



HM Courts
& Tribunals
Service

Disability Discrimination in Schools

How to Claim: A Guide for Parents

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send

Discrimination Team Phone Number: ☎ 01325 392760

Email – Sendistquiries@hmcts.gsi.gov.uk

June 2011

About This Guide

The aim of this Guide is to help you through the claims process.

The First-tier Tribunal Health Education & Social Care Chamber, Special Educational Needs and Disability (SEND) is part of the system of courts and tribunals which decides appeals and claims. At SEND we hear appeals against decisions of Local Authorities about children with special educational needs and claims against schools in respect of disability discrimination.

This Guide explains what a claim for disability discrimination involves. It describes each of the steps in the process. Staff who process the claims through the Tribunal office are called Tribunal Clerks; they will handle your letters, telephone calls and queries about the administration of your claim **although they cannot give legal advice**. Your claim will be decided by a Tribunal Judge and specialist tribunal members.

Using this Guide

The Guide is lengthy, because it provides information on each stage of the claims process. You may prefer to use it as a manual, checking each step as your claim moves forward, or for information on individual aspects of the procedure. The Guide is, however, only a summary of the law. The Tribunal makes decisions on claims with reference to legislation, case law and statutory guidance.

This Guide refers to the claim form which you will need to complete if you want to make a claim to the Tribunal. It is available on our website www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send or as a printed copy on request.

Contacting us

If you need to contact us you can do so

In Writing to:

Special Educational Needs & Disability

Mowden Hall

Staindrop Road

Darlington DL3 9BG

By Phone: 01325 392760

By Fax: 01325 391080 or 01325 391045 or 01325 391310

By Email: SENDISTQUERIES@hmcts.gsi.gov.uk

Section 1 - Making a claim

Please read this section carefully. It will help you decide whether you can make a claim.

The Tribunal can hear parents' claims of disability discrimination in schools in England. By schools we mean independent (private) and maintained (state) schools and nursery classes in schools (but not private nurseries which are not part of a school). We cannot hear claims against further education colleges or relating to provision by organisations which are not schools and who have hired or arranged to use a school's premises.

What is a disability?

Disability is one of the "protected characteristics" within the provisions of the Equality Act 2010. The Act also relates to discrimination arising from other protected characteristics which are age, race, religion or belief, sex, sexual orientation and gender reassignment. This Tribunal cannot consider claims relating to these characteristics.

The Act defines a disability as "A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities." Further information is given in the Annex at the end of this Guide.

What are the school's duties?

Schools must not discriminate against a pupil because of disability in relation to:

- Admissions
- The provision of education
- Access to any benefit, facility or service
- Exclusions

It is also unlawful for a school to harass or victimise an applicant or pupil because of disability.

In some circumstances a former pupil may also claim for discrimination

Admissions

A school must not discriminate because of disability:

- In the arrangements it makes for deciding who will get a place in the school. This includes any rules it applies when the school is 'over subscribed' (more people apply than there are places)
- In the terms on which pupils are offered a place at the school.
- By refusing to accept an application because of disability.

Please note the Tribunal cannot hear a claim in respect of a refusal to admit a pupil to a maintained school or a failure to name a school in a pupil's statement of special

educational needs, as other appeal arrangements apply in those circumstances. You should contact your Local Education Authority for further information or request our SEN Appeals Guide.

Provision of education and access to a benefit facility or service

A school must not discriminate in the education and services it provides for disabled pupils. This covers all aspects of school life and the teaching provided to pupils (but it does not include adult education that may take place in the school). It also includes what happens at lunchtime and other breaks and activities such as after-school clubs, school trips and school orchestras.

Exclusions

A school must not discriminate against a pupil by excluding him/her from the school because of disability. This applies whether the exclusion is permanent or for a fixed term and includes lunchtime and informal exclusions.

The Tribunal cannot hear a claim in respect of a permanent exclusion from a maintained school. This is because other arrangements apply. You should contact your Local Authority for further information.

What is disability discrimination?

Disability discrimination may be

- Discrimination arising from disability
- Failure to provide a reasonable adjustment for a disabled child
- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation

Discrimination arising from disability

This occurs when a school treats a disabled pupil unfavourably because of something connected with that pupil's disability.

