



DECISION

Date of Birth:	2018	
Appeal of:	The Parent	
Type of appeal:	Provision	
Against:	The Local Authority	
Date of hearing:	2023	
Persons present:	The parent	<i>Parent</i>
	The parent's helper	<i>Helper</i>
	The Local Authority Legal Representative	<i>LA Solicitor</i>
	The Local Authority Witness	<i>Educational Psychologist</i>
	The Local Authority Witness	<i>Head Teacher</i>
	The Local Authority Observer	<i>Observer</i>

Introduction

1. The Child is aged 5. They live with their parents and they attend School Primary School. they have done so full time since 2022. They started out in Childcare Placement, a funded childcare placement, and their history there is set out in the case statements of the parties. It is not necessary for the purposes of this introduction to refer in any detail to that history, but we note that they were provided with fifteen hours of targeted support per week. It is not disputed that the Child has additional learning needs which necessitate an IDP. It is maintained by the local authority. Presently, the Child's 1:1 support is for 7.5 hours per week. When they started at School it was for 5 hours, but it was increased after consideration by the Panel on 2022.
2. The Parent invites us to order at least 20 hours of 1:1 support. The local authority's case is that the 7.5 hours, coupled with enhanced school-based provision, is sufficient to meet the Child's needs.
3. A notable feature of the written evidence was the absence of any professional support for the Parent's case, however we kept in mind our duty to put everything we have read and heard into the balance. Our starting point was an invitation to the Parent to tell us a little more about the Child.
4. Up until October, the Child was non-verbal. Although they are now able to use some words, they are not able to tell their parent about school at the end of the day. Most of the time they are a very happy child but can be stubborn. They have routines which they prefer and can often do things "at 100 mph". The Child has settled well in school and seems happy going in to school at the

start of the day and coming out at the end, although they are not yet at the point where they have developed friendships such as their peers may enjoy. They have started to play and is beginning to mix with others. The Child is not toilet trained and sometimes simply will refuse to go to the toilet in school. They have recently had a diagnosis of ASD.

The witnesses

The Parent

5. There was an element of uncertainty in the Parent's case. Whilst they made plain in their case statement, and indeed in closing submissions, that they wanted us to order 20 hours 1:1, they were unable really to explain what those hours would be for and how they would fit in with what goes on throughout the school day. They told us that they are not looking for constant 1:1, but could not see how the current provision can provide enough support for the Child, and they were dismissive of the suggestion that staff who provide group support are meeting the Child's needs. Educational Psychologist asked to interject at this point to indicate that they have seen both directed tasks and enhanced support and that the strategies required to meet the Child's needs are implemented throughout the day and by a range of staff. The Parent simply replied that the Child's needs are only met during specific slots with direct support. They were somewhat critical even of support on the yard, which they described as providing for groups and not for the Child. They were asked to explain how the combination of 1:1 and group support was deficient, but could not offer any rational answer. They said: *"I don't say 1:1 should be constant, but 7.5 hours is not enough."*
6. The LA Solicitor asked the Parent early in their evidence, whether they accepted that the Child is happy in school, but they were somewhat hesitant, suggesting that they weren't happy all of the time. They asked if they accepted that the Child had made progress and that their progress comes from the improvement in their language. Again, they did not address the thrust of the question and simply replied that *"The Child is not receiving a fair amount of support"*.
7. The LA Solicitor also challenged the Parent on the view expressed by Speech and Language Therapist, the Speech and Language Therapist, in their e-mail of 2022, where in response to a request from the local authority to comment on the Child's proposed IDP, they said: *"I don't have any suggested amendments and am happy with this version"*. The Parent felt that Speech and Language Therapist's response was not up to date and wanted to rely on recent correspondence, to which we will return later.

Educational Psychologist

8. Educational Psychologist has known the Child for a number of years. They advised that their needs are being met and that the current support structure is appropriate. They observed that he participates in whole school activities

and that when additional adults are not in the room, he not only engages, but their ability to engage is improving. They advised against any change to specific hours. They did not think he would benefit from having someone stuck to their side.

