

WRITTEN SUBMISSION

National Insurance Number:
Tribunal Reference Number:

This submission has been prepared based on the evidence and instructions provided by XX in respect of a child Disability Living Allowance Appeal against a decision dated X to award lower rate mobility and middle rate of care. This submission is to be read in conjunction with the Mandatory Reconsideration Document on pages 14-17 of the appeal bundle. This document was prepared by Fightback4Justice's Sarah Ashworth QTLS and Michelle Cardno LLB Hons on the XX

Facts of the case

Pharmacological Resistant Epilepsy/Myoclonic Astatic Epilepsy causing multiple seizure characteristics and a typical absence -see supporting evidence. She needs constant supervision due to the frequency of the seizures which happen both during the day and at nighttime.

We are submitting that she should be awarded the highest rate of the care component due to the risk of harm and the fact that she cannot be unsupervised at any point as a result of the seizures and the risk of harm.

She experiences up to 15 seizures in any one day, this can be both at school and at home and can happen with no warning at all, her body will convulse and she will need someone to hold her head to ensure that she does not injure herself.

ADHD and is on the **Autistic Spectrum** for which she has significant difficulties in all areas including development, socially and in her communication skills and sensory processing. Her coordination is very poor which impacts her walking ability and her grip. She is constantly dropping things as she lacks the coordination to manually handle anything fidgety. She has also been diagnosed with **Anxiety**. She has one to one support at school and is also given a quiet room when needed.

Due to the unpredictable nature of her seizures we submit that she should be awarded the highest rate of Mobility because she should fall under the SMI rules. We submit evidence in the form of specialist nurse letters but also a EHCP which outlines her additional needs and special measures put into place by school.

Please consider the case of CDLA/1427/2017: regarding the SMI. Gray states: The test of severe impairment of intelligence and social functioning is a single one and demands consideration of all evidence available. In this case Upper Tribunal Judge Paula Gray found that The First Tier Tribunal appears to have looked at the various strands of evidence in isolation, because they found that the [medical] evidence ... indicated that he did not suffer from severe impairment of intelligence; they then found that the evidence from the class teacher indicated that he did not have severe impairment of social functioning. However, the evidence should not be compartmentalised in that way. The evidence from one witness can inform or be informed by evidence from another."

We trust you will agree that X fits the criteria above and should be awarded highest rates of both components, to enable her family to have access to a blue badge and to support them with funded transport with a specialist teacher with her.

Digitally signed by the appellant's mother and Prepared by Michelle Cardno (LLB Hons) and Sarah Ashworth, QTLS Educations Special Needs Teacher Fightback4Justice/A4DP CIC non-profit

