

Written evidence from Parental Submission 187

- 1. Independent Schools should be required by law to follow the same regulations as state schools in regards to medical conditions or disability.** It is a scandal that independent schools do not have to follow the rules that state schools have to follow, and are being allowed to put children with impairments and disabilities at such great risk. This unequal playing field needs to be corrected. All Schools need to be put on an equal footing to ensure these children's physical health and safety. Further, Guidance for schools should be made regulation, as schools are not following the guidance.
- 2. It should be made a criminal offence and attract compensation to discriminate against school children who have a medical condition or disability,** as it can ruin lives. It should be made a criminal offence not to make basic adjustments for children with an impairment or disability, which often costs little or nothing to do. Making it a criminal offence would make it more likely that Schools would make the adjustments. Adjustments, which often cost little or nothing, need to be made seamlessly by schools. If failure to make adjustments attracted compensation up to £1m and a criminal offence, then schools would be much more likely to make the often very basic adjustments, which cost little or nothing to make.
- 3. Medical Conditions Discrimination should be covered by the same laws as Disability Discrimination.** At the moment, parents have to battle every step of the way and even then, there is no light at the end of the tunnel, because parents are not properly supported by the legal system. The Equality Act must be extended to cover children with impairments, whether or not they are labelled disability, in order to stop putting their physical safety at serious risk.
- 4. Schools should be required to pay the legal fees of the parent up to a maximum of £195,000,** in cases that involve medical conditions and in cases of disability discrimination. This would act as a deterrent and encourage schools to find a solution. At present the system pits whole teams of lawyers acting for a School against an individual parent, who is not a lawyer, battling through the maze to try and secure basic adjustment for their child.
- 5. Much fewer and more focused Judges, who stick to the rules, would improve the process.** The First Tier Tribunal passes cases from one judge to the next, which creates a trail of orders, with the next new judge referring to the orders alone, regurgitating them and not reading the documents a Claimant parent has provided. Continuity with the same Judge dealing with a case would prevent so much duplication and help cut down on the litter of errors in most tribunal documents. The latter would also prevent Judges from burying facts and creating huge mountains out of mole hills.

6. **Independent Schools must be required to follow advice given by the parent, who knows their child best, and by medical doctors.**

The parent is too often treated like a second-class citizen by schools and the tribunal and their advice ignored. And schools also too often disregard advice from medical doctors. The latter puts children at serious risk.

7. **Tribunal Judges are splitting up cases into many different cases, which makes it appear that there are many more individuals going through the Tribunal than is in fact the case.**

For example, one individual parent has, may have one ongoing case that is split into as many as fourteen tribunal cases with different reference numbers in the first tier tribunal, causing masses of duplication. That makes it appear as if there are lots of individual cases at the first tier tribunal, when it is not in fact the case. Having more Judges would simply add to a tribunal system which is not working and needs a total overhaul. If the Tribunal is claiming it has, for example, 500 cases in one year, divide that by ten and you will come closer to the number of actual individuals going through that tribunal. It is the way the Tribunal is run, not the number of Judges, that needs a complete overhaul.

8. **Judges tend to be high-handed and do not let a parent speak much during a hearing.**

They favour Schools that are wealthy and have legal teams that can do the work for them. So the School's barrister will do most of the talking in a hearing, the parent claimant will not be allowed to say much and quickly silenced and the judge will copy almost verbatim what the school's barrister or legal team has said, even where the Responsible Body has openly indulged in malpractice. The new legislation can only work if the judges are prepared to put it into practice. Too many of the judges are still using the old legislation, regardless of the fact that it has changed. They are used to doing things one way and seem unwilling to change how they do it to fall in line with the new legislation. The tribunal system needs a total overhaul. Fewer lawyers and judges and genuinely taking parents and their children into account needs to. The Tribunal has lost the plot. This is not about money. It is about a paradigm shift.

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