

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 Workshop, delivered in Autumn 2019

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, that 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.

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.

Fay's anxiety has always increased throughout the school day. For the past 6 months, Fay has not been able to attend school due to a deterioration in her mental health. The school has been sending some work home for her to complete.

School report that prior to Fay being home educated, she was receiving 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 were implementing some of these recommendations. The school hadn't sought advice about Fay's needs from an educational psychologist although the class teacher had used the parents' report from Year 1 to help plan some interventions. The school had not asked for top-up funding from the local authority.

The local authority has produced guidance criteria for its internal decision-making 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 enough of the criteria had been evidenced. In particular, there was no up-to-date information from the school and the historic information did not show that Fay experienced extreme difficulties in accessing the curriculum. Nor did it demonstrate that the SENCO or a specialist teacher had devised appropriate targets for Fay to work towards.