However, the school may have had a good reason for that treatment, and it will not be unlawful if it was a proportionate means of achieving a legitimate aim or the school did not know and could not reasonably have been expected to know that the pupil was disabled.

Failure to provide a reasonable adjustment for a disabled child

The school has a duty to take reasonable steps to avoid disadvantage experienced by disabled pupils. This can require steps to be taken in advance of the pupil attending the school. Discrimination occurs when a school has not complied with its duty to take positive steps to ensure that a disabled pupil can fully participate in the education and other services which the school provides.

The school's duty to make reasonable adjustments does not impose a requirement to provide auxiliary aids and services, such as may be specified in a statement of special educational needs. It does not require a school to remove or alter a physical feature. Matters such as cost, health and safety requirements, and the need to maintain standards,

are some factors that may be taken into account when considering whether a particular step is reasonable.

Direct discrimination

This occurs when a school treats a pupil less favourably than it treats or would treat others because of a disability. This requires consideration of how other pupils would have been treated in similar circumstances. A pupil who is treated less favourably because of the pupil's association with another person who is disabled may also claim, as may a pupil who is treated less favourably because the school mistakenly thinks that the pupil is disabled. This is sometimes known as discrimination by association and discrimination by perception respectively.

Certain types of different treatment are permitted: for example, treating a disabled person more favourably or applying permitted admission criteria.

Indirect discrimination

This occurs when a school puts in place a general requirement such as a policy or rule which puts or would put a disabled pupil at a particular disadvantage compared with others.

This may be lawful if the requirement is a proportionate means of achieving a legitimate aim.

Harassment

This occurs when a school engages in unwanted conduct related to a disability which has the purpose or effect of violating a pupil's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the pupil. The pupil concerned may not have a disability but might be associated with someone who has, or is wrongly perceived as having, a disability.

Victimisation

This occurs when a school does something which is disadvantageous to a pupil because either the pupil or the pupil's parent or sibling takes, or is thought to be about to take, action under the disability discrimination laws. This extends to pupils who are associated with, or perceived to have, a disability.

A claim cannot be made if the circumstances arose because the pupil acted in bad faith.

What is a disability?

The Equality Act 2010 defines a disability as a physical or mental impairment which has a substantial (more than minor or trivial) and long-term adverse effect (to last for at least a year or for the rest of their life) on the disabled person's ability to carry out normal day-to-day activities. (Please see the Annex for a fuller definition).

There are some conditions that are automatically treated as a disability. These are cancer, HIV and multiple sclerosis, and certified or registered partial sight or blindness.

What conditions are not covered by the definition?

Wearing glasses does not constitute a disability if that is the only difficulty. Conditions that happen regularly or are only temporary, such as hay fever or broken bones, are excluded, as are addiction to alcohol, tobacco and drugs.

Can a child without a disability ever be the subject of discrimination?

A pupil may have suffered certain types of discrimination if they are associated with a person who has a disability or perceived wrongly to have a disability. This is explained above.

Do I have a valid claim?

This Guide deals with how to make a claim. It cannot tell you whether you have a good chance of success. Tribunal staff will be happy to answer queries about the administration of your claim as it proceeds but they cannot give you an opinion about whether you are likely to win or lose, or whether you should take a particular action or step.

Can I get help if I decide to make a claim?

You may be entitled to assistance in preparing your claim. A solicitor will be able to advise whether there is public funding available for this. The Law Society or your Local Citizens Advice Bureau may be able to provide the names of solicitors who are experienced in these matters. You might also contact the Equality & Human Rights Commission England. Their telephone number is: 0845 6046610.

What is likely to be involved?

There is no fee for making a claim to the Tribunal. The Tribunal can make a contribution towards out of pocket expenses in attending your hearing, such as travel costs. In certain circumstances the Tribunal may consider a claim by either you or the school against the other party for any costs incurred in the Tribunal proceedings.

From start to finish, claims typically take four to five months depending on their nature and complexity. Usually only one attendance is required, at the final hearing. Hearings normally start at 10:00 am at a hearing centre appropriate for both parties.

Preparing your claim will involve you in gathering the evidence to support your case.

