

Unit Title

LA56 Education Legal Advice and Casework

Summary

This Unit is designed for you if you specialise in the provision of legal advice in a broad range of education contexts. This includes advising clients on more complex areas of the law relating to education. You will also know how to prepare and present cases in formal or informal hearings.

This is a new Knowledge Unit that has been developed for the independent Legal Advice sector. This Knowledge Unit supports the generic National Occupational Standards for Legal Advice.



To meet the National Standard, you must be able to:

- a) Interpret and explain the relevant legislation, case law, regulations and guidance relating to education provision for children and young people
- b) Describe the key legislation, regulations, guidance and case law relating to human rights and discrimination and explain how to identify precedents relevant to education issues
- c) Define the legislation, regulations, guidance and relevant case law relating to immigration and asylum as they relate to the field of education
- d) Describe current national and local policy, regulations and guidance relating to relevant areas of educational provision and explain the background to policy development
- e) Describe the range of statutory responsibilities of national and local authorities as they apply to educational provision
- f) Explain the legislation, statutory procedures, guidance and codes of practice for the identification, assessment and provision for Special Educational Needs (SEN)
- g) Describe the process and procedures for complaints and dispute resolution and define the appropriate bodies and panels for relevant areas of educational provision
- h) Describe the rights, procedures and relevant time limits relating to challenges or appeals on all educational issues
- i) Describe the legislation, case law and judicial procedures for cases of negligence
- j) Describe the funding policy, guidelines and related issues in the field of education

Knowledge and Understanding

You must show that you know and understand:

1. The legislation, regulations, guidance and case law relating to education, including:
 - School admissions and attendance
 - Exclusions
 - Disability discrimination and other forms of discrimination
 - Special educational needs (SEN) provision
2. The legislation, regulations and case law relating to human rights, including precedents relevant to the field of education
3. The legislation, regulations, guidance and case law relating to discrimination in education on grounds of:
 - Sex
 - Race
 - Disability
 - Sexual orientation
 - Religion
4. Immigration and asylum legislation, regulations, guidance and relevant case law relating to the provision of education
5. Current national and local authority policy, regulations and guidance for schools relating to:
 - Admissions
 - Exclusions
 - Special Educational Needs provision
 - School transport
 - School uniform
 - School meals
 - Bullying
 - Complaints
 - Alternative forms of education provision
 - Education of children unable to attend school on medical grounds
6. The policy and guidelines of relevant advisory bodies relating to education
7. The concept of parental choice of school

8. The range of statutory responsibilities of national and local authorities, including:
 - Ensuring all children receive a suitable education
 - The provision of sufficient school places within each local area
 - Maintenance and finance of schools
 - Providing for parental choice or preference
 - School attendance
9. The background to the development of provision for those with Special Educational Needs
10. The stages of statutory assessment for Special Educational Needs, including the time limits for resulting action
11. The code of practice for the identification and assessment of Special Educational Needs and the advice to schools and parents on issues that impact on learning
12. The national and local policy and procedure for Special Educational Needs provision in schools for:
 - 2 years old and above
 - 14 years+
 - Post 16
13. The policy and procedure relating to transitional planning for Special Educational Needs
14. The process and procedures for complaints, including those for local authority complaints panels, and the right to refer to the relevant Ombudsman and the Secretary of State
15. The policy and procedures for disagreement resolution for Special Educational Needs
16. The rights of appeal to Special Educational Needs tribunals and relevant time limits
17. The grounds and procedures for appeals to other relevant courts
18. The procedures for representation in relevant courts and tribunals, including instructing counsel or seeking advice from counsel
19. The legislation, regulations, guidance and case law for cases of negligence, including educational negligence
20. Funding policy and guidelines and related issues, including:
 - Voluntary contributions for non-curricular activities
 - Discretionary awards for specialised needs/talents
 - Other funding initiatives