

Written evidence from Parental Submission 186

1. The First Tier Tribunal is biased and alters the facts. The Claimant stood up to in a hearing to state that 'It is an Unfair Process and Unfiar Hearing' but the First Tier Tribunal did not report this, nor did it take the strong objections iinto account, nor did it read the claimant's genuine bundle of documents, only the responsible body's malpractise version of it prepared by the school. The Judges made ino reference to the claimant's very important submissions, detail and explanations. The Claimant was not permitted to talk during the hearing except briefly in the afternoon, as the Judge only wanted to hear from the barrister representing the school, as the judge said the barrister was legally trained and the parent was not. The First Tier Tribunal is not putting the Child and Mothers/Parents at the heart of the process, and they should be. It spends much time covering up the true picture and copying almost verbatim what the legal team on the other side have produced, rather than taking mother and child into consideration. There need to be far fewer legal people involved in the process, in order to reduce the games and manipulative strategies they use. As one lawyer said on the Internet, laughing at parents, they are like kittens and they are so easy to manipulate. There was an outcry in the media when he said this, but he got one thing write. Mothers/parents are like innocent kittens when they go to the tribunal, unaware of the devisive games the institutions and legal people play with their lives. It is a confrontational, barbaric, high handed process that needs a complete overhaul.
2. The first tier tribunal has a habit of setting deadlines over the holidays, when mothers are busy looking after their children. For example, in July 2016, just one example, the judge [redacted] forced the claimant to meet a short deadline, when the claimant had informed the tribunal she was on antibiotics and had a virulent flu virus and when the FTT had been told she was away on holiday. That has been an FTT pattern.
3. The Tribunal is not interested in the genuine facts, allows wealthy lawyers and institutions to indulge in malpractice in regards to the tribunal bundles and fails to tread or properly take into account submissions by a mother, opening the way for schools and institutions to disregard medical advice and whitewash incidents where a child's physical safety is being put at serious risk by a school, because ia school is refusing to implement basic adjustments that cost nothing. The child has a long term, significant cardiac condition and the first tier tribunal is allowing schools and its lawyers to cover up the facts, causing detriment and disruption the child. The first tier tribunal currently takes a confrontational, formal, callous and high handed approach. The Child's life was put at risk recently, when the school again refused to follow medical advice and forced the child to do distance running race tests, as fast as he can without stopping, which caused him to feel physically exhausted, breathless, sick, dizzy, heart pain and to collapse and black out. When in the throes of collapse, as a result of being forced to do a 200m distance running race test, the School required and exerted pressure on him straight afterwards to do an even

longer distance running race test of 1,500m - the child kept repeating in between gasps of breath that he could not do it and had tears streaming down his cheeks, but staff refused to listen. The teacher walked the child to the starting line and pressurised him to begin the second distance running race test. At this point, the child collapsed to the ground as a result of the 200m distance running race test. The teacher admitted the child was lying "motionless" on the ground at this stage. The teacher checked the child's pulse and tried to pull him up but could only pull him up to sitting at first. The School did not call an ambulance as it should have done. Mother was called when School got the child to the office. Mother took the child to the doctor.

4. The teacher admitted he had "pushed" the child to do the distance running race test, telling him "to run as fast as he can" and his verbal account on the day, when mum asked some questions face-to-face. The teacher told mother he was fully aware of the medical advice for the child's cardiac and visual conditions and that he had read the letter for staff mother had sent before the child joined the school. But the teacher said management had said the child must be required to do the distance running race test and they didn't see why they should follow the medical advice and make adjustments for him. The teacher said the distance running race test result would be reflected in the child's summer term report and the result would be made public on the competition board. This is what the First Tribunal has created, after mother and child have battled for five years to get the school to make basic adjustments that cost little or nothing. What happened in June 2019 is very similar School has done before. The principal is fully aware of what happened before and the advice, yet management required him to do again what it knew had caused him to collapse in the past and which medical doctors and mum had warned the school to avoid. The latter is inhumane. If the child had not been forced to do the above, would not have collapsed. Why is the child being treated in this appalling manner? Why is the first tier tribunal letting this happen? The school appear to be of the opinion that there is nothing the child or mother can do about it, so the school can do what they like. The failure of the First Tier Tribunal and the way it has conducted the claims since mother first came to the tribunal is scandalous. The first tier tribunal operates a feudal-type system. It is time for a complete overhaul and for the old guard to give way to the new with a totally different system that puts mother and child at its centre. Basic adjustments should be made seamlessly. As the head of Ofsted stated in December 2018, parents should not have to battle to get basic adjustments.
5. **Schools and institutions should be made to pay for the legal advice that parents have to take, which would act as a deterrent, up to a maximum of £100,000. legal advice and representation is very expensive. Schools and institutions have teams of them, who are often pitted against one parent and their child, which is frankly absurd. The first tier tribunal needs fewer judges, fewer legal people, and less money,** to encourage the tribunal not to cut case into lots and lots of smaller cases, creating mountains out of molehills and excessive duplication. The tribunal would then be more likely to

acknowledge cases that are ongoing, rather than splitting them up into many different fragments, which makes it appear that there are an abundance of cases when there are only a small number. The FTT often splits up a claim into ten different claims. The first tier tribunal also needs parent representation (people who have been through the first tier tribunal process) to be in a jury and to make up two thirds of the panel, that is **not** chosen by judges, but is totally independent. Parent representation would be voluntary as it is in courts, and many parents who have suffered poor treatment at the tribunal would be willing to participate, in order to prevent such appalling treatment of mothers and their children in the future, who in good faith are simply attempting to get basic adjustments for their children.

- 6. You may quote verbatim, any of the above in your report. No names have been provided, so the reader should not be able to identify child or mother.**

July 2019