

This case study is a case summary, and has been developed solely as a training tool for the purposes of the DfE/IPSEA SEND Decision Making and the Law Workshops, delivered in Autumn 2018

### **Case Study 1: Refusal to Assess**

Fay, aged 9, is a twin born prematurely.

Fay's parents feel that she is affected socially, emotionally and academically. They report that she has difficulties with concentration, distractibility, playing, socialising, and learning.

A report from a consultant educational psychologist, which Fay's parents paid for when Fay was entering Year 1, indicated that Fay's scores were all in the average range save for one which was just below. She found her an emotionally intelligent girl who had low self-esteem and who was acutely aware of her difficulties in acquiring literacy skills.

At the same time, Fay's parents self-referred to the Speech and Language Service and have recently received a report by a speech and language therapist that said Fay's expressive language was within the average range but her receptive language was in the very low average range. The therapist suggested a programme of intervention to be implemented by the school, but this has not yet been undertaken despite Fay's parents repeatedly asking school to do so.

A consultant community paediatrician was not persuaded that Fay was on the autistic spectrum but put in place an action plan, including obtaining a more in depth speech and language report. However, as part of the ADOS process, an occupational therapist has conducted a test of her visual motor integration and visual perception test. Both put her at the 2nd percentile and for motor co-ordination at the 3rd percentile. This assessment concluded that Fay has some specific learning difficulties which might be assisted by strategies implemented in school. The final assessment to decide whether Fay meets the diagnostic criteria for ASC, and with the specific recommendations for support, is awaited. In the meantime, the consultant has written to the school to suggest that another assessment by an educational psychologist might be helpful.

School report that some progress has been made from a starting point which is behind Fay's peers. She has received some differentiated work and a range of practical curriculum recommendations were made by the SENCO to aid Fay's acquisition of literacy and numeracy skills. The class teacher and teaching assistant have been implementing some of these recommendations. The school has not sought advice about Fay's needs from an educational psychologist although the class teacher has used the parents' report from Year 1 to help plan some interventions. The school has not asked for top up funding from the local authority.

Fay's anxiety increases throughout the school day and the school has suggested that she attends for half days on the two days when the classroom teaching assistant doesn't work a full day. Fay seems happier with this arrangement which has been in place for a term.

The local authority has produced guidance criteria for the panel. Whilst the criteria are used to support decision making, each case is considered individually. However, the EHC needs assessment was refused because, amongst other things, the panel did not feel that sufficient of the criteria had been evidenced: in particular Fay did not show extreme difficulties in accessing the curriculum through reading and writing, despite the use of a range of alternative methods and the school had not shown that the SENCO or a specialist teacher had provided appropriate set targets for individual.