parents were seeking a home based ABA programme combined with part time school attendance. The Council argued that S's needs could be met in full time education and that the ABA programme was unsuitable, as S had not made progress.

The Tribunal agreed with the Council's case and ordered that S should now attend school on a full-time basis. As a result of the appeal, the Council had projected savings of £300,000 (cost of providing ABA to the end of Year 6).

## Case of "G"

We provided advice and represented the Council in a one-day hearing before the SEN Tribunal. The parents were legally represented throughout and instructed a leading law firm to provide representation at the hearing. The parents were seeking a residential placement for their child and were requesting autism specific provision. If ordered this would have had significant financial implications for the Council. G's parents were not content with the specialist day school placement the Council was offering.

The Tribunal dismissed the appeal and upheld the Council's case. As a result of the appeal the Council had projected savings of £560,000 (costs of child's secondary education, (5 years)).

## Case of "M"

We provided advice and represented the Council in a hearing where the parent sought an ABA programme to be delivered in school. The costs of the proposed provision were approximately £50,000 per year. The Council argued that the child concerned did not require a school-based ABA programme and that their needs could be met through an eclectic package of autism support. We provided advice and supported the Local Authority and School in creating the necessary package and adducing the necessary evidence.

The Tribunal dismissed the appeal and found that the Council's proposals for the child's support were suitable and appropriate. As a result of the appeal, the Council saved approximately £250,000 (costs from reception to Year 6 if the ABA provision had been ordered).

# TRAINING

**With the implementation of the Children and Families Act and the introduction of Education, Health and Care Plans (EHC), Local Authorities, health services, professionals and educational settings are faced with increasing legal challenges and a need to navigate a complex system.**

To meet this challenge, Baker Small provides accessible training on the key areas of the system including:

- Understanding the Children and Families Act
- Writing EHC Plans
- Dealing with complex cases
- Managing Tribunal Appeals
- Disagreement and Mediation

Our training is designed to be accessible by:

- Local authority SEN officers
- In-house lawyers
- Local authority educational psychologists
- Local authority specialist teachers
- NHS therapists
- Headteachers
- College principals
- SENCO
- Social workers
- Health commissioners with responsibility for SEN

All training sessions are designed in full consultation with our clients. Where we are instructed a training brief is provided outlining the objectives of the training and the topics to be covered. We ensure that we meet your training needs rather than providing a general overview of the law and practice.

Our training is tailor-made to your own requirements. Training sessions vary in length from two hours to a full day, depending on the organisation's needs. They can be arranged as a presentation or seminar organised for a large group of clients.

The format that the training session follows can be tailored to your preference.



**Costs**  
We can agree a fixed fee with you depending on your organisation's needs and the size of the training.

Our charges typically range from **£750 - £1,500 per day**. Any travelling costs or disbursements are agreed in advance and incorporated into the daily fee.

# CLIENT TESTIMONIALS

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“I would like to express my thanks for a very worthwhile and informative seminar. I thought that all the speakers, and the subject matter they covered, were very good”

Local Authority Solicitor

”

“

“The training was brilliant, insightful and provided colleagues with a good grounding in the Children and Families Act”

Head of SEN

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“

“I thought the training was very good and exactly what the professionals needed to hear although did not want to”

Senior SEN Manager

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“

“Thank you for a highly interesting day - I have picked up on lots of positive comments from EPs in my team who attended - they found it relevant and useful, as did I”

Senior Educational Psychologist

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“

“I would like to thank you very much indeed for the excellent training session you ran. The feedback has been excellent and many of the attendees have described it as the best training they have attended in many years.”

Senior NHS Professional

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GET IN TOUCH  
TODAY  
TO HEAR HOW  
WE CAN  
HELP!

## CONTACT US

For more information on the services we provide and how we may be able to assist you please contact us on  01908 082422 or by email to  [advice@sen4you.co.uk](mailto:advice@sen4you.co.uk) to discuss your requirements.

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