Section 2 - Starting a claim

Time-limits

There is a time limit for making a claim. **This must be sent to the Tribunal within 6 months of the alleged discrimination.**

The law includes rules relating to the time limit for making a claim when the act or circumstances giving rise to the claim have continued for some time or arise from certain specific circumstances, such as a contract. The Tribunal has power to extend time to allow a late claim if this is considered justified.

Can the Tribunal deal with all types of claim?

The Tribunal cannot accept claims relating to admissions and permanent exclusions from maintained (Local Authority schools). There are other arrangements for these. Claims in relation to fixed term exclusion from maintained schools are considered by the Tribunal.

Academies: The arrangements for academies vary. You will need to contact the academy to find out whether there are local arrangements in place for appeals against admission decisions and permanent exclusions. If so, a claim in respect of these issues should be made under those arrangements. If not, a claim can be made to the Tribunal.

How do I contact a Local Authority appeal panel?

If you are appealing about disability discrimination in admission to or permanent exclusion from a maintained school you should contact the school or your Local Authority for information about the appeal arrangements.

If I make a claim to the Tribunal who is the claim against?

Your claim will be registered against the Responsible Body. That is the organisation which the law states is responsible in cases of disability discrimination. You do not have to tell us who you think the Responsible Body is as long as you give us details of the school or education setting (full name and address) where the alleged discrimination took place, and the name of the Local Authority (if it is a maintained school). You cannot claim against a headteacher or other individual who you consider has responsibility for what happened. In most cases the Responsible Body is as shown below but there are possible exceptions.

Type of school	Responsible Body
Maintained school	Governing body
Pupil referral unit	Governing body
Maintained nursery	Governing body
All independent schools and academies	The owner (or those responsible for management such as trustees or the governing body)
Non-maintained special school	The owner (or those responsible for management such as trustees or the governing body)

What do I need to show?

If you make a claim we will need to be sure of the following:

- That the alleged discrimination was connected to a disability
- What it is you are asking the Tribunal to do

Will I need to prove my child is disabled?

Yes: unless you allege discrimination by association or perception, you will need to state on your claim form the nature of that disability. If you are claiming on the basis of perceived or associated disability you will still be required to provide details of the relevant disability. You should provide evidence of a medical or professional diagnosis if you have one. You should also explain how the disability affects day-to-day activities. If your child has a Statement of Special Educational Needs you should include it.

If you are unsure whether your child has a relevant disability you should look at the definition given in the Annex.

The Tribunal will normally consider the existence and nature of the disability before considering whether there has been discrimination.

Putting things right

You will be asked to tell us what you would like to happen if the Tribunal decides that there has been unlawful discrimination.

The Tribunal can order the Responsible Body to do anything reasonable to put right the effects of the discrimination. However, the law does not allow payment of compensation. Examples can be found later in this Guide.

The claim form

You start a claim by returning the claim form available from the Tribunal. This asks you to explain what happened, show how it is connected to disability, and why any action taken by the school was not justified or is not classed as permitted different treatment. It is essential you give details for each of the events and failures. The form must be signed by you or a qualified lawyer. A representative who is not a qualified lawyer cannot sign the form on your behalf.

Section 1 – Your child- This section is asking for details of your child.

Section 2 – Your child’s disability – This section is asking about your child’s disability and the effect it has on their ability to do day-to-day activities, If the claim relates to the disability of another person connected with your child, then details of that person need to be given.

Section 3 – Your contact details- This section is asking for your details and any representative that you may have.

Section 4 – Special requirements- This section is asking if you have any special requirements with regards to the claim documents and the hearing.

Section 5 - Your Claim – This section asks for information about your claim and the school or education setting involved. It is where you need to state what happened and why you are claiming. There are some guidance notes later on in this booklet to assist you

Section 6 – Putting things right – This section is where you can tell us what you would like to happen if the Tribunal decides that your child has been unlawfully discriminated against.

Section 7 – Special Educational Needs Appeals- This section asks if you would like information about making an SEN appeal.

Section 8 – Sending your Claim – This section explains where your completed claim form needs to be sent.

Remember your claim must reach the Tribunal within 6 months of the alleged discrimination

Frequently asked questions

What if I don't include the required information or documents?

