

About this application form

This form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the "Notes for filling in the application form". Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (see Rule 47 of the Rules of Court). Please note in particular that Rule 47 § 2 (a) requires that a concise statement of facts, complaints and information about compliance with the admissibility criteria **MUST** be on the relevant parts of the application form itself. The completed form should enable the Court to determine the nature and scope of the application without recourse to any other submissions.

Barcode label

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

Reference number

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

A. The applicant

A.1. Individual

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to section A.2.

1. Surname

2. First name(s)

3. Date of birth

<input type="text" value="3"/>	<input type="text" value="1"/>	<input type="text" value="2"/>	<input type="text" value="1"/>	<input type="text" value="2"/>	<input type="text" value="6"/>	<input type="text" value="0"/>
D	D	M	M	Y	Y	Y

 e.g. 31/12/1960

4. Place of birth

5. Nationality

6. Address

7. Telephone (including international dialling code)

8. Email (if any)

9. Sex ☒ male ☐ female

A.2. Organisation

This section should only be filled in where the applicant is a company, NGO, association or other legal entity. In this case, please also fill in section D.1.

10. Name

11. Identification number (if any)

12. Date of registration or incorporation (if any)

<input type="text" value="2"/>	<input type="text" value="7"/>	<input type="text" value="0"/>	<input type="text" value="9"/>	<input type="text" value="2"/>	<input type="text" value="0"/>	<input type="text" value="1"/>	<input type="text" value="2"/>
D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2012

13. Activity

14. Registered address

15. Telephone (including international dialling code)

16. Email

B. State(s) against which the application is directed

17. Tick the name(s) of the State(s) against which the application is directed

- | | |
|--|--|
| <input type="checkbox"/> ALB - Albania | <input type="checkbox"/> ITA - Italy |
| <input type="checkbox"/> AND - Andorra | <input type="checkbox"/> LIE - Liechtenstein |
| <input type="checkbox"/> ARM - Armenia | <input type="checkbox"/> LTU - Lithuania |
| <input type="checkbox"/> AUT - Austria | <input type="checkbox"/> LUX - Luxembourg |
| <input type="checkbox"/> AZE - Azerbaijan | <input type="checkbox"/> LVA - Latvia |
| <input type="checkbox"/> BEL - Belgium | <input type="checkbox"/> MCO - Monaco |
| <input type="checkbox"/> BGR - Bulgaria | <input type="checkbox"/> MDA - Republic of Moldova |
| <input type="checkbox"/> BIH - Bosnia and Herzegovina | <input type="checkbox"/> MKD - "The former Yugoslav Republic of Macedonia" |
| <input type="checkbox"/> CHE - Switzerland | <input type="checkbox"/> MLT - Malta |
| <input type="checkbox"/> CYP - Cyprus | <input type="checkbox"/> MNE - Montenegro |
| <input type="checkbox"/> CZE - Czech Republic | <input type="checkbox"/> NLD - Netherlands |
| <input type="checkbox"/> DEU - Germany | <input type="checkbox"/> NOR - Norway |
| <input type="checkbox"/> DNK - Denmark | <input type="checkbox"/> POL - Poland |
| <input type="checkbox"/> ESP - Spain | <input type="checkbox"/> PRT - Portugal |
| <input type="checkbox"/> EST - Estonia | <input type="checkbox"/> ROU - Romania |
| <input type="checkbox"/> FIN - Finland | <input type="checkbox"/> RUS - Russian Federation |
| <input type="checkbox"/> FRA - France | <input type="checkbox"/> SMR - San Marino |
| <input checked="" type="checkbox"/> GBR - United Kingdom | <input type="checkbox"/> SRB - Serbia |
| <input type="checkbox"/> GEO - Georgia | <input type="checkbox"/> SVK - Slovak Republic |
| <input type="checkbox"/> GRC - Greece | <input type="checkbox"/> SVN - Slovenia |
| <input type="checkbox"/> HRV - Croatia | <input type="checkbox"/> SWE - Sweden |
| <input type="checkbox"/> HUN - Hungary | <input type="checkbox"/> TUR - Turkey |
| <input type="checkbox"/> IRL - Ireland | <input type="checkbox"/> UKR - Ukraine |
| <input type="checkbox"/> ISL - Iceland | |

C. Representative(s) of the individual applicant

An individual applicant does not have to be represented by a lawyer at this stage. If the applicant is not represented please go to section E.

Where the application is lodged on behalf of an individual applicant by a non-lawyer (e.g. a relative, friend or guardian), the non-lawyer must fill in section C.1; if it is lodged by a lawyer, the lawyer must fill in section C.2. In both situations section C.3 must be completed.

