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Pioneering pro-bono alliance for Education Tribunal support

Five years ago, Exchange Chambers entered into a pioneering pro-bono alliance with The National Autistic Society (NAS).

Until then, although volunteers from the NAS Tribunal Support Scheme had provided telephone advice and support to parents seeking to challenge local authority decisions regarding their children's special educational needs, they had generally been unable to offer representation at hearings. Many parents, already exhausted by the demands of caring for a child with a lifelong disability, were understandably daunted by the prospect of arguing their case before the Special Educational Needs Tribunal (SENDIST).

The Exchange Chambers team comprises 30 barristers, including two Queen's Counsel (QCs), with decades of experience fighting injustice. Having undertaken autism awareness and special educational needs training from the NAS, they are able to assimilate copious documents and reports, identify the key issues and present cases in an effective manner on behalf of parents who would otherwise struggle to represent themselves.

Over the last five years, the Exchange Chambers team has achieved a number of notable successes, helping to overturn numerous local authority decisions and improving the lives of families with autistic children.

Case studies

Luke

Luke S had Asperger's Syndrome and had been educated in a mainstream primary school. The local authority proposed a generic special secondary school, but Luke's mum objected that he would only fulfil his potential at a specialist independent school for children with autism. Recognising the limited expert evidence to support that argument, Counsel persuaded the

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Tribunal to order jointly-commissioned independent therapists' reports. At a resumed hearing, the Tribunal accepted that only the independent school could meet Luke's needs.

Davy

Although high functioning, Davy S had a number of significant impairments which affected his ability to learn, including severe deafness and autism. His parents sought a residential placement in a school which provided a holistic expert communication approach to learning within a waking hours curriculum. They also wanted him to board on alternate weekends, to promote the generalisation of his new skills into everyday contexts. The Local Authority opposed the placement, suggesting that Davy's needs could be met in a local special school.

Instructed only 2 weeks prior to the hearing, Counsel advised the parents on re-drafting the Statement of Special Educational Needs, so as to incorporate their wishes and highlight the reports of the independent experts. The changes persuaded the Local Authority to agree, just 2 days prior to the hearing, to fund the parents' chosen placement, where Davy will be supported by specialist teachers and therapists, alongside children with similar difficulties.

Eve

In another case, Eve D had a diagnosis of autism and developmental co-ordination disorder, leading to difficulties in communication, socialisation and motor skills, together with acute sensory issues. Her parents wanted her to be placed in a mainstream school, but were anxious that she was properly supported. Neither of them felt they had the ability to present their case effectively before the Tribunal. Following a thorough review of the numerous reports, Counsel highlighted the need for amendment of the draft Statement of SEN, and represented them at a hearing in Darlington. The Tribunal accepted virtually all of our proposed amendments, including provision for 1:1 inclusion support, and quantified input from both a speech and language therapist and an occupational therapist.

The Exchange Chambers team uses its strong advocacy skills to empower and represent parents in the most effective way. One parent, whose son had faced the prospect of being placed at a large mainstream school where he would have been particularly vulnerable to bullying, spoke movingly of the "life-changing" support he had received.

Exchange Chambers' work with the NAS is a subject close to its heart, as a number of barristers in the team, together with Chambers Director Tom Handley, have children with autism spectrum conditions. Barrister David Knifton has 4 children, 3 of whom have autism spectrum conditions. Aware from his own experience at a Tribunal appeal on behalf of his son, that even the most articulate parents sometimes found the prospect of representing themselves at such hearings too daunting, but that the NAS Scheme was unable to provide representation, David instigated the partnership and continues to drive it forward today.

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