We may have to contact you about getting the information or documents to us. If we do not have sufficient information to register your claim we will return the claim form with a list of requirements. These must be sent within 10 working days. If this is after the six month time limit, you will have to request an extension of the time for your claim giving reasons for the delay.

We may register your claim even if we do not have all necessary documents. If this happens we will write directing that you provide the missing documents within 10 working days. If we do not receive them in that time, the Tribunal can strike out the claim, which means that it cannot continue.

Do I have to send original documents?

No. Please ensure that the documents you send to us are **photocopies** of the originals.

Do I have to send the claim myself?

No, but you must ensure that you or a qualified lawyer signs the claim form. If you are claiming jointly with another person, both of you must sign the form. We will only send information about the claim to the first person named on the claim form or the representative you name.

If you state on the form that a representative is to receive papers and correspondence in connection with your claim, you will not receive them yourself but you will be sent the Final Decision. You must let us know in writing if you no longer have a representative, or if their details change.

What if I have special requirements?

Please explain this on the claim form. For example, if you require a signer or an interpreter at the hearing, or need special arrangements to be made so you or your child can attend the hearing you should state this on the form.

How long will my Claim take?

Your claim should normally be decided around 20 weeks after it is registered. August is not recognised as a working month by the Tribunal Rules and should not be taken into account.

Is there a Code of Practice for Schools?

Yes, there is a Code of Practice issued by the Equality and Human Rights Commission. Responsible bodies and the Tribunal must take into account the advice in the Code of Practice when dealing with cases of disability discrimination. The Commission can be contacted on 0845 604 6610 or via their website www.equalityhumanrights.com

Section 3 – Stages up to the hearing

What happens after we receive your claim?

We will register your claim within 10 days of receipt and send a copy to the Responsible Body. We will notify you when the claim is registered and advise the date the hearing will take place. Your claim will have a reference number which should be quoted whenever you contact us about your claim.

We will also send you an **Attendance Form** and tell you the date which has been set for case management of your claim. On that date a Tribunal Judge will look at the papers and decide what further steps the parties need to take before the Hearing. A timetable will be set for each step. The Attendance Form is an important part of the process and must be completed with details of the witnesses and other persons you want to attend the hearing.

You should use a **Request for Changes Form** if you wish to change details of your claim or the information you have provided. You may also use this form to request that the Tribunal directs someone to take an action that may assist the hearing of the claim.

The **Attendance Form** and **Request for Changes Form** are available on our website www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send or by contacting the Tribunal.

What will the Responsible Body do about my claim?

The Responsible Body must prepare a response and send it to you and the Tribunal within 30 working days of receiving the claim. The Responsible Body must also complete an Attendance Form.

Please let us know if you do not receive the response from the Responsible Body within 8 weeks of the registration of your claim.

Both you and the Responsible Body will have the same timetable to send further information and evidence. Their response must explain the reasons behind their actions and name the person who is dealing with the claim. They should provide a summary of the facts and issues they feel are relevant to the claim.

The Responsible Body may also ask us to strike out (bring to an end) your claim if they believe:

- It is not one that the Tribunal can deal with
- That it is about a matter that has already been determined
- That someone else is the Responsible Body
- That the claim has no reasonable prospect of success

We will send you a copy of any application so you may comment and explain why you think your claim should continue.

What happens if the Responsible Body does not oppose the claim?

If the Responsible Body agrees with your claim and agrees to take action in respect of the discrimination, we will write asking if you wish to withdraw your claim.

If you wish to continue with the claim it will be passed to a Tribunal Judge who will decide the further steps necessary to enable the claim to proceed to a hearing.

What if the Responsible Body does not reply?

If the Responsible Body does not send a response by the end of the time allowed, your claim will be passed to a Tribunal Judge who will decide what action should be taken. This may include refusing to allow the Responsible Body to take any further part in the proceedings. The Tribunal Judge will consider whether your claim can be decided on the basis of the papers or whether a hearing should take place without the Responsible Body.

Can I comment on the Responsible Body's response?

Yes. The time by which you must provide any further comments and information you want to provide will be decided by a Tribunal Judge within the Case Management arrangements.