C.1. Non-lawyer

18. Capacity/relationship/function

ADVOCATE / MOTHER / REPRESENTATIVE

19. Surname

WILLICOTT

20. First name(s)



21. Nationality

British

22. Address



23. Telephone (including international dialling code)



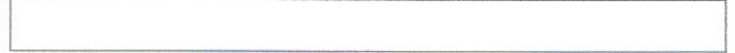
24. Fax



25. Email

**C.2. Lawyer**

26. Surname



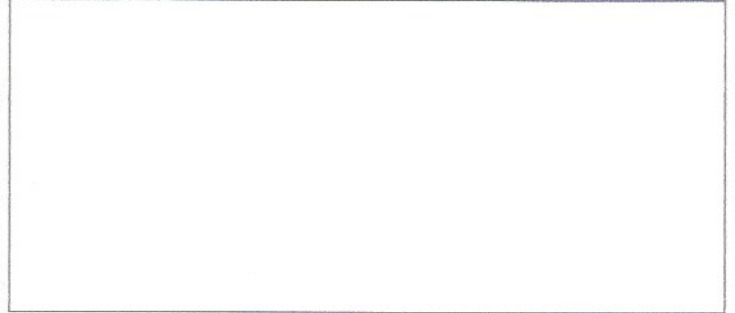
27. First name(s)



28. Nationality



29. Address



30. Telephone (including international dialling code)



31. Fax



32. Email

**C.3. Authority**

The applicant must authorise any representative to act on his or her behalf by signing the first box below; the designated representative must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated above to represent me in the proceedings before the European Court of Human Rights concerning my application lodged under Article 34 of the Convention.

33. Signature of applicant



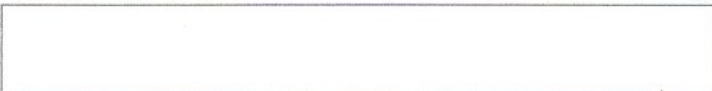
34. Date

2	2	0	6	2	0	1	6
D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

I hereby agree to represent the applicant in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

35. Signature of representative



36. Date

2	2	0	6	2	0	1	6
D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

D. Representative(s) of the applicant organisation

Where the applicant is an organisation, it must be represented before the Court by a person entitled to act on its behalf and in its name (e.g. a duly authorised director or official). The details of the representative must be set out in section D.1.

If the representative instructs a lawyer to plead on behalf of the organisation, both D.2 and D.3 must be completed.

D.1. Organisation official

37. Capacity/relationship/function (please provide proof)

38. Surname

39. First name(s)

40. Nationality

41. Address

42. Telephone (including international dialling code)

43. Fax

44. Email

D.2. Lawyer

45. Surname

46. First name(s)

47. Nationality

48. Address

49. Telephone (including international dialling code)

50. Fax

51. Email

D.3. Authority

The representative of the applicant organisation must authorise any lawyer to act on its behalf by signing the first box below; the lawyer must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated in section D.2 above to represent the organisation in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

52. Signature of organisation official

53. Date

D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

I hereby agree to represent the organisation in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

54. Signature of lawyer

55. Date

D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

Subject matter of the application

All the information concerning the facts, complaints and compliance with the requirements of exhaustion of domestic remedies and the six-month time-limit laid down in Article 35 § 1 of the Convention must be set out in this part of the application form (sections E, F and G). It is not acceptable to leave these sections blank or simply to refer to attached sheets. See Rule 47 § 2 and the Practice Direction on the Institution of proceedings as well as the "Notes for filling in the application form".

E. Statement of the facts

56.

1. (Mar-2012) Secondary Transfer Research Commenced

2. Sep-13 Secondary Transfer Research Completed - including viewing, inquiring, desk top researching and inquiring by addressing heads and Senco's including telephonic conversations as well as inspecting of 35 schools and attending of their open days.

3. 04/09/2013 Received from Local Authority (London Borough Barnet [LBB] - Secondary School 2014 - Invite to Apply - ONE Application only (Deadline 31-10-13)

4. 04/09/2013 Received from Local Authority (London Borough Barnet [LBB] - Secondary School 2014 - Application Guide.

5. 05/09/2013 Submitted Secondary School Application via electronic submission - 85308

6. 20/09/2013 (JW) received telephone call from London Genetics NHS in collaboration with Cambridge University and World Wide Genetics Programme - that after 8 years of research (Cambridge University - Genetics Department) finally made medical history with (BW) and SETD 5 was an official diagnoses.

7. 22/09/2013 Janet Willicott (JW) Attended [LBB] special educational needs parental meeting to met with new Head of SEN Department for [LBB], Senco from [REDACTED] School (CCS) Attended this meeting to show support and engage with [LBB].

8. 03/10/2013 Received letter from [LBB] stating they will start [REDACTED] Willicott's (BW) Education Needs Statement to reflect his needs, provision and to start the Secondary School Process 11133s.

9. 15/10/2013 Phone call from [CCS] and their Senco [REDACTED] (SH) informing me that she has started collating evidence so as to start the Annual Review Process, which is to include the Transfer of SEN Statement and to hold critical meeting with all professionals and [LBB] ensure smooth transition for (BW) to special secondary school.

10. 18/11/2013 Received letter from [LBB] explaining that they must follow the legal process in that all SEND Statements of Education must be completed by the 15th February 2014.

11. 18/11/2013 Received independent Occupational (OT) therapy report from Brainwave in support of (BW).