9. Asked by the Parent how the Child's needs are met when some support is timetabled and some is not, educational Psychologist advised that the key to success is the level of skill across the whole staff group. They felt that there is constant awareness of the Child's needs and there is a flexible approach, either from direct support or attention within a group, or indeed from an opportunity of the Child's own choosing. They advised that needs are met within learning opportunities as they arise. They told us that the Child's ability to engage in learning has changed since they saw them in October and described them as a child who joins in with the whole class and is more accepting of others. They gave a specific example. When they saw them at Childcare Placement they went to pick up a car he had dropped and he became distressed by their interaction, but on their recent visit to School they dropped some marbles, and was happy to let another child help them pick them up.
10. Educational Psychologists also advised that academically, the Child is generally below their peers, but has progressed in relation to their needs. They has observed them over time and has discussed their presentation with staff. They could not identify any barriers to learning which are not being appropriately dealt with. They advised that we should not look at the 7.5 hours in isolation from the supportive environment in the classroom. It is a whole package and is not designed for specific speech therapy. Pressed by Solicitor as to whether more hours of 1:1 would assist the Child, Educational Psychologist was unable to say, as they are doing so well with what is already there, and they again emphasised the importance of flexibility.

Head Teacher

11. Head Teacher was pleased with the Child's progress. They described them as a child who is now settled in the classroom and who has moved away from the egocentric presentation which staff noted when they arrived last September. In the autumn term Head Teacher and their colleagues focused on moving the Child out of that egocentric way of thinking and they are now more engaged with their peers, and able to concentrate in class. The Child's ability to engage continues to expand and staff have now moved to modelling on other children. Head Teacher gave us a brief description of the staff responsibilities and explained to us that Teaching Assistant, one of the TAs, moves between the two groups within the Child's cohort as required. Head Teacher had no concerns that there was any deficit in the Child's support when Teaching Assistant is out of the room, or that there were any unmet needs.
12. Staff do not feel that cognition poses a problem for the Child as they have shown themselves to be a child very much focused on problem solving, with a heightened degree of curiosity. Staff provide a language rich timetable for the

Child and are well aware of the need to provide a consistent but flexible approach to their support. Staff have undergone training to enable them to support the Child.

Conclusions

13. Our starting point arises from comments in closing from the Parent. They said to us that *"they are doing this simply to save money"*. At no point during the hearing did they put to either witness that there was any ulterior motive at play, nor did they say anything during their evidence which suggested that they thought there might be. Although closing submissions are not evidence, their assertion was serious, in that it impugned not simply the integrity of the witnesses Educational Psychologist and Head Teacher, but others who have participated in the IDP planning process. It was not something we could ignore. We make plain that we neither read nor heard anything which could cause us to doubt in the slightest, the honesty or commitment of those with a professional duty towards the Child, whether as an employee of the local authority or as an independent advisor.
14. What the Parent said was not a throwaway comment. It was said with conviction and revealed a degree of suspicion which is a barrier to genuine co-operation. It also provides an explanation for the Parent's unwillingness to acknowledge the extent of progress in school, for example, the Child does not need 1:1 supervision in the playground. They now have group supervision with increased attention if it is needed, just as happens for their peers, yet the Parent's approach was to see that group supervision as a deficit in the IDP rather than a welcome milestone in the Child's developing social skills.
15. The Child has moved away from what Head Teacher described as the ego-centric thinking they displayed in the Autumn term. They are now mixing with their peer group and starting to learn the give-and-take which is a fundamental part of their educational development. Educational Psychologist's description of the Child's reaction when they dropped the car and when they dropped the marbles is a simple but compelling illustration of the effectiveness of the IDP, and it reinforces the advice of Head Teacher and Educational Psychologist, to which we now turn.
16. Educational Psychologist has seen the Parent a number of times. They were ideally placed to explain not just the improvement in their engagement and social development, but the reasons for it. They emphasised the importance of the combination of direct work and enhanced provision, which they has seen in the classroom, and we accept their evidence that the strategies required by the IDP are delivered by a range of skilled staff, and are successful for the Child. Educational Psychologist was clear in their recommendation that there is no need to change the