



Supporting You
and Your Child



If your child lives with a disability or has suffered from a serious injury or illness, the emotional and physical impact can be life-changing. We're here to help you access the best medical care, rehabilitation and support.

We'll investigate your case to see what caused your child's disability, serious injury or illness. We'll also assess how this has impacted your lives and look into the support that is needed now and in the future. Early compensation payments may be available if you're out of work to care for your child, if your child needs immediate treatment or adjustments are required to your family home.

We'll offer guidance on educational, social and medical rights, to help your child live a fulfilling and happy life. We also have close relationships with organisations and charities that can offer you and your family further support.

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This information relates to the law and procedures in England and Wales. Please contact us if you need advice about the law and procedure in other legal jurisdictions.

0800 023 2233

Your Team of Experts

We've supported families with children who have disabilities, illnesses and serious injuries for many years. By building a relationship based on openness, trust and honesty, we're best placed to provide the expert advice you need.

We understand how concerned you may be about the level of care and support your child has or is receiving and can offer help and advice every step of the way. All families should have access to the right legal support to ensure a child's needs are addressed – there should be no exceptions.

We pride ourselves on offering you the highest quality legal advice and are here to help whenever you need us.





Disability and Educational Rights

Your child's rights should be upheld by those around them, particularly those providing their care, support and education.

If you don't feel that this is the case then we can help with:

Community care services – helping you get all the care and support you need for your child

Continuing healthcare – ensuring your child receives the healthcare they need to live in their community on their return from hospital

Education – guaranteeing your child the education they deserve.

Care and support

The effect of caring for a disabled child shouldn't be underestimated. Everyday tasks can appear daunting and unmanageable, especially in the early months.

You may need guidance on how to approach social services to obtain the care and support your child needs in both the short and long term. Alternatively, you may need someone to act as an advocate on your behalf to ensure your child receives the care that will fully meet their needs.

If your child is in need of longer term care or support, your local social services

department or Clinical Commissioning Group (CCG) can be contacted to carry out an assessment and provide a care plan detailing the support they feel would assist your child.

On occasions the care assessment team may fail to recognise the extent of your child's individual needs. If that happens, we can help you challenge the assessment and funding your child receives to ensure they have access to the services they're entitled to.

Our specialist Public Law & Human Rights team has a wealth of experience in providing advice and assistance about community and healthcare law.



Education, Health and Care Plans

Statements of Special Educational Needs (SEN) for children in schools and young people in further education have been replaced with a single combined Education, Health and Care (EHC) plan.

An EHC plan is for children and young people from birth, up to the age of 25. This extends the current age of eligibility for those with a statement of SEN, and still in education, from 16 to 25. EHC plans include information about health, social care and educational needs and must be prepared and maintained by the local authority, including annual reviews and re-assessments.

Everyone deserves the right to a good education, whether this is specialist teaching, therapy or one-to-one assistance.

You may need help with:

Obtaining an EHC plan of a child's educational, health and care needs (formerly known as a SEN)

Refusals to issue an EHC plan, or challenging the content of an EHC plan

Refusals to reassess a child's educational, health and care needs

Decisions not to maintain or to cancel a child's EHC plan

Assistance and representation with EHC plan appeals, including representation at tribunals

Refusal to allow your child access to your preferred school or nursery.

Medical Law and Negligence

Medical treatment in the UK is generally of a high standard, but there are occasions where an unacceptable standard of medical care occurs.

When this happens during or after a child's birth, it can leave families having to cope with lifelong disabilities and on-going complex care needs. Everyone naturally wants answers, as well as comfort in knowing that lessons have been learnt and the same mistakes will be avoided in the future.

It may be that the hospital poorly managed your pregnancy or the birth of your child. They could have failed to reach the correct diagnosis in time, ignore or delayed commencing necessary treatment. Your child's GP could have failed to pick up the early stages of an illness and delayed your child's referral to a hospital for treatment, which lead to a worsening of their symptoms and potentially, a permanent injury. If your treatment was provided by the NHS, a private hospital or by your GP

then you may be able to bring forward a formal complaint, as well as a claim for compensation. The legal investigation process requires information to be gathered. This usually involves obtaining medical records and seeking independent evidence from expert medical practitioners.