12. 20/12/2013 New Head of SEN Department [LBB] leaves [LBB] for [REDACTED] Council.

13. 02/12/2013 (JW) makes phone call to [LBB] requesting info and process update for (BW) - (JW) told entire SEND Department at [LBB] is restructured and staff are stressed and behind, SEND staff are trying to understand the new SEND legislation - Therefore NO UPDATE.

14. 09/12/2013 AM: (JW) placed an early morning phone call to [LBB] requesting an update regarding school placement for (BW) - was told to wait.

15. 09/12/2013 PM: (JW) received a letter from [LBB] asking me to re-apply for (BW) school placement, lost web form - (JW) could not re-apply as system only allowed ONE application.

16. 09/12/2013 PM: (JW) made phone call to [REDACTED] (RD) the [LBB] Children's SEN Case Worker] - (JW) was told that there were a lack of staff, system was a mess, paperwork behind, and some paper work lost (JW) gave a verbal response and stated "The [REDACTED] School to be named in part 4 of (BW) SEND Statement - (RD) stated that all processes should be sorted by 30th December 2013.

17. 02/01/2014 (JW) made a telephone call to SEN Department [LBB] requesting an update of (BW) Secondary School Application - was informed Paperwork missing but decision will be made by 6th January 2014.

18. 03/01/2014 (SH) of (CCS) requested all documents and information for (BW) Meeting to be held on the 24th February 2014) - All Professionals Responded - NO RESPONSE from [LBB].

19. 06/01/2014 (JW) telephoned [LBB] requesting update for (BW) Secondary School Placement - was told by SEN Staff of [LBB] the it was being sorted, but due to staff shortage, there were delays and the new legislation was confusing staff members of [LBB] -however the process had started and that the out of Borough School Placement Authority Hertfordshire County Council (HCC) knew of [REDACTED] Willicott.

20. 06/01/2014 (JW) made a telephone call to (HCC) - inquiring the Process for Transfer, (HCC) SEND Department stated that they did not know of (BW) and knew nothing of what the [LBB] were talking about.

21. 07/01/2014 (JW) called [LBB] to inform of what was going on with Transfer for (BW) - I was told that I was not allowed to speak with (HCC) Department - and that they would call (JW) to discuss update.

22. 14/01/2014 (JW) called (HCC) SEN Department - they still had not heard of (BW) or had any paperwork.

23. 15/01/2014 [LBB] contacted [REDACTED] School} to discuss placement for (BW).

Statement of the facts (continued)

