

WORKING WITH THE SCHOOL DURING THE LITIGATION PROCESS: TO ENSURE BEST INTERESTS OF YOUNG PERSON

- Ensure the school are well involved and apprised of litigation process. Help school understand litigation process and what to expect, roles of those involved (written notes).
- When instructing an educational psychologist (EP) consider asking for opinion on local authority assessment and involvement, whether Health Plan or Education, Health & Care Plan (EHCP) (see references below) worth pursuing. It would also be worth asking the expert medical therapists about the Health Plan or the health part of the EHCP and whether local authority involvement is necessary.
- Most Special Educational Needs (SEN) funds are now with schools and they are expected to fund all except a minority of high need cases. Therefore encourage parents to discuss with school before asking for assessment towards an EHCP, sending case manager or attending yourself if appropriate to support and explain about litigation.
- However, keep in mind that the school will probably have 10 to 20% pupils with SEN including autism spectrum disorders, sensory impairments, literacy difficulties and a limited budget and limited time to fully support all as they would wish.
- Consult SEN Code of Practice (see below) and consider the categories in sections 6.28-6.35 to see if relevant to the young person's difficulties.
- Even with current new legislation, local authority will expect school to assess, deliver support and monitor before asking for assessment and additional funds through an Education Health and Care Plan.
- Local educational psychology time is now bought in by schools as needed in most local authorities which means if schools do not consider young person's needs great enough the expert EP is the only one involved.
- If the local EP is involved it is essential that the expert EP(s) are able to liaise with this person and obtain any relevant information, assessment data and reports.
- If it is possible to offer interim funding to the school for training or resources then discuss this and ensure there is a written agreement about this.
- If possible and Court allows: letter to the head teacher with agreed summary from expert psychologist(s) report including information to aid school OR short report from expert educational psychologist who will know the information that school will find useful. Ensure you and the expert know exactly how this information will be used (for example as part of EHCP which may be a conflict of interest unless both parties agree)
- Try to avoid SENDIST (the Tribunal) through discussion and mediation: it is very stressful for parents AND means even more assessment of the young person
- Ensure case manager or one of rehabilitation team attends annual reviews if there is a Statement of SEN or EHCP. Ensure you receive copies of minutes & check for accuracy as these are legal updates to the EHCP.
- Six monthly reviews to include parent(s), case manager and any rehabilitation team members are highly recommended (whether or not there is an EHCP/Health Plan)