Compensation is not a windfall. It's a way of providing financial support to look after your child and their on going care, specialist aids, equipment, educational and rehabilitation needs.

If your child has on going treatment at the hospital or with the clinicians where the negligence occurred, this shouldn't stop you from investigating a claim. The hospital clinicians continue to have a duty of care to provide the best treatment and care to your child.





Support After a Birth Injury

From years of experience working with families who have suffered pregnancy and childbirth problems, we understand how difficult it can be.

If you're concerned about the standard of medical treatment your child received, there are steps we can take to find answers for you and your family.

We can offer legal support and guidance for:

Ante-natal errors - despite highly advanced scans, medical professionals can miss or even misdiagnose problems during pregnancy. Errors made at this stage can have consequences, including misdiagnosed miscarriage, major unexpected conditions or stillbirth.

Errors during birth - damage from medical instruments, anaesthetics or inadequate care can cause serious gynaecological damage to mothers and injuries to babies including cerebral palsy, brachial palsy (Erb's palsy), brain injury, facial paralysis, spinal injury, fractured bones and perinatal asphyxia.

Support After a Personal Injury

Children have accidents on a regular basis but fortunately these are usually little bumps or minor mishaps that we all associate with growing up.

There is a duty to take extra care when dealing with children. If a child is injured at school, or when out and about, it might be that the accident is someone else's fault. If someone has failed to do something they should, or not acted in a proper and professional manner, there may be a claim for compensation.

When a child is injured, any claim for compensation should be dealt with by a specialist. Accidents and injuries can be complex, and different considerations apply when investigating and pursuing a claim involving a child.

It's important that you have specialist support to ensure your child has access to the right sort of treatment and rehabilitation to make their long term future as secure and fulfilling as it can be.

Criminal injuries

If your child's injury is the result of abuse or a crime you can make a claim from the Criminal Injuries Compensation Authority (CICA).

The CICA is a government body created to compensate innocent victims of crime, it investigates claims by gathering witness statements, police reports and any other relevant documents.

Sometimes the CICA may decline or make an inadequate offer of compensation. If this happens, our personal injury specialists can advise you on the possibilities of seeking a review of the decision.

Road Traffic Collisions

There are many myths about when there is, and isn't, a claim for a road traffic collision, which can often lead to confusion at a time when clarity is needed.

When a child walks or runs into the road and is knocked down by a car, the police will often tell parents that the collision was unavoidable, or that it was the child's fault for running into the road. The police investigate what has happened from a criminal perspective, which is very different to what needs to be considered for a personal injury compensation claim. The police may not prosecute the driver, but that doesn't mean there isn't a claim for compensation.

Many people believe that if a child is injured, and they're not wearing a seatbelt or in a suitable child seat then you cannot make a claim. This isn't the case.

Families also worry about making a claim when a child is injured in a car being driven by a parent or family member. While it can feel uncomfortable making a claim against a relative, it's the driver's insurance company that deals with the claim on their behalf.

Finally, it's often assumed that a claim can't be made if a driver isn't insured, but these cases can succeed, and it's rare that there isn't a case.



My solicitor has been so sensitive, caring, kind and above all professional throughout.

Elif

5* Trustpilot review



Client Liaison Services

When it comes to a serious injury or disability, families often need practical help and advice to pursue a legal claim.

You may find yourself dealing with a wide range of unfamiliar services such as hospitals, social services, rehabilitation units and the benefits agency.

It can be overwhelming and difficult to understand the function of each service and how best to communicate with each organisation. Our Client Liaison team can help you and your family make sense of these services for the benefit of your child.

Our approachable team can assist with:

Assessment of immediate and longer term needs of your child

Highlighting areas of need and co-ordinating appropriate services and support for your family

Support and education for your family when considering your child's lifestyle as a consequence of their injury or disability

Liaising with local services, professionals and agencies about your child's immediate care and longer term needs

Practical support with day-to-day issues, such as budgeting, useful coping strategies and support with your child's on going rehabilitation

Monitoring the progress of rehabilitation to maintain a consistent and co-ordinated approach

Advice and assistance with benefit applications, reviews and appeals.