- 57.
24. 17/01/2014 (JW) received letter from [LBB] stating that they had started the process for (BW) Secondary School Transfer - but it would look like School Placement would not take place due to the [LBB] policy on "Efficient use of its resources" (JW) again expressed that (BW) needs would be met at [REDACTED] school.
25. 20/01/2014 (SH) of (CCS) again requested [LBB] to co-operate to ensure attendance at critical professionals and Secondary School Transfer Meeting so as to amend (BW) Statement of SEN - NO RESPONSE from [LBB].
26. 07/02/2014 - 14/02/14 (CCS) (SH) constantly emailed/Telephoned with [LBB] so as to make contact and entice a response about the critical Secondary Transfer Meeting for (BW) - NO RESPONSE from [LBB].
27. 14/02/2014 [LBB] sent paperwork {(BW) Secondary Transfer Application} to (HCC) - apparently first application of papers were lost and were never received by (HCC) - this is according to [LBB] letter in response to my complaint..
28. 15/02/2014 Legally Binding Deadline for all SEND Transfer School Placements to be declared and parents Notified as per legislation - NO RESPONSE - IN BREACH OF LEGISLATION.
29. 16/02/2014 AM: (JW) telephoned (HCC) SEN Department and (HCC) informed (JW) that [LBB] only sent (BW) paperwork and application through on the (14/02/2014) - (HCC) stated that they would start their process as soon as possible, and would have to discuss (BW) at SEN panel meeting - and that it was likely that (BW) would be accepted at [REDACTED] in September 2014 and to await paperwork from HCC and [LBB].
30. 17/02/2014 - 24/02/14 [REDACTED] SCHOOL) (CCS) (SH) collation of Data and Professional Response in preparation for (BW) Secondary Transfer / Annual Review of SEN Statement - an apology received from Educational Psychologist - NO FURTHER RESPONSE FROM [LBB].
31. 24/02/2014 SEN Transitional Meeting for (BW) to include updating of SEN Statement and to discuss Secondary School Transfer and Transition for September 2014 - [LBB] did not attend and did NOT RESPOND - MEETING WAS ATTENDED BY ALL PROFESSIONALS AND INCLUDED INPUT FROM HEAD TEACHER M [REDACTED] of [REDACTED] - LONDON BOROUGH FAILED TO RESPOND AND FAILED TO ATTEND MEETING.
32. 06/03/2014 Information from [LBB] [REDACTED] states that (HCC) held a panel meeting to discuss (BW) and accepted his application for Borough to Council Transfer.
33. 10/03/2014 (JW) telephoned (HCC) and requested an update of progression of (BW) Transition - (HCC) stated (JW) would need to speak with [LBB] for further information.
34. 18/03/2014 (JW) received a call from [LBB] (RD) offering {The [REDACTED] placement for (BW) [THE SCHOOL OFFER WAS 4 WEEKS IN BREACH OF LEGAL OFFER DATE AS SCRIBED BY LAW- (JW) accepted this - however (RD) then stated that (BW) would have to forgo his right to transportation - (SEND Law details that children of special needs and disability who cant get to school on their own are escorted to school by LA provided transport) - (JW) stated that this was an illegal manoeuvre and the [LBB] were avoiding their legal responsibility and passing the buck onto (JW) - (JW) stated that she would have to give up her job, and rely on state benefits to manage to transport (BW) to school.
35. 19/03/2014 [LBB] stated in a call to (JW) and subsequently followed up by letter, that the school place to be named on the SEN Statement for (BW) was to be [REDACTED] School.
36. 26/03/2014 (JW) received confirmation letter from [LBB] 5 weeks in breach of legislation - attached was 1) Amended Statement (Naming incorrect School) 2) Letter reflecting that (BW) place at [REDACTED] was 'inefficient use of public resources' and would cost too much, and that (JW) would need to appeal to SEND Tribunal 3) The cost of the transportation was so over inflated it seem to the courts that (BW) would be going to [REDACTED] by the latest Porche - The Courts in later papers stated the this sum of money to transport (BW) was over-inflated as it was an estimate and not even calculated accordingly.
37. 26/03/2014 [LBB] failed to comply with the Children and Families Act 2014 in that [LBB] should have issued and or assessed (BW) for his EHCP as (BW) was in transition stage; therefore [LBB] to carry out a statutory assessment of (BW).
38. 02/05/2014 Letter issued to (JW) and (To Whom it May Concern) by (CCS) Senco (SH) detailing that [LBB] were incorrect about not offering [REDACTED] placement a [REDACTED] was an incorrect environment for (BW) and funding should not be used as an excuse for not offering correct schooling provision for Children of a Rare Disability.
39. 08/05/2014 (JW) telephoned [LBB] SEN Department to further discuss (BW) critical school placement on basis of need and environmental provision - [LBB] refusal to discuss.
40. 13/05/2014 (JW) lodged SEND Appeal to HM Courts and Tribunals Service.
41. 14/05/2014 (JW) received letter from [REDACTED] offering (BW) a placing and asking for the [LBB] to to hand over and prepare funds as part of the Transfer from Borough to Council [LBB] to (HCC).
42. 15/05/2014 (JW) replied with letter to {The Collett School} offering her thanks and accepting place for (BW).
43. 15/05/2014 (JW) instructed [REDACTED] Solicitors in preparation for (BW) SEND Tribunal Ref: KS/UP/WIL-22328-001.
44. 20/05/2014 (JW) received a letter from [LBB] in response to complaint (JW) had lodged about the [LBB] SEN Department not issuing (BW) his school place by the legally binding date of the 15th February 2014 - [LBB] [REDACTED]

Statement of the facts (continued)

