**PRESS RELEASE**

**Joy For Families As High Court Rules For a Second Time That Decision To Withdraw Nascot Lawn Funding Is Unlawful**

**Expert Lawyers At Irwin Mitchell Secure Another Legal Victory For Campaigners**

Families are celebrating after a High Court judge ruled for a second time that plans to withdraw funding to a respite centre for disabled children threatened with closure are unlawful.

The decision following a judicial review into Herts Valleys Clinical Commissioning Group’s (CCG) bid to end the £650,000 it provides Nascot Lawn in Watford has been published today. In his judgment, Mr Justice Motsyn ruled that health bosses acted unlawfully when they failed to consult with Hertfordshire County Council (HCC) regarding their plans.

The announcement follows a two-day High Court hearing when specialist lawyers from Irwin Mitchell, representing families who use Nascot Lawn, argued that withdrawing funding was unlawful. If funding was axed it was inevitable the centre would have closed.

Mr Justice Motsyn said it was ‘obvious’ that, if the correct legal process had been followed, the county council would have sought “an agreement which provided for the continuance of the funding of Nascot Lawn”. If an agreement was not reached the council would have then had the right to refer the decision to Health Secretary Jeremy Hunt - whose remit has recently been expanded to include both health and social care - seeking a decision from him that the funding be continued.

Mr Justice Motsyn has confirmed that the CCG must “comply with its legal duty” by formally consulting with the county council. If no agreement is reached the council can refer the matter to Mr Hunt to make a final decision.

Alex Rook, the Partner at Irwin Mitchell’s London office representing the families, said: “Ever since the CCG announced its intention to withdraw funding for Nascot Lawn the families have shown great strength and determination to fight this decision, not once but twice.

“Despite concerns having been raised numerous times about the legality of the decision, the CCG continued to press ahead with its plans, meaning the families had no alternative but to take their fight to the High Court.

“We have always argued on their behalf that the CCG and the local authority should work together to decide how they can continue to operate this vital community service and are delighted that the court has today endorsed this view.

“The CCG has twice been told by the High Court following our submissions that its actions were unlawful and the decision to withdraw funding from Nascot Lawn has been quashed for a second time.  We only hope that this time the CCG co-operates with the county council to ensure that Nascot Lawn stays open.”

Irwin Mitchell’s legal case was put forward by barristers Jenni Richards QC and Sian Davies from 39 Essex Chambers.

Satnam Kaur, from Bushey, whose 14-year-old daughter Gurpreet has a range of complex needs has used Nascot Lawn since she was one. She is among the families Irwin Mitchell represented.

Satnam said: “Over the past year there have been tears and a great deal of upset because of the CCG’s continued refusal to listen to our arguments. Today there are tears of joy.

“Whilst everyone is overjoyed at the judgment there is still some anger amongst the families that things got to this stage. If the CCG would have listened in the first place and worked with the local authority it could have prevented months of anguish.

“We just hope that the judgment makes the CCG realise the need to stop fighting this and come up with a solution with the local authority that benefits everyone.”

Emma Turner’s 10-year-old daughter Sienna Scott also uses the centre two nights per month.

Emma, from Hemel Hempstead, added: “All we wanted is to be able to continue using Nascot Lawn. The centre provides excellent care for Sienna and all the other children, allowing the families a short break so we can look after our children the best we can when they come back home.

“We just hope that the CCG now puts as much effort into working with the local authority to find a solution to keep Nascot Lawn open as it has in fighting not just one but two legal battles.”

Angelina Sclafani-Murphy’s eight-year-old son Liam Murphy also relies on Nascot Lawn.

She added: “Closing Nascot Lawn would have been devastating for us and many families would have been left in absolute limbo with nowhere to send their children for the expert respite and healthcare they so need.

“It is difficult to describe how happy we all are at the decision. While our campaign was about keeping Nascot Lawn open, our experience has wider reaching consequences.

“We hope that today’s judgment acts as a reminder to other NHS bodies about the importance of respite care for families with disabled children, and importantly, gives encouragement to other campaigners in the country facing similar issues to ourselves.”

HVCCG originally announced plans to withdraw funding for the centre in spring 2017. A legal challenge against that decision was launched.

However, days before a judicial review was due to be heard in the High Court over the legality of proposal, the CCG agreed to set aside its decision to stop funding. The High Court quashed its decision and ordered the CCG to pay the legal costs.

Last autumn the CCG announced for a second time that it intended to withdraw the funding, putting the centre back at risk of closure.

A petition to keep the centre open has gained over 15,000 signatures and the issue was discussed in the House of Lords. Six local MPs have also written to the Department of Health inviting NHS England to hold HVCCG to account.

 **ENDS**

**Notes to Editors**

***For further information, pictures and interview requests please contact the Irwin Mitchell press office on 0114 274 4666.***

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In 2015 Irwin Mitchell merged with Thomas Eggar LLP expanding its presence in London and the South East and has also acquired specialist Personal Injury firm MPH Solicitors and private wealth firm Berkeley Law in the past few years.

The firm is ranked as a market-leading legal services firm in the independent Legal 500 and Chambers UK guides to UK law with over 100 lawyers personally recommended.

Irwin Mitchell Scotland LLP is a separate Scottish legal practice regulated by the Law Society of Scotland and has an office in Glasgow.

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