

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 2: Refusal to Issue a Plan**

Michael is 9. He attended Newtown Opportunity Playgroup and Clever Tots Preschool but for the whole of his statutory education to date he has been educated at home with the support of local Home Education groups and community activities. He also has a private tutor for two hours a week. Michael's parents would like him to attend school but believe he would need a high level of 1:1 support to do so.

A request for an Education Health and Care needs assessment was submitted by Michael's parents to the LA. An assessment was completed but on completion the SEND Casework Officer, wrote to the parents to state that they concluded that Michael's needs were not sufficiently severe or complex for an EHC Plan to be necessary for his needs to be met. It was noted that he was making academic progress and that they considered that his needs could be met in school with the resources normally available.

Dr Smith, Consultant Community Paediatrician completed the medical advice for the EHC needs assessment. She noted that Michael had multiple food allergies which led to gastrointestinal disturbances, severe skin rash reactions and significant wheezes and anaphylactic reactions. He also had eczema, severe asthma, learning difficulties, sensory processing difficulties and social communication difficulties. She stated that Michael was prone to severe eczema and viral induced wheeze/asthma and that flare-ups had required multiple courses of cortico steroids, which can decrease his immunity and put him at risk of severe infections. She added that Michael was affected by side effects of the medication of difficulties with emotional self-regulation, increased anxiety and difficulties with continence. Dr Smith concluded that "if he attended school he would require learning support assistants all the time to deal with allergen avoidance and managing systems as it would be impossible for the class teacher."

The LA EP assessed Michael as part of the EHC needs assessment. She assessed Michael's literacy and numeracy skills and found that at a chronological age of 9 years 5 months, his word reading was at an age equivalent of 10 years 4 months, his reading comprehension 10 years, his spelling 7 years 4 months, his numerical operations 6 years 8 months and his mathematical reasoning 7 years. A cognitive assessment conducted for the EHC needs assessment showed that Michael had an uneven profile. His verbal skills were a strength and he scored in the average range but his non-verbal reasoning and spatial skills were very low to below average. The EP recommended a mixture of individual and small group support including a Numicon intervention.

Michael's tutor stated that he needed adult support to guide his work and maintain concentration as, even in a quiet environment, Michael could be easily distracted.

Ms S. Brown, a Children's Occupational Therapist and Ms White, a Physiotherapist, assessed Michael and wrote a joint report. He was found to have functional gross and fine motor skills although it was thought that his scores on formal testing were affected by his lack of persistence with tasks. On the basis of a questionnaire completed by parents Michael was found to have sensory processing difficulties and it was recommended that he should be supported with sensory based strategies.