58. apologized - they were in the WRONG - BUT REFUSED A NEGOTIATION MEETING STATING THE (JW) TONE WAS OFF PUTTING AND THAT NOTHING WOULD CHANGE THEIR MIND IN OFFERING (BW) HIS SCHOOL PLACEMENT BASED ON COST AND THAT IT WAS 'inefficient use of public resources'.
45. 22/05/2014 (JW) made an application [REDACTED] due to her student status and therefore [REDACTED] Tribunal through the [REDACTED] for (BW) to have his Statement of Education amended to reflect part 4 and to highlight his complex needs so as to afford him is right of choice to attend [REDACTED]
46. 23/05/2014 (JW) now facing intolerable stress levels, had to make an application to her educational institution of HE [REDACTED] to place her studies on hold and to defer her work load so as to litigate and mitigate educational and medical due process for (BW).
47. 25/05/2014 (JW) received a report from [REDACTED] (MC) Head of Department for [REDACTED] & Haringey Lead Analytical & Clinical Psychoanalyst - detailing that he has known (BW) for many years and has been in his therapy for 4.5 years, and DOES NOT RECCOMEND [REDACTED] WILLICOTT - as (BW) as a spiked profile with complex needs.
48. 28/05/2014 (JW) received SEND Court of Appeal Acceptance Form detailing case has been accepted - SE302/14/00031.
49. 01/07/2014 SENDist First Tier Tribunal Judge ORDERS [LBB] to comply.
50. 17/07/2014 (MG) Solicitors litigate - grounds of costs of transport and reason for school placement for (BW).
51. 17/07/2014 (JW) issued a statement detailing incompetence of [LBB] in response to [LBB] applying for continued and constant extensions - SEE ORDER.
52. 17/07/2014 (JW) by formal and legal means removes (BW) off all educational registers and rolls - including school roll and [LBB] attendance register - at end of Mainstream Primary Year July 2014 / Rt. Honourable Theresa Villiers Responds with [LBB] reasons to refuse.
53. 28/07/2014 (JW) joins [LBB] & (MG) with SENDist Judge [REDACTED] for a case management telephone call.
54. 09/09/2014 [LBB] Ed Psychologist asses (BW) for SENDist Tribunal.
55. 14/09/2014 [LBB] (Ed. Psych) issues (JW) with Psychology Report for (BW) - PLEASE SEE PAGE 6 OF REPORT FROM [LBB].
56. 14/09/2014 PARENTAL VIEWS: I met with Ms Willicott at her home on the 9th of September and we had a short discussion after I had completed my assessment session with Bastian. Ms Willicott explained her difficult dilemma about choice of schools and that she had visited 35 schools in her attempt to find the right school. Ms Willicott explained that it was very important that Bastian's skills did not regress when he moved to secondary School. She felt that Bastian had made good progress at [REDACTED] School and being around mainstream children was important. When I asked why she was considering Special Schools as opposed to mainstream schools Ms Willicott explained that the secondary schools she had approached were not welcoming. Also she had concerns about the size of the schools as Bastian did not like noise and crowds. The possibility of bullying was another consideration. Ms Willicott said that when she visited The [REDACTED] she knew he would "fit like a glove". When she visited [REDACTED] she had not got this impression. Ms Willicott also explained that Bastian did not see himself as having a disability and that this was something that was important to support." [REDACTED] Educational Psychologist - The London Borough of Barnet [LBB]
57. 14/09/2014 "BASTIAN'S VIEWS I observed Bastian in the home setting and met a polite, friendly and sensitive boy who enjoyed the company of those around him and was happy to engage with us in shared enjoyment of his areas of interest. I did not elicit Bastian's views about school preferences and the future as he showed some anxiety when the adults around him were discussing schooling and it would not have been kind or appropriate. [REDACTED] Educational Psychologist - The London Borough of Barnet [LBB] "CHILD'S RIGHTS CHARTER BREACH".
58. 22/09/2014 SENDist First Tier Tribunal Hearing Date.
59. 03/10/2014 First Tier SENDist Tribunal Decision: Based on cost of school DECLINED "However costs were not calculated correctly - Schools were cost neutral, due to [REDACTED] being out of a London Borough therefore cheaper in placement, than were (BW) placed within a London Bracket" - (JW) was not given further guidance and information to progress Judicial Review and (JW) did not know Judicial Review was time critical. (JW) sought help from a wide and varying range of Advocates, Solicitors and Barristers, all said there the case of (BW) was complex and they had no Err in Law despite the costs not adequately represented by either legal party.
60. 16/10/2014 (MG) corresponded with (JW) detailing decision and further process was not advised. (MG) told (JW) it was not worth seeking a challenge for (BW).
61. 06/05/2015 (JW) makes an application to Royal Courts of Justice [REDACTED] for Judicial Review advice.
62. 29/05/2015 (JW) receives advice from chambers - Barrister [REDACTED] setting the scene about due process and the Judicial Review was unlikely because of the time scales and that (JW) would need to seek another alternative. or proceed with the EHCR as discussed.

F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments

<p>59. Article invoked Protocol ONE Article 2 Right to Education</p>	<p>Explanation ARTICLE 2 - THE RIGHT TO EDUCATION, AN EFFECTIVE EDUCATION (THAT IS ADEQUATE AND APPROPRIATE)</p> <p>(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.</p> <p>(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.</p> <p>(3) Parents have a prior right to choose the kind of education that shall be given to their children.</p> <p>However, whilst Bastian is not being denied a right to an education, he is being denied the right to education that meet his complex needs, based on his own philosophical and emotional and perceptive belief, parental belief and wishes as well as medical and analytical psychological recommendations based on Bastian's evidence of his mental and emotional capacity and wellbeing of him being an individual living with rare disability. Bastian's voice as scribed and legislated in the Child Rights Charter – must be upheld. The Local Authority and Government has to also take into account The Rare Disease Strategy 2010. The professional's recommendations (medical and psychological) who have worked with Bastian for many years including Mr [REDACTED] need to be given weight and merit. The Local Authority and or Tribunal CANNOT simply base or make their decision on a school placement by stating that they as a Local Authority can met the child's needs by simply measuring or conducting a 20 minute observation or by an Educational Psychological Report based on a 45 minute assessment using standardised testing, as this will never yield the truth clinical curve or data needed to make the full recommendations; especially when assessing a child with a rare disorder.</p>
<p>Article 8 -Right to Respect Private and Family Life</p>	<p>Therefore to protect Bastian's health state of mind and emotional well-being Article 8, needs to be applied when applying Part 2 of Article 2, however, in addition to this, The London Borough of Barnet have also, through their unlawful due process continued preventing Bastian his right to a peaceful family life. The duration or time it has taken for The London Borough of Barnet to acknowledge their unlawful actions has caused significant harm and psychological damage to Bastian's family life. September 2013 to June 2016.</p>
<p>Article 9 - Right to Freedom of thoughts</p>	<p>As Bastian's brain is very complex, his thoughts and conscience stance regarding him including his beliefs are vital in him affording him his own right to what he values. He knows he is complex, but won't allow his disability to put him in a box and labeled disabled, Bastian prefers to be seen as normal and wants to be in an environment that is not severe and or complex; yet he knows he can't cope in a larger mainstream school nor does he want to be in a complex school environment. Please See Report:How an oppugning schooling placement and or environment can adversely affect a child's mental & emotional development across the SEND spectrum. CONTRADICTION IN TERMS Bastian was not given and or allowed to expression his thoughts - See [REDACTED] Educational Psychologist Report. (I did not elicit Bastian's Views)</p>
<p>Article 10 - Freedom of Expression right to hold opinions</p>	<p>As Bastian sees himself as intelligent, articulate and normal, he would appreciate a school that delivers that environment, therefore preferring a school environment with less 'severe behaviours'. Bastian does not have behaviour and or severe problems, but rather a complex mixed profile. It is critical that his self-esteem is upheld by this Article. Educational Institutions and their environments are not just about an educational offer.</p>

Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments (continued)

60. Article invoked	<p>Explanation Rights of the Child</p> <p>Under international law, Article 12 (1) of the CRC affirms that a child who is capable of forming her or his own views has the right to express these views freely in all matters affecting her or him. The child's views should be given due weight in accordance with her or his age and maturity. Article 12 (2) of the CRC furthermore prescribes that the child must be provided the opportunity to be heard in any judicial and administrative proceedings affecting her or him, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law. Both the EU Charter of Fundamental Rights and the ECHR guarantee the right to free-expression, which includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authorities. Under CoE law, freedom of expression is guaranteed by Article 10 of the ECHR and may be limited only if the limitation is prescribed by law, pursues one of the legitimate aims listed in Article 10 (2) and is necessary in a democratic society. In its case law, the ECtHR stressed that "freedom of expression constitutes one of the essential foundations of [a democratic] society, one of the basic conditions for its progress and for the development of every man". Under EU law, children have the right to express their views freely. Their views shall be taken into consideration on matters which concern them in accordance with their age and maturity.</p>
Article 14 - Right not to be Discriminated	<p>Bastian should not be discriminated against in terms of his disability whatever degree of disability, complex or not. Disability can take many forms. Disability THEREFORE CANNOT BE DEEMED AS JUST DISABILITY. No child should be denied education based on their needs by virtue of cost. Therefore The London Borough of Barnet (United Kingdom) in violation of Bastian's human rights when linked with Article 14. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. With the current emphasis on mental health and wellbeing, it is the recommendation by leading clinicians to implement a long term solution rather than a short term cost saving measure for children in general. It is of the opinion with government and political parties in general, that they seek to govern long term visions with short term means. The United Kingdom doesn't have specific guidance to support unique and or rare persons, apart from The Rare Disease Strategy 2010, as acted and implemented by The EU Rare Disease Legislation 2009. Freedom from discrimination is one of the basic principles of a democratic society. Both the EU and the CoE have been instrumental in interpreting this principle. EU institutions have adopted a series of directives which are highly relevant for children's issues. The European Court of Human Rights (ECtHR) has developed a substantial body of case law on the freedom from discrimination under Article 14 of the ECHR on the prohibition of discrimination, in conjunction with other Convention articles.</p> <p>Under CoE law, the prohibition of discrimination applies to the exercise of any of the substantive rights and freedoms set forth in the ECHR (Article 14), as well as to the exercise of any right guaranteed under domestic law or in any act by a public authority (Article 1 of Protocol No. 12 to the ECHR). Protocol 12, however, is of limited applicability, since it has only been ratified by a small number of countries and no child related cases have yet been decided on its basis. The provisions set forth in both instruments include a non exhaustive list of grounds on which discrimination is prohibited: sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Where the ECtHR finds that persons in relevantly similar positions have been treated differently, it will investigate whether this can be objectively and reasonably justified.</p>

G. Compliance with admisibility criteria laid down in Article 35 § 1 of the Convention

For each complaint, please confirm that you have used the available effective remedies in the country concerned, including appeals, and also indicate the date when the final decision at domestic level was delivered and received, to show that you have complied with the six-month time-limit.

