



# Tribunals Service SENDIST

Special Educational Needs  
and Disability

18 JUN 2012  
**REGISTRATIONS**

**Request For Changes Form – You must send a copy of this request to the other party**

Child's name: Jamie Robertson	Appeal Number: SE873/11/00029 and SE873/12/0004
Type of appeal: Parts 2, 3 & 4 (review)	LA: Cambridgeshire
Final hearing date: 13 July 201	Date LA response due: 15 June 2012
Request by parent's representative Y	Request by LA representative N

**WE AIM TO DEAL WITH ALL REQUESTS WITHIN 10 WORKING DAYS OF RECEIPT**

**I wish to apply to the tribunal for:**

An order that the local authority be debarred from presenting any case or evidence as to teaching assistant hourly rates and costs which differs from that which they made at the original hearing of the appeal on 6<sup>th</sup> February 2012.

**The reasons I am applying are:**

On 22<sup>nd</sup> May 2012, following a Telephone Case Management Hearing in which the LA representative took part, an order was made including the following provision:

*4. Both parties shall send to each other and to the Tribunal so that it is received by 5pm on the 15 June 2012 any further evidence about the cost of the learning support assistant required to meet the description of such support set out in Jamie's statement; on an hourly and termly or annual basis to include full on-costs, with a clear breakdown of the figures so that the basis of the calculation is clear.*

As at the date of making the application no such breakdown has been received from the LA.

There has been a history of non-compliance with costs orders by the LA, as follows:

(1) At a TCMH on 25<sup>th</sup> November 2011 the LA was ordered to submit the final amended statement by 29<sup>th</sup> November 2011. It was only issued on 2<sup>nd</sup> December 2011 and was not received by the parents until 6<sup>th</sup> December 2011.

(2) On 12<sup>th</sup> September 2011, the tribunal issued directions to the parties following registration of the first appeal, including the following:

*"Each party is to set out in writing how much a placement at the school they are proposing is likely to cost, including, (where relevant) extra costs such as transport, additional therapies (if any), age weighted pupil costs, ... and any other costs relevant to the placement."*

There was an identical direction included in case directions sent to the parties on

42<sup>th</sup> January 2012 following registration of the second appeal.

In the LA's response to the original appeal filed on 26<sup>th</sup> October 2011, Cambridgeshire stated that information as to costs would be given at the "Further Information" stage (i.e. at that time by 10<sup>th</sup> January 2012) but that the cost of a mainstream placement would be £16,000 per year including the age-weighted pupil unit and teaching assistant support. It gave a calculation of the Moreton Hall costs including TA support costs based on the provision in Part 3 of the Statement for 32.5 hours per week.

At a telephone case management hearing on 25<sup>th</sup> November the tribunal judge made an order that, amongst other matters, the final evidence deadline be brought forward by one day to 9<sup>th</sup> January.

On 6<sup>th</sup> December 2011, Ms Robertson emailed Cambridgeshire's solicitor requesting the costs breakdown for Fawcett. He responded on the same date, stating that the information would be given later when full details of the provision at Fawcett had been assessed. He further stated erroneously that the appellants had been advised of the AWPU costs and that that was the only cost which Cambridgeshire asserted would apply. He said that Cambridgeshire was preparing a schedule of notional costs and would do so by 13<sup>th</sup> January.

On 7<sup>th</sup> December, Ms Robertson entered a Request for Changes form specifically requesting a direction for the provision of a costs breakdown, but no direction was ever given in response to this. Having sent a request for the same information under the Freedom of Information Act 2000 to the Chair of Governors at Fawcett School on 11<sup>th</sup> November, Ms Robertson hoped to elicit the necessary information via that route, but the school did not comply with the request.

On 9<sup>th</sup> January 2012, Cambridgeshire's solicitors submitted further information, none of which included the promised costs details. On 20<sup>th</sup> January, their representative asserted that a costs schedule had been submitted: no such schedule had been supplied to the appellants or, it subsequently emerged, to the tribunal.

In the event the case made at the hearing by the LA, after considerable difficulties with regard to the relevant calculation, was that the cost of providing a TA equated to £13.81 per hour. The appellant duly complied on 15<sup>th</sup> June with the order of 22<sup>nd</sup> May 2012 and the LA therefore has the advantage of the information given therein whilst disregarding its own clear obligations to the tribunal and the appellants.

There has been a history of evasiveness by the LA in relation to this issue and the appellants are entitled to know what case they have to meet. It is therefore suggested that the order requested above is now appropriate.

A copy of this request has been sent to the other party on 18 June 2012.

Name: Eleanor Wright  
Dated: 18 06 12.

Signed:.....