Case management

Each claim will be 'case managed' following registration. This process is to ensure that you, the Responsible Body and the Tribunal have all the information necessary for the Tribunal panel to reach a decision on the day of the hearing.

A Tribunal Judge will look at the information provided by you and the Responsible Body and decide what further action is required by either. A timetable will be set. As this normally takes place on a review of the papers, neither party is involved, but in some cases a telephone hearing or face-to-face hearing will be necessary. The Tribunal will contact you if this is necessary and notify the arrangements.

If you or the Responsible Body is unable to do what is directed or comply with any dates, you must send a **Request for Changes Form** stating your reasons. A Tribunal Judge will decide what action should be taken.

Before the hearing

Can I send in any more documents?

The case management timetable will set out if and when other documents may be sent.

Can I bring new evidence to the Hearing?

You will need the Tribunal's permission to introduce new evidence outside the Case Management timetable. You must apply on a **Request for Changes Form**, explaining why it was not sent within time. If permission is given, a new timetable may be set. The same applies to the Responsible Body.

Where do I get a Request for Changes Form?

The form can be obtained from the Tribunal by contacting us:

☎ 01325 392760 or from our website www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send

What if I find it difficult to obtain a document from the Responsible Body that is important to my case?

If you apply to us well before the Hearing on a **Request for Changes Form**, the Tribunal may direct the Responsible Body to release it. The Tribunal will ask the Responsible Body

if it has any objection. If it does the Tribunal will consider the objection before making its order. On request the Tribunal may also require someone who is not directly involved in the claim to release a document in their possession.

Can I withdraw my claim?

If you wish to withdraw your claim you must request the consent of the Tribunal. Please send a **Request for Changes Form** as soon as you decide; consent will normally be given.

If the request is made less than **10 working days** before the hearing you must give the reason why the withdrawal application is late. Your request will be considered by a Tribunal Judge who will decide what further action should be taken.

Section 4 - The hearing

Where will my hearing be held?

Hearings take place at courts and tribunal centres throughout the country. We aim to limit travel to not more than one-and-a-half hours. In special circumstances we may hold a hearing in a local hotel or suitable venue.

What time will my hearing start and how long will it take?

Hearings usually start at 10:00am. The time will be confirmed in your Notice of Hearing. Please arrive at least 30 minutes before the start to allow time to meet the clerk and familiarise yourself with the arrangements. The duration of hearings varies dependent on the issues, amount of evidence and number of witnesses attending. They do not normally last more than a day.

Who will hear my claim?

Your claim will be heard by a panel consisting of three Tribunal members. A Tribunal Judge will be the chair and the two other members have knowledge and experience of children with special educational needs and disability.

Do I have to come to the hearing?

You do not have to attend the hearing but if you do not you will not have the opportunity to give evidence in person and put questions to the witnesses and comment on what they might say.

Who else can attend?

May I have a representative at the hearing?

You may have a representative at the hearing whether or not you attend yourself. Your representative may be a lawyer or someone from a help organisation; it could be a friend. If a representative is to attend, you must provide details before the hearing on the **Attendance Form**.

May both parents go to the hearing?

A parent or a person with parental responsibility for the child is entitled to attend the hearing even if they did not make the claim. If you do not want that person to attend you

may request the Tribunal to consider your reasons. We may decide to limit that person's involvement in the case.

May my child attend the hearing?

Your child can attend and give evidence. It is likely they will not be allowed to stay for the whole hearing. You should arrange for someone to look after your child whilst they are not in the Hearing. **The clerk or other Tribunal staff will not be able to look after your child and there may not be a suitable place in the building for them to be looked after by the person caring for them.**

May I bring anyone else to support my case?

You can bring someone for support but they will not be able to take part in the hearing. You must give their details on the **Attendance Form**. Hearings are private and the Tribunal will not normally allow people other than the parties' representatives, witnesses and supporters to attend. The Tribunal has power to exclude a person from the hearing. We may allow a person who is training to be a representative to attend provided that they make a request in writing at least **10 working days** before the hearing. They will not be allowed to take part in the hearing.

Witnesses

Do I need to notify you if I want witnesses to attend?