61. Complaint	Information about remedies used and the date of the final decision
Protocol One	03/10/2014 - Date of Final Decision - HM First-Tier Special Educational Needs and Disability (Tribunal Court)
Violation Article 2	Appeal No: [REDACTED] Judge: Mr [REDACTED] (Tribunal Judge)
Violation Article 8	Appeal By: Ms Janet Willicott (Concerning) Bastian [REDACTED] Willicott against London Borough of Barnet (Local Authority)
Violation Article 9	Reason: INEFFICIENT USE OF PUBLIC RESOURCES
Violation Article 10	10/10/2014 - Final Amended Statement
Violation Article 14	02/04/2015 - Application Submitted to the ECHR [BWillicott v UK 17275/15] to cover 6 month time limit.
	20/05/2015 - Judicial Review Advise - Ms [REDACTED] (ADVISE AGAINST JUDICIAL REVIEW APPLICATION)
	15/12/2014 - Application to transfer Bastian Willicott's Statement of Education to new EHCP (Educational Health Care Plan) as per Department of Education Guidelines which takes into consideration the child's health,
	26/01/2015 - EHCP - REFUSED by London Borough of Barnet (CAN NOT APPEAL)
	Ms J Willicott was not informed of her rights by First-Tier Tribunal nor was she informed by her solicitor that she has access to Judicial Review. Ms Willicott tried to lodge an application to Second-Tier SEND Tribunal - not upheld because no Err in Law.
	Ms Willicott with no prior knowledge of Educational Law, proceeded to seek help but was not informed of her Judicial Review appeal, it was only until she sought expert advice from The Royal Courts of Justice with the [REDACTED] (QC) advise was she told that Judicial Review was possible, but the out of time would be difficult to apply for special circumstances and the merit of the case.
	London Borough of Barnet, DID NOT submit the Working Document (Statement) before the Hearing, an [REDACTED]
	[REDACTED] Ms Willicott [REDACTED] on a legal document with no prior knowledge of doing so. She was not told that she could [REDACTED] considering the complexity of the case. [REDACTED] The Judicial Review carried out by Barrister Ms [REDACTED] on the 29/05/2015, highlights the cost of the School Placement and that Ms Willicott did not dispute the figures, (reasoning being she trusted her solicitor had adequately researched the correct figures). It was only after the Judicial Review advice that Ms Willicott sought to further evidence that in fact The [REDACTED] was significantly cheaper as it was an out of London Borough School with is a cheaper cost per pupil for the initial placement, with top of funding it would be costed as a cost neutral school placement therefore not be seen as "INEFFICIENT USE OF PUBLIC RESOUCES". Judicial Review advice said that there was no compelling evidence to contradict, the Decision despite Bastian not been afforded his Voice and his opinion, his Rare disease was not given any weight, (Rare Disease Strategy 2010) nor was his Psychologist's Report by [REDACTED] with six years of analysis, or the Report by the Primary School SENCo who has known Bastian for 8 years, given any weight by the Judge. The the fact that both schools seemed to have the same provision but entirely different environments was still not given further weight. The School environment is critical for Bastian, as highlighted in both the Psychologist Report and SENCo supporting letter. The educational Psychologists reports did not focus on environments and did not give the weight of parental view. [REDACTED] Solicitor did not put forward a strong case, partly due to the complexity of Bastian, however the the compelling evidence b [REDACTED] was not used. Judicial Review NOT UPHOLD. Right to Education-violated need disability needs not given weight, Right To Respect Private and Family life violated due to abhorrent Local Authority abuse, unlawful due process via criminal courts-duration. Right to Freedom of thought/ Freedom of Expression violated-BW not given his voice. Right to not be discriminated

62. Is or was there an appeal or remedy available to you which you have not used?

☐ Yes

☒ No

63. If you answered Yes above, please state which appeal or remedy you have not used and explain why not

H. Information concerning other international proceedings (if any)

64. Have you raised any of these complaints in another procedure of international investigation or settlement?

☐ Yes

☒ No

65. If you answered Yes above, please give a concise summary of the procedure (complaints submitted, name of the international body and date and nature of any decisions given).

66. Do you (the applicant) currently have, or have you previously had, any other applications before the Court?

☐ Yes

☒ No

67. If you answered Yes above, please write the relevant application number(s) in the box below.

I. List of accompanying documents

You should enclose full and legible copies of all documents. No documents will be returned to you. It is thus in your interests to submit copies, not originals. You MUST:

- arrange the documents in order by date and by procedure;
- number the pages consecutively; and
- NOT staple, bind or tape the documents.

68. In the box below, please list the documents in chronological order with a concise description. Indicate the page number at which each document may be found.

