

# Request for funding or legal assistance in Scotland for cases concerning discrimination in education

This form is for **legal representatives / advisers** in Scotland to request funding or assistance from EHRC on behalf of individuals who may have experienced **discrimination in education** only. Please complete and return to [legalrequestscotland@equalityhumanrights.com](mailto:legalrequestscotland@equalityhumanrights.com) or call 0141 228 5951 if you need help. *(If you have a non-education case that you would like to ask EHRC to consider becoming involved in, please instead see our [strategic litigation policy](#)).*

If you are an individual who feels you have been discriminated against and you need advice, information or support, please contact the [Equality Advisory and Support Service](#)

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**Enter case name (eg X v Y Ltd)**

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Blue text: click on field, click on down arrow, select option

Grey boxes: click cursor into box and type free text

<b>Sector</b>	click to select
<b>Does the claim / potential claim relate to Part 6 Equality Act 2010?</b>	select Y or N
<b>Court or tribunal</b>	
<b>What stage has the case reached?</b>	
<b>Protected characteristic(s)</b>	
<b>Type of assistance sought</b>	click to select

**1. Is the individual likely to be able to access justice without EHRC assistance? Has any other funding been secured or explored? Please provide details**

**2. Brief facts / background:**

**3. Set out any further information relevant to [the criteria we will use to decide which cases to assist](#) including: scope for publicity; risks; extent of detriment and opportunity to achieve change etc);**

**4. What is your current view on the merits of this claim / potential claim?**

**5. I attach the following case papers to help: (include copies of key documents)**

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**Schedule of costs and disbursements** (complete where you seek funding rather than “in-house” EHRC assistance):

Type of funding	Lawyer / expert to be funded  name, organisation, contact details, role	For solicitors and counsel's fees: no. of hours and hourly rate (see App A)	For disbursements: fixed costs	Details of work	Relevant expertise
<b>E X A M P L E</b>					
Solicitors fees	M Crick Solicitor Education Solicitors LLP, Glasgow Tel: 0141 829 8410	10 hours £140 per hour plus VAT (non central London solicitor, 8yrs+ PQE)	N/A	Initial evidence gathering and advice to help establish merits and way forward	9 yrs PQE. Specialising in education law and experienced in discrimination claims including....

## ABOUT YOU

By making this referral, I understand and agree that:

- any offer of assistance is entirely at the discretion of the Commission
- where assistance is offered, it may be limited to a defined aspect or aspects of the case
- it remains the responsibility of the client or those already providing the client with advice or representation to comply with any relevant time limits
- if the Commission makes an offer of assistance, it will be subject to acceptance of the Commission's agreed terms and conditions.

<b>Name</b>	
<b>Organisation</b>	
<b>Contact details</b>	

Please send completed forms to [legalrequestscotland@equalityhumanrights.com](mailto:legalrequestscotland@equalityhumanrights.com) or call us on 0141 228 5951 if you need help.  
Thank you for making this referral. We will be in touch shortly.

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## Appendix A: Maximum rates payable for solicitor and counsel fees

### (a) Solicitors

	<i>Maximum rates (£ per hour, exc VAT)</i>	
	<i>Central London</i>	<i>All other areas</i>
<i>8+ years post qualification experience (PQE)</i>	160	140
<i>4 to 8 years PQE</i>	140	120
<i>1 to 4 years PQE</i>	110	90
<i>Trainee solicitors, paralegals</i>	50	40

### (b) Counsel

See: members of the [Commission's panel of counsel](#)

Panel List or equivalent		Seniority	Maximum rates (£/per hour exc VAT)
A	Typically at least 10 years' call and/or QC; considerable experience in equality and / or human rights law	Queen's Counsel	£240
		Counsel	£180
B	Typically at least 5 years' call; significant experience in equality and/or human rights law	Counsel	£160
C	Typically at least 2 years' call with experience in equality and/or human rights law.	Counsel	£120

## Appendix B: How will the Commission decide which cases to assist?

As you would expect, we are applying criteria to ensure that we maximise the impact of this project. All matters must satisfy the following:

- The dispute concerns discrimination under Pt 6 of the Equality Act 2010
- It appears likely that the client may not be able to access justice without assistance from the Commission

Other factors we will then weigh up when deciding whether to assist a particular case are:

- Whether the victim or alleged victim is agreeable to publicity
- Any significant risks to the Commission (including reputational, financial (including any third party costs liability) and legal)
- Whether the claim involves significant detrimental impact on an individual or a group of people sharing a particular characteristic or characteristics
- The extent of the opportunity to achieve positive change
- If the merits of the claim are unclear (for example, because a litigant in person has not been able to articulate their claim so as to demonstrate sufficient prospects of success), whether EHRC assistance will enable legal representatives to conduct preparatory work – such as legal analysis and collation of evidence – which will help identify claims with good prospects of success.
- Whether our assistance will enable the promotion of arguments that align with the Commission's positions on relevant issues.
- Recognising that some claimants will not be able to face the prospect of litigation, whether funding would enable the gathering of evidence that would be likely to form the basis for using our enforcement powers.
- Intersectionality – cases raising issues across more than one protected characteristic - is of particular interest
- Whether providing support furthers our aim of selecting cases that span a range of protected characteristics and issues.

To help us focus on matters where we can really make a difference, we won't be able to assist matters where:

- The resources required to achieve a successful outcome will significantly outweigh the benefit to the individual and/or wider society, or
- We have previously declined a request for assistance, or
- There is public or other funding already in place which covers the work for which assistance is being sought, or
- Even if the Commission provided assistance, there is no reasonable prospect or limited prospect of success.