Protecting Your Child's Future

If your child has suffered an injury or illness then supporting them financially, both now and in the future, will be of critical importance.

Whether you've already received compensation, or may do soon, we're here to help you look after any money you receive.

Making a Will

Research suggests that more than two-thirds of people in the UK don't have a Will. Many people believe that they are too

young to make a Will, or don't think they have enough money or property to make writing a Will worthwhile. But it shouldn't be viewed like this.

Preparing a Will can be a positive step. It makes things easier for your loved ones at a very difficult time, particularly if you have a child with a disability or permanent injury.

A Will removes any doubt about how your assets will be distributed, who you wish to look after your children and how you'd like your affairs to be handled.

For children who have a disability, a Will can be created to:

- Provide for your child in a way that won't affect their benefits and or put them at risk by dishonest people
- Ensure that your children inherit from you even if your spouse remarries
- Appoint a guardian to care for your children if they were to be orphaned
- Reduce the amount of inheritance tax paid
- Make sure that your loved ones receive all the money and property you want them to receive.



Statutory Wills

If your child receives compensation and doesn't have the capacity to make a Will, a Statutory Will should be considered once they are 18 years old.

If you're acting as a Deputy or Attorney of a loved ones' estate, you may be involved in the process of creating a Statutory Will. These types of Wills can be complex, but we can help you every step of the way.

To make a Statutory Will on behalf of your child, you need to complete an application form and a statement, to be considered by the Court of Protection. A decision is made by them as to whether the proposed Will is appropriate.

Our Court of Protection team can help with services, including Deputyships, Compensation Management, Trusts (for children as well as adults), Lasting Powers of Attorney and Statutory Wills.

Court of Protection

If your child has grown up and isn't able to manage their own affairs, you may need to seek legal support to ensure their finances and other important decisions are managed by a Court of Protection appointed Deputy.

The Court of Protection is the legal body responsible for making decisions about the management of the finances, health and welfare matters for people who lack the mental capacity to do so themselves.

We can support you if:

There's a dispute about what social care, residence or medical treatment is in your child's best interests

You're concerned about the ability of someone else to manage your child's affairs

You're responsible for managing your disabled child's affairs.



Personal Injury Trusts

If your child has been awarded compensation you may find that they're no longer eligible for certain means tested benefits or funding when they reach adulthood.

To ensure that the compensation isn't taken into account when deciding whether your child is eligible for means tested benefits, and to protect your child's future, you may be able to place the money in a Personal Injury Trust when your child reaches 18.

A court may consider authorising a Trust on the child's behalf before they reach the age of 18. They would have to be satisfied that it's in the child's best interests to do so.

Money held in a Personal Injury Trust can be accessed by trustees. There needs to be at least two trustees for a Trust to be set up. These could be the child's parent and solicitor. If your child is under 18 and a Trust is required, then one of the trustees would have to be a solicitor. Our Client Liaison team can help you and your family make sense of these services for the benefit of your child.

“

When we really needed support and guidance you were there and you've made a huge difference to our lives.

Mary
5* Trustpilot review



What Else Can We Help You With?

Whether it's business or personal we understand that everyone's situation is different.

If you need legal advice or support with financial planning, we're here to offer *an expert hand with a human touch*, so you're able to focus on what really matters.

We're here to help you with:

- Buying or selling a house
- Court of Protection
- Divorce, children and family matters
- Planning disputes
- Financial planning and wealth management*
- Support with your business and employment issues
- Social, education and healthcare provisions
- Tax and trusts
- Welfare and healthcare matters
- Wills

* Financial planning and wealth management services are provided by IM Asset Management Limited which is authorised and regulated by the Financial Conduct Authority. Its Financial Services Register Firm Reference Number is 402770.



Contact us:

☎ 0800 023 2233

💻 irwinmitchell.com

Useful Contacts

We have close relationships with organisations and charities that can provide extra support when you need it most.

AvMA

The UK charity for patient safety and justice.

