

BAKER SMALL

SOLICITORS

SERVICE LEVEL AGREEMENT

This Agreement sets out the Services ("the Services") to be provided by Baker Small Solicitors to North Yorkshire County Council.

Parties

1. This Agreement is between **Mark Small, Managing Director of Baker Small Solicitors** of Exchange House, 494 Midsummer Boulevard, Milton Keynes, MK9 2EA and **Head of Special Education Needs**, on behalf of North Yorkshire County Council of Children & Young People's Service, County Hall, Northallerton, DL7 8AE.

Length of Agreement

2. This Agreement will commence from [insert commencement date] and will continue until the legal support hours have been used or at the expiry of one year, whichever occurs first.

The Services to be Provided

3. The Services provided under the Agreement comprise of _____ of legal advice and assistance ("the Legal Support Hours") to provide advice on SEN casework and SEND Tribunals where required.
4. We will provide you with a monthly breakdown of how the Legal Support Hours have been used for your records.
5. The Legal Support Hours under this Agreement may be used as follows:
 - a) To provide advice and assistance to the Head of Special Educational Needs ("SEN") or Team Manager on appeals as appropriate. The advice may be provided in writing, by telephone or through direct meetings, if appropriate.

- b) To provide general legal advice on SEN matters as required.
- c) We may advise you on:
- General SEN issues/complaints.
 - The legal issues in SEN Tribunal cases.
 - The steps which need to be taken to defend the Tribunal appeals.
 - The evidence required to defend Tribunal appeals.
 - Drafting and preparation of statements of case, witness statements,
 - The preparation of Tribunal appeals.
- d) To support Team Managers with the conduct of appeals as required, to include advice on case preparation, relevant case law and advocacy tactics.
- e) Advise on the merits of appeals to the Upper Chamber of the Tribunal.

Representation at SEN Tribunal Hearings

6. Separately, we are also able to provide the Council with representation at SEN Tribunal hearings as required.
7. The type of support provided depends on the complexity of the appeal and the work that the Council requires us to undertake. For example, we can undertake the entire appeal on your behalf in close liaison with the relevant SEN Officer or simply provide representation at a final hearing.
8. If the Council wishes to instruct Baker Small to undertake specific appeals then this additional cost can be quoted separately in advance and will depend on the level of work required and the type of appeal. However, any charges for conducting individual appeals are set out under paragraph 11 (below).

Mark Small (LLB Hons, Dip.L.G) Solicitor & Director
Baker Small Solicitors is a trading name of Baker Small Legal Services Limited,
a company registered in England and Wales, no 07186270.

The firm is regulated by the Solicitors Regulation Authority no: 537495.

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Costs

9. The costs of the services provided under the Agreement are £8,000 (+ VAT).
10. The sum of **£8,000 (+ VAT)** is payable in advance as invoiced by Baker Small Solicitors and is non-refundable unless the package is cancelled within 7 working days of the commencement date. Additional hours can be provided at a discounted hourly rate of ~~————~~ per hour if all of the support hours are used.
11. For undertaking individual SEN Tribunal Appeals, we offer a fixed fee arrangement or an hourly rate.
 - The costs per appeal (all required preparatory steps) is ~~————~~ (+VAT).
 - The costs of providing representation only is fixed at ~~————~~ (+ VAT).
 - Alternatively, support for individual appeals can be provided flexibly via a discounted hourly rate of ~~————~~ per hour.

Aims of Service

12. The aims of the support provided are:
 - To work collaboratively with officers to ensure the effective response to appeals.
 - To provide easy access to legal advice as required through briefings, training and the internet.
 - To identify areas of practice, which need to be tightened up to minimise the risk of appeals and to ensure a robust defence of appeals.
 - To support the development of Team Managers and to provide them with accessible legal support when required.

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Who will provide the work

13. The work outlined above will be undertaken by Mark Small, a solicitor with experience of Special Educational Needs Law and Practice and of representing local authorities in SEN Tribunal hearings.

Response Times

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Additional Support through Training, Legal Bulletins & the Web

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Conflicts of Interest

20. On all cases a conflict search will be carried out to ensure that we do not have a conflict of interest. However, Baker Small does not act for private individuals, so the risk of any conflict with the Council is unlikely.

21. If a conflict of interest does so arise, we will notify you immediately and suggest ways in which the conflict may be managed.

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Data Protection

- 22. Baker Small is a registered data controller for the purposes of the Data Protection Act and warrants that any personal or sensitive data is stored securely and has a specialist case management system for this purpose.
- 23. Baker Small will ensure that any retained files will be stored in accordance and compliance with the Data Protection Act.

Complaints

- 24. If you should have any complaints about the service provided these should be directed to Mark Small, Managing Director, Baker Small Solicitors.
- 25. If we are unable to resolve your complaints you may complain to the Solicitors Regulation Authority.
- 26. This Agreement is governed solely by English Law.

Signed.....
For and on behalf of Baker Small Solicitors

Date: 5th September 2011

Signed.....
For and on behalf of North Yorkshire County Council

Date:

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