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DECISION

Date of Birth:	2002	
Appeal of:	The Parent	
Type of Appeal:	Refusal to carry out an Assessment	
Against Decision of:	The Local Authority	
Date of hearing:	November 2012	
Persons Present:	The Parent	<i>Parent</i>
	Parent Representative	<i>IPSEA</i>
	LA Representative	<i>ALN Officer</i>
	LA Witness	<i>Educational Psychologist</i>
	LA Witness	<i>SENCO</i>

Appeal

The Parent appeals under Section 329 of the Education Act 1996 against the refusal of the Local Authority to carry out a statutory assessment of their Child.

Facts

1. The Child was born in July 2002 and is presently 10 years of age. The Child has a twin who has been in class at school with the Child. The Child attends School A and will be transferring to secondary school at the end of this academic year.
2. The Child has a variety of difficulties that impact upon their ability to learn. These include dyslexia, dyspraxia, Mears Irlen Syndrome and in particular, short term memory difficulties.
3. This hearing commenced in April 2012 and was adjourned to allow a Learning Support Service (LSS) teacher to work regularly with the Child to see if this enabled the Child to make progress, as was suggested by the LA. In order to ensure time was not lost, however, it was also agreed by the parties that various assessments of the Child would be carried out, in order to gain a fuller picture of the Child's needs, and in case the support from the LSS was ineffectual.
4. At the hearing in November 2012 we were provided with updated materials, which included reports from the Occupational Therapy Service, (OT), the LA Educational Psychologist and the Speech and Language Service. An Independent Advocate also provided us with the Child's views. We also heard evidence from the individuals identified above. We have taken all of the evidence we have heard and read, the Special Educational Needs Code

of Practice for Wales, and the Education Act 1996, into account in arriving at our decision.

Decision

5. At the recent Speech and Language (SALT) assessment the Parent raised other potential areas of difficulty for the Child, and as a result a referral is being made to CAHMS for further investigations. We cannot comment upon these as the referral has not been completed and further assessment has not been carried out.
6. We also note that in the SALT report at page 391 it is stated:

“Formal assessments of the Child’s concrete language skills reveal that the Child is functioning within the broad average range both in terms of the Child’s understanding and use of language. Working memory is a relative area of weakness.....”
7. The Child was discharged from the SALT service, with the Parents agreement.
8. Both SALT and OT and the learning support service (page 187) have made specific recommendations to the school. We have heard evidence, and accept that all of these recommendations can be provided from resources within the school. Neither the OT nor SALT report recommends that further direct work with the Child is required from either service.
9. The Child has been supported by LSS since April 2012. The Child has had over 20 sessions. Only three of those have been in the autumn term. At page 185 there are set out recent test results for the Child. The test results reveal the Child was making progress before April 2012, and has continued to make progress since. The Child’s reading age has gone up from 7.10 to 8.6, comprehension from 8.1 to 9.7, and spelling from 7.8 to 8.2. The Child’s reading rate has dropped from 10.11 to 10.1, but this may well be as a result of the Child reading more carefully now to understand the content of what the Child is reading. In any event, these results show the Child is now a functional reader. The Child also can spell most of the first 100 most frequently used words accurately and has progressed to the second set. The Learning Support Service support will now be withdrawn following the Additional Learning Needs Moderation Panel meeting in November 2012, and the Child will move from School Action+ to School Action.
10. We heard evidence that the school will continue to support the Child in that the Child will receive daily diary, spelling practice, weekly support from the special needs teacher in school, reading practice support from one of the volunteers, and weekly typing tuition. It is the view of the Child’s school that assistance provided little and often is appropriate for the Child and 10 to 15 minutes a day will be provided by the classroom support assistant. We were told this would be continued to the end of the academic year.

11. We were also told, and accept, that there will be a further ICT assessment next week, which will consider the use of additional equipment and programmes and will inform the transition planning. We were told the school will ensure any recommendations are met from its resources.
12. We accept the LA evidence as to the support available, and that this support will continue regardless of whether or not a statutory assessment has been carried out or a Statement made for the Child.
13. We also heard evidence about transition to secondary school. A school has now been selected. There will be meetings with all parties in the summer term. We are satisfied the Primary school has a clear transfer strategy to enable smooth transition into key stage 3 of all children. There will be visits to the Secondary school, and detailed liaison planning will be carried out. This will also all go ahead whether or not a statutory assessment has been carried out or a Statement made for the Child.
14. We have considered paragraphs 7.49, and 7.50 of the Code in particular and note the school has put in place “relevant and purposeful measures” to which the Child has responded, as shown by the test results and assessments carried out.
15. We have also borne in mind specifically paragraph 7.52, which provides that each child is as an individual and it is the Child or their particular circumstances, which need to be reflected upon. This is particularly important in the Child’s case as the Child has overlapping difficulties. We have considered the Child’s individual needs and progress.
16. We accept that the Child’s school has undertaken a graded response to the Child difficulties. We find that as a result the Child’s needs are not impacting on the Child’s significant educational progress. We find the Child is making adequate progress in reading and comprehension and some progress in spelling. We accept the school’s assessment that the Child should achieve level 4’s by the end of the year as realistic upon the evidence we have seen and heard, and the Child’s progress to date.

Conclusion:

17. In conclusion, for the reasons set out above, we do not find in this case that a statutory assessment is necessary and the Appeal is dismissed.

Order:

The Appeal of the Parent against the decision of the Local Authority not to carry out a statutory assessment of their Child is dismissed.

Dated December 2012.