1. Bastian Willicott's (Special) (Secondary School Application Guidance) Highlighting ONE application only. [REDACTED] p.
2. The London Borough of Barnet (Letter of Administration) setting out their due process and compliance with which they must legally comply. p.
3. The London Borough of Barnet (Letter of Administration) requesting Janet Willicott (Parent) to re-apply for Special Secondary School (paperwork lost) JW couldn't re-apply as 'system' would only allow one application. [LBB Apology]. p.
4. The London Borough of Barnet (Letter of Administration) – Secondary School Transfer in Process – but citing choice of school as "inefficient use of resources". p.
5. Christ Church Primary School SENCo (Administration Transitioning Bundle) Annual Review and Transitioning Meeting for ALL professionals, Parents, Experts and The London Borough of Barnet, citing NO RESPONSE FROM LBB - Council. p.
6. The London Borough of Barnet (Telephonic Communication) offering Bastian Willicott and (Parent) Janet Willicott The Collett School as per application but withholding disability transport. p.
7. The London Borough of Barnet (Letter of Administration) naming [REDACTED] SCHOOL – offering (Parent) to appeal at tribunal. The letter citing the above was [5 weeks Breach of Legal Due Process] p.
8. [REDACTED] School SENCo (Letter of Administration) citing professional capacity and reasoning's/ recommendations for Th [REDACTED] Secondary School Placement, having had having worked & taught Bastian. p.
9. Cambridge University Centre for Medical Research (Letter of Administration) follow up correspondence reference to Bastian Willicott being diagnosed mid of November 2013, citing publication of SETD 5 has been successful. p.
10. American Journal of Human Genetics–Publication–Report of De Novo Loss-of-Function Mutations in SETD5, Encoding a Methyltransferase in a 3p25 Microdeletion Syndrome Critical Region, Cause Intellectual Disability. (Rare Disease). p.
11. Th [REDACTED] (Letter of Administration) accepting Bastian Willicott and offering the Secondary School Placement as discussed via open days and Bastian spending transition period with them. LBB need to discuss funds. p.
12. [REDACTED] (Letter of Administration) as instructed by Janet Willicott - commences representation (KS/ [REDACTED] for SENDist Tribunal of Bastian Willicott. p.
13. The London Borough of Barnet (Letter of Administration) citing an apology for 'unnecessary complex issues', but refuse – School Placement citing Janet Willicott to appeal to SENDist Tribunal Services. p.
14. Janet Willicott (Legal Administration) [REDACTED] commence litigation. p.
15. HoD Barne [REDACTED] CAMHS [REDACTED] Child & Adolescent Mental Health Services NHS) [REDACTED] Analytical Psychoanalytical Child Psychologist) (Letter of Psychological Intervention) Recommendations for BW HM SENDist Tribunal Services (Legal Administration) – Acceptance of Appeal - Bastian Willicott vs The London Borough of Barnet. SE302/14/0031. p.
16. [REDACTED] (Legal Administration) – outline case in support for Bastian Willicott's Special Secondary School Placement. p.
17. The LBB (Evidence Report) [REDACTED] Educational Psychological Report based on assessment of Bastian Willicott –citing amongst other paragraphs; Bastian's Views. "I did not elicit Bastian's Views, he seemed anxious." p.
18. HM SENDist Tribunal Services hold Hearing Date (22/09/2014) – SENDist reach DECISION – (Legal Administration) – Appeal not upheld due to Th [REDACTED] not being 'efficient use of public resources' p.
19. Janet Willicott was informed (Legal Administration) [REDACTED] not to appeal to Second Tier SENDist as they will not accept hearing – due to no 'Err in Law'. p.
20. Janet Willicott (Letter of Administration) to The LBB requesting BWbe assessed for his EHCP (Educational Health Care Plan) (Child & Families Act 2014) – Transfer from Statement of Education due to Rare Disease. LBB REFUSE. p.
21. Janet Willicott issues (Letters of Administration) direct to UK Parliament, highlighting complexity of Educational Case Management by The LBB, includes reasons for assistance from David Cameron MP/Nick Clegg MP/Nicky Morgan MP. p.
22. Janet Willicott (Legal Administration) files case for Bastian Willicott at ECHR within the 6 month period from SENDist Decision. p.
23. Janet Willicott (Legal Administration) Applies for Judicial Review Assistance from Royal Courts of Justice. Legal Report) Chambers offers Judicial Review assistance Legal Report) Advice from Barrister [REDACTED] REFUSAL p.
24. Janet Willicott (Academic Parental Research Report) Normal-Like-Me, How an oppugning schooling placement and or environment can adversely affect a child's mental & emotional development across the SEND spectrum. p.

Any other comments

Do you have any other comments about your application?

69. Comments

I, Bastian J A Willicott, truthfully state: My Mommy (Janet Willicott) has filled in this application form to the best and true account of her knowledge and ability, My Neuro-Science Educational Report tries to highlight who I am, and why I think like I do. My bundle of documents and evidence, with chronological time-line and appendices is complete. I would like all my evidence to be read. My Mommy is the only person who truly understands and knows me, The UK/The London Borough of Barnet have treated me terribly, and have violated my Human Rights, by not giving me my voice and opinion.

Declaration and signature

I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.

70. Date

2	2	0	6	2	0	1	6
D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

The applicant(s) or the applicant's representative(s) must sign in the box below.

71. Signature(s) ☐ Applicant(s) ☒ Representative(s) - tick as appropriate

Signature box (empty)

Confirmation of correspondent

If there is more than one applicant or more than one representative, please give the name and address of the one person with whom the Court will correspond. Where the applicant is represented, the Court will correspond only with the representative (lawyer or non-lawyer).

72. Name and address of ☐ Applicant ☐ Representative - tick as appropriate

Correspondent information box (empty)

(39415/16_ - B Willicott v UK) -Single Sitting Judge - First Tier - ECtHR - Recommendations to UK, Comply on breach (17275/15)

The completed application form should be signed and sent by post to:

The Registrar
European Court of Human Rights
Council of Europe
67075 STRASBOURG CEDEX
FRANCE