You will need to inform us on the **Attendance Form** who you have arranged to give evidence at the hearing. If you do not, they may be prevented from participating. If you change your witnesses you should inform us immediately.

The Tribunal normally allows each party up to five witnesses at the hearing; if you wish to bring more you must request permission in writing on the **Request for Changes Form** explaining why.

If a witness refuses to come to the hearing you may apply to the Tribunal explaining why you feel it is important that they attend. Your request must be received **at least 15 working days before the hearing**. If the Tribunal agrees, it will issue a witness summons for you to give to the person. That person must then attend the hearing unless they apply beforehand giving reasons why they cannot or should not be required to attend, and the Tribunal agrees.

Will I be able to ask my own questions?

You will have the opportunity to ask questions of the witnesses and tell us about your claim.

Expenses

What expenses may be claimed?

You and your witnesses can claim expenses for travel to the hearing. If you bring a friend or a relative to look after your child, you will be able to claim their travel expenses as well.

Public transport should be used whenever possible (bus, tram, standard class rail travel). If you travel by car you may claim a fixed amount for mileage. We will only pay taxi fares if

public transport is not available, or if you have particular needs. Taxi fares must be authorised in advance. We cannot pay for car parking and tolls.

Your witnesses may also claim a fixed amount for loss of earnings. At the hearing the clerk will provide forms for you to claim. We will either reimburse by post or transfer into your bank account.

SECTION 5 - After the hearing

The decision

Written decisions and orders are sent by post usually within 10 working days of the hearing. The decision will be sent to both yourself and the Responsible Body.

Will you confirm that there was discrimination?

If we decide that there was unlawful discrimination we will say so in our decision.

What can you tell the Responsible Body to do?

We can order the Responsible Body to do anything reasonable to remedy the discrimination other than paying financial compensation, as this is not allowed by law.

What might you order by way of putting right discrimination?

We can order actions that will help make up for any opportunities that your child has missed or prevent future discrimination. Examples include:

- Training of school staff
- Drawing up new guidance for staff
- Changes to school policies
- Extra tuition, to make up for lost learning
- Changing the location of lessons or activities (but not changing physical premises)
- Admission of your child to an independent school if the school had previously refused
- A written apology to your child
- Trips or other opportunities to make up for activities that your child may have missed.

How soon does the Responsible Body have to carry out the order?

The Tribunal will order the Responsible Body to take the action it specifies within a given time. The Responsible Body must then do so. If they do not, there are steps you may take to enforce the Tribunal's order.

Further Appeal

What if I disagree with the Tribunal's decision?

You may consider that the decision is wrong in law or that there is another reason why the Tribunal should reconsider its decision. If you think it is wrong in law you may appeal to the Administrative Appeals Chamber of the Upper Tribunal but you must first apply to us for permission to appeal.

Who can make an application?

You may make an application if you have been a party to the claim in the First-tier Tribunal. This includes a parent, or person having parental responsibility and the Responsible Body.

What applications are possible?

A - You may apply for **permission to appeal** if you believe that the Tribunal's decision was wrong in law.

B – You may ask the Tribunal to **set aside** its decision in certain circumstances.

Are there time limits for appeal?

An application must be made so that it is received by the Tribunal **no more than 28 days from the date on the letter** which accompanies the decision.

If you apply later than 28 days you should request an extension of time, giving reasons why the application is late. If the Tribunal does not agree to extend the time, your application will not be considered.

Applications for permission to appeal and other applications available following a Tribunal decision are explained in detail in the Guidance that will be sent to you with your decision.

Annex

A person has a disability if he or she has a physical or mental 'impairment' that has a 'substantial' and 'long term' effect on his or her ability to carry out 'normal day-to-day activities'.

People who have had, but no longer have, a disability are also protected from discrimination.

'Impairment'- includes sensory difficulties, for example sight or hearing difficulties.

'Mental impairment' – covers a range of impairments relating to mental functioning, including 'learning difficulties'.

'Substantial effect' – an effect that is more than minor or trivial.

'Long term' – has lasted 12 months or more, is likely to last 12 months or is likely to last the rest of the person's life.

'Normal day-to-day activities' – those that people carry out often and regularly.