(Action against Medical Accidents)
Freedman House
Christopher Wren Yard
117 High Street
Croydon CR0 1QG

☎ 0845 1232 352
🌐 avma.org.uk

The Bobath Centre

A specialist treatment centre dedicated to supporting children and families living with cerebral palsy and similar neurological conditions.

Tandy House
Regal Way
Watford
WD24 4YE

☎ 0208 4443 355
🌐 bobath.org.uk

Brainwave

Helping children with disabilities and additional needs to achieve greater independence by aiming to improve mobility, communication skills and learning potential through a range of educational and physical therapies.

Marsh Lane
Huntworth Gate
Bridgwater
Somerset
TA6 6LQ

☎ 0127 8429 089
✉ enquiries@brainwave.org.uk
🌐 brainwave.org.uk

Headway

Headway is the UK-wide charity that works to improve life after brain injury by providing vital support and information services.

Bradbury House
190 Bagnall Road
Old Basford
Nottingham
NG6 8SF

☎ 0808 800 2244
✉ helpline@headway.org.uk
🌐 headway.org.uk

Caudwell Children

Caudwell Children aims to change the futures of all disabled children by providing access to the therapies they need, increasing awareness and understanding to enable all children to lead an active and independent life.

Caudwell International Children's Centre
Innovation Way
Keele Science Innovation Park
Newcastle-under-Lyme
ST5 5NT

☎ 0345 3001 348
✉ charity@caudwellchildren.com
🌐 caudwellchildren.com

Child Brain Injury Trust

A charity providing emotional and practical support, information and learning opportunities for families affected by childhood acquired brain injury.

Unit 1
The Great Barn Baynards Green Farm
Nr Bicester
Oxfordshire
OX27 7SG

☎ 0186 9341 075
🌐 childbraininjurytrust.org.uk

The Children's Trust

A charity that offers both residential and community-based rehabilitation services for children and young people with a brain injury.

Tadworth Court
Tadworth
Surrey
KT20 5RU

☎ 0173 7365 000
✉ enquiries@thechildrenstrust.org.uk
🌐 thechildrenstrust.org.uk

The Eden Dora Trust

The Eden Dora Trust helps families and carers of children with encephalitis when they need it most through support, information and research.

1 Holly Street
Sheffield
S1 2GT

✉ info@edendoratrust.org
🌐 edendoratrust.org

Useful Contacts

Kids

A charity providing a wide range of support services to disabled children, young people and their families. They support children with any disability from birth to 25 years of age.

You can find the contact details for your local Kids charity on their website.

 kids.org.uk

The Footsteps Centre

The Footsteps Centre specialises in the intensive rehabilitation of children and young adults with cerebral palsy, genetic disorders, epilepsy, other neurological and neuromotor disorders and undiagnosed conditions.

4 Queen Street
Dorchester
Oxon
OX10 7HR

 0186 5340 376
 info@footstepscentre.com
 footstepscentre.com

Group B Strep Support

A charity dedicated to working to stop group B Strep infections, including meningitis, in babies.


PO Box 203
Haywards Heath
West Sussex
RH16 1GF

 01444 416 176
 info@gbss.org.uk
 gbss.org.uk

Meningitis Now

Dedicated to fighting meningitis in the UK by investing in early stage research and providing support to those affected.




Head Office
Fern House
Bath Road
Stroud
GL5 3TJ

 0808 8010 388
 info@meningitisnow.org
 meningitisnow.org

The Patients Association

The Patients Association is an independent patient charity campaigning for improvements in health and social care for patients.

PO Box 935
Harrow
Middlesex
HA1 3YJ

 0208 423 8999
 helpline@patients-association.com
 patients-association.org.uk

SCOPE

Disability charity providing practical information, emotional support and campaigning relentlessly to create a fairer society.

6 Market Road
London
N7 9PW

 0808 800 3333
 helpline@scope.org.uk
 scope.org.uk

Shine

Providing specialist advice and support for those affected by spina bifida and hydrocephalus.

42 Park Road
Peterborough
PE1 2UQ

 01733 555 988
 firstcontact@shinecharity.org.uk
 shinecharity.org.uk

Expert Hand. **Human Touch.**

P-PI-1002-B

 0800 023 2233

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