



# Supporting your child's education

**IM** irwinmitchell



If you feel your child hasn't received the right access to education due to a disability or illness, we're here for you. We'll make sure your child gets the support they need to make the best start in life.

If your child's needs haven't been recognised by their school because of cuts to local authority services or Special Education Needs (SEN) funding, we can help you challenge these decisions.

We can also help you obtain an Education, Health and Care Plan, as well as help with their transition into adulthood. Education law cases can be quite complicated, requiring multiple stages of complaints, appeals and referrals to different organisations. Our specialist team will take the time to understand your child's needs and tailor our support to help your child get the best education possible.

“

I used Irwin Mitchell to challenge a decision made by my local authority regarding education provision for my daughter. I wouldn't hesitate to recommend them, especially for parents who may be challenging education provision for their SEN child.

**Katy Osei**  
5\* Trustpilot review

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This information relates to the law and procedures in England and Wales. Please contact us if you need advice about the law and procedure in other legal jurisdictions.

0800 023 2233

## How we can help

By building a relationship based on openness, trust, and honesty, we're best placed to provide the support and expert advice you need.

Our caring and professional team will always take the emotions of you and your loved ones into account. We'll start by getting to know you, your family, and what's most important to you.

To help put you at ease, you'll be assigned a dedicated solicitor. They can help with any initial concerns you might have, and will be there to answer any questions along the way.

Once we understand what support you need, our experts will get to work, striving for the best possible outcome for you and your family. We're always up for a challenge and we'll search for innovative solutions to achieve the right result for you, utilising our vast network of experts and charity relationships.

## A tailored service for you

We understand that everyone's situation is different. This is why we always put you and your child's needs first.

We support many children in all ages and abilities. From requesting an Education and Health Care (EHC) plan to bringing claims against disability discrimination, we're here to help your child through all stages of their education.

### We provide a tailored service centred around your child's needs, including:

Education, Health and Care Plans (EHCPs).

Special Educational Needs (SEN) support.

Appeals to the First-tier Tribunal regarding EHCPs.

Appeals to the First-tier Tribunal regarding disability discrimination.

Judicial reviews.

Admissions appeals.

Exclusions.

Complaints.



# Education, Health and Care Plans

Your child may require an Education, Health and Care Plan (EHCP) if they need additional help and support to achieve their goals, both now and in the future.

## We can help with:

Requesting an EHCP for your child.

Challenging the content of your child's existing EHCP.

If you'd like us by your side during meetings with the school, such as for annual reviews for example, we'll be there.

## Exclusion from school

If your child has been excluded from school or college, we can support you with an appeal. We can also help with arranging alternative provisions to make sure they still receive a good level of education.



Navigating the confusing nature of Education, Health and Care Plans and appeals was made manageable through the help of our lawyer who patiently explained and advised us on what we needed to do for our appeal to be successful.

**Will**

5\* Trustpilot review







## Special Educational Needs

Living with Special Educational Needs (SEN) means that you may face challenges every day before you even get to the school gates.

SEN services in the UK can be confusing and difficult to navigate. It's not always easy to secure or enforce SEN provision for your child. When those services fail, it can leave you unsure of where to turn.

### We can help you with:

Ensuring your child's needs are recognised by the school and/or local authority.

Challenging schools or local authorities that fail to provide SEN support.

Challenging SEN funding decisions.

Securing funding for independent school placements including residential schools and colleges, therapeutic provision and one-to-one support.

Bringing a claim if you have experienced disability discrimination.

Accessing suitable school transport.

Working with the school or college to help resolve any bullying by peers.

Obtaining a home education package, such as applied behavior analysis (ABA) therapy.

Challenging the provision in EHCPs to obtain additional support for your child.

We understand that these situations can be tough for everyone, compounding the difficulties of living with SEN. We're recognised as one of the leading firms in this legal area and are here to help you through it with advice and support.

# Judicial review

Judicial review is a way to legally challenge decisions made by public bodies such as schools and local education authorities. We're specialists in bringing judicial review challenges against local authorities and schools.

## Applying for judicial review

Judicial review is often known as a remedy of last resort. This means you can usually only apply for judicial review if you have been through the public body's own complaints and appeals process but are still unhappy with the decision made.

However, there will be instances where the matter is so urgent that the complaints process will not be suitable. There are also some strict deadlines involved in bringing judicial review claims. So if you are unsure, it's important to seek legal advice immediately.

## Purpose of judicial review

The purpose of judicial review is to make sure that a public body acts within the

law. We may be able to help you legally challenge an education decision at judicial review if it's irrational, unfair, discriminatory or illegal.

## How we can help

Judicial review can be a lengthy and complicated process with strict time limits for claims, but our education law experts will guide you through the process from start to finish.

We're proud to have been involved in the first judicial review of local authority duties when changes to SEN law were introduced as part of the Children and Families Act 2014.







## Supporting you through tribunal or court

We always aim to resolve education disputes as quickly and as thoroughly as possible, without the need to go to court. But in some instances, this may be the best way to get the outcome your child deserves. If this happens, we'll be here to support you every step of the way.

Schools and local authorities (LAs) have complaints and appeal procedures that we can help you with. Having legal representation from one of our knowledgeable and experienced education law solicitors at this early stage can significantly improve your chances of success.

Once in dialogue with the school or LA, we have specialist expertise to help you get the outcome you want for your child. Wherever possible, we try to reach an agreement without taking legal action.

If necessary, we can help you make a complaint, use an internal appeals process, or refer your case to the Local Government Ombudsman, who have the power to make LAs reconsider their decisions. In some cases, it's possible to pursue the matter with the Secretary of State.

We'll advise you on pursuing a judicial review or appealing to the First-tier Tribunal, only if other options have failed, or if we consider this to be the best option for you and your child.



## Funding

We understand that your situation and the needs of your child are unique. We'll talk you through the different pricing and funding options available to you.

We offer clear and competitive pricing structures depending on the type of case and legal support you need, including fixed fees and monthly instalment plans. We can also provide legal aid for some education cases, including judicial review.

However you are funding your case, we aim to minimise costs by resolving matters as quickly as possible. If you are funding the case yourself, we'll always provide a full quote upfront and provide regular cost updates as your case progresses.





## Speak to us

Our solicitors have more than 20 years' experience working with vulnerable clients and their loved ones. If you have any questions or need further advice, please get in touch.



### Yogi Amin

Partner and Head of Public Law and Human Rights

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Yogi has over 22 years' experience specialising in public law disputes. He's an experienced Accredited Legal Representative. Yogi's well known for handling high-profile cases and strategic litigation, improving the lives of individuals, and changing policy and practice.



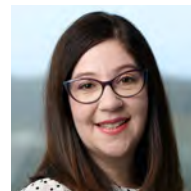
### Angela Jackman

Partner

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Angela works with individuals who are unable to make decisions on important aspects of their lives. She also supports clients facing disputes with education providers, and challenges decisions made by public bodies which may be unlawful or breaching an individual's human rights.



### Esther Salter

Senior Associate

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Esther heads up the national education law team. She represents children, parents, and young adults in a wide range of education related public law matters. Specialising in SEND First Tier and Upper Tier Tribunal appeals, Esther supports families through all stages of the EHCP process.



### Rachael Smurthwaite

Associate Solicitor

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Rachael specialises in all areas of education law. She's experienced in judicial review challenges, including in relation to school admission and exclusion appeals. Rachael also advises schools and colleges on their policies and procedures to ensure they're not breaching their duties to their pupils.

Find out more and meet the rest of the team



## What else can we help you with?

Whether it's business or personal, we understand that everyone's situation is different.

If you need legal advice or support with financial planning, we're here to offer expert advice tailored to your circumstances, so you can focus on what really matters.

### We're here to help you with:

- Buying or selling a house
- Court of Protection
- Divorce, children and family matters
- Education support
- Planning disputes
- Financial planning and wealth management\*
- Medical negligence
- Personal injury claims
- Social care provision
- Social, education and healthcare provisions
- Support with your business and employment issues
- Tax and trusts
- Welfare and healthcare matters
- Wills.

\* Financial planning and wealth management services are provided by IM Asset Management Limited which is authorised and regulated by the Financial Conduct Authority. Its Financial Services Register Firm Reference Number is 402770.



Contact us:

📞 0800 023 2233

💻 [irwinmitchell.com](https://www.irwinmitchell.com)