You can find more information in:

- The Equality and Human Rights Commission Code of Practice for Schools in England and Wales



DISABILITY DISCRIMINATION CLAIM FORM

WE ARE REGISTERED UNDER THE DATA PROTECTION ACT

Please fill this form in using black ink and capital letters

Section 1 – Your Child

Surname

Date of Birth

First Names

Boy or Girl

Section 2 -Your Child's Disability

Please describe your child's disability and explain how it affects him or her on a day-to-day basis. A copy of any medical or professional diagnosis should be included with this form. If your child has a statement of special educational needs please include a copy.

(If you are claiming that your child has been discriminated against because of *another person's disability* please give details about that person's disability and the relationship of that person to the child.)

Section 3 - Your Contact Details

Claimant One

Mr, Mrs, Miss, Ms, Other	
Surname	

First Names	
Relationship to child.- please explain how you are entitled to make this claim (e.g. parent, guardian, foster parent or person who has care of the child)	
Address	
Postcode	
Daytime Telephone Number	
Evening Telephone Number	
Mobile Number	
Email Address	

Claimant Two (if a joint claim)

Mr, Mrs, Miss, Ms, Other	
Surname	
First Names	
Relationship to child.- please explain how you are entitled to make this claim (e.g. parent, guardian, foster parent or person who has care of the child)	
Address	
Postcode	

Daytime Telephone Number	
Evening Telephone Number	
Mobile Number	
Email Address	

To save costs and deal with your claim as quickly as possible we may from time to time use email to communicate with you. If you would prefer us not to use email please indicate by putting a cross here

Your Representative (if applicable)

Mr, Mrs, Miss, Ms, Other	
Surname	
First Names	
Profession/Organisation –	
Address	
Postcode	
Daytime Telephone Number	
Fax Number	
Mobile Phone Number	
Email Address	
Is your representative a lawyer	YES <input type="checkbox"/> NO <input type="checkbox"/>

Who should receive information about the claim?

First Claimant

Second Claimant

Representative

Important: We can only send papers and documents to one of the people named on this form. If you do not say, we will automatically send them to your representative (if you have one), otherwise to the first named claimant.

Section 4 – Special Requirements

If you have any special requirements, including adjustments which may be needed at the place the hearing is held, please inform us in the box below.

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Section 5- Your Claim

What are you claiming about? Please tick the boxes that are applicable

Your child's admission to an independent school or non-maintained (private) school or private education setting	<input type="checkbox"/>
Your child's permanent exclusion from an independent school or non-maintained (private) school or private education setting	<input type="checkbox"/>
Your child's fixed term exclusion from a school or education setting	<input type="checkbox"/>
Another issue to do with your child's education.	<input type="checkbox"/>

Name of school or education setting you are claiming about

--

Address and postcode

Phone number

--

If the school is not an independent school or a non-maintained school which Local Authority is responsible for it?

How did the alleged discrimination take place?

It is important that you explain

- what happened
- the date(s) on which it happened
- how it was related to your child's disability, or the disability of someone your child is associated with
- what you think should have happened

Please give as much detail as you can. If you have received any communications from the school or Local Authority which relate to the matter you are claiming about, you should send copies of those with this form, as well as any other relevant information.

If you need more space please continue on a separate sheet of paper but make sure that it is firmly attached to the form.

Section 6 – Putting things right

We have no power to award money as compensation for any discrimination that may have taken place. If we decide in your favour, what would you like us to do?

Claimant One signature	
Claimant Two signature (you should only sign this if you are claiming jointly)	
Solicitor's signature (a qualified lawyer can sign on your behalf with your permission)	
DATE	

Section 7 – Special Educational Needs Appeals

The tribunal also deals with appeals against decisions made by Local Authorities about children’s special educational needs. If you would like us to send you a copy of our booklet “How to appeal an SEN decision” please tick the box below:

Section 8 – Sending us Your Claim

When you have completed the claim form and signed it, please send it and all other relevant documents to:

HM Courts and Tribunal Service
Special Educational Needs and Disability
Mowden Hall
Staindrop Road
Darlington DL3 9BG

Fax: 01325 391080

Please note we cannot accept an application form via email.

If you need to contact us by telephone our number is: 01325 392760

Please ensure that you keep a copy of the claim form.

You must send your claim as soon as possible. If you do not send the form within 6 months of the events you are claiming about you must give the reason for the delay and explain why you believe the tribunal should accept your claim out of time.

Diversity monitoring questionnaire

Finally, we would like to ask the first named claimant to complete the diversity monitoring form below. Diversity monitoring is a standard procedure used by HM Courts and Tribunal Service. The completed form will be detached from the claim form before the claim is registered, and will not be seen by anyone outside the Tribunal office; all information will be treated in strict confidence and used only for statistical purposes.

You do not have to complete this form, but we would be grateful if you choose to do so.

Diversity Monitoring Questionnaire for claimant submitting a Disability Discrimination Claim

Name of claimant.....

Name of child

(For official use) Claim registration number.....

Her Majesty's Courts and Tribunals Service (HMCTS) is committed to its equal opportunity policy. It is important to us that everyone who has contact with HMCTS whatever their race, ethnic or national origin, age, religion, gender, sexual identity or age, receives equal treatment. We need to find out whether our policies are effective and to take steps to ensure the impact of future policies can be fully assessed to try to avoid any adverse impacts on any of these groups. That is why we are asking you to complete the following questionnaire, which will be used to provide us with the relevant statistical information. **Your answers will be treated in strict confidence.**

The details provided should relate to the claimant, not the child, and if there are two claimants, the details should relate to the claimant who is named as claimant 1 above.

GENDER

- (A) Male
- (B) Female
- (C) Prefer not to say

GENDER IDENTITY (OPTIONAL)

If you identify as transsexual or transgender (in that you have effected a permanent change of gender identity) which group would you identify with?

- (A) Transsexual
- (B) Transgender
- (C) Prefer not to say
- (D) Other please specify
.....

SEXUAL IDENTITY

Which of the options below best describes how you think of yourself?

- (A) Bisexual
- (B) Gay /Lesbian
- (C) Heterosexual/Straight
- (D) Prefer Not To Say

AGE GROUP

- (A) Under 18
- (B) 18-30
- (C) 31-50
- (D) Over 50
- (E) Prefer Not To Say

ETHNICITY

PART A

Please tick one box in Part A - which group do you most Identify with?

- (A) British or Mixed British
- (B) English
- (C) Irish
- (D) Scottish
- (E) Welsh
- (F) Other - please specify

.....

PART B

Please tick one box in Part B - which group do you most Identify with?

- (A) ASIAN Bangladeshi
- (B) ASIAN Indian
- (C) ASIAN Pakistani
- (D) Any other ASIAN background - please specify
-
- (E) BLACK African
- (F) BLACK Caribbean
- (G) And Other BLACK background - please specify
-
- (H) CHINESE Any CHINESE background - please specify
-
- (I) MIXED ETHNIC BACKGROUND Asian and white
- (J) MIXED ETHNIC BACKGROUND Black African and white
- (K) MIXED ETHNIC BACKGROUND Black Caribbean and white
- (L) MIXED ETHNIC BACKGROUND any other - please specify
-
- (M) WHITE Any white background - please specify
-
- (N) ANY OTHER ETHNIC BACKGROUND - please specify
-
- (O) Prefer not to say.

RELIGION

What of the options below best describes your religion or belief?

- (A) No Religion
- (B) Bahai
- (C) Buddhist
- (D) Christian
- (E) Hindu
- (F) Jain
- (G) Jewish
- (H) Muslim
- (I) Sikh
- (J) Other - please specify.....
- (K) Prefer Not to Say

DISABILITY

The Equality Act 2010 defines a disabled person as someone who has a physical or mental impairment, which has a substantial and long term adverse effect on their ability to perform normal day-to-day activities. Conditions covered may include, for example, severe depression, dyslexia, epilepsy and arthritis.

Do you consider yourself to have a disability within the meaning of the Equality Act 2010?

- (A) Yes
- (B) No
- (C) Prefer Not to Say

CARING RESPONSIBILITIES

Do you have any caring responsibilities, (for example; children, elderly relatives, partners etc)?

- (A) Yes
- (B) No

Thank you for taking the time to complete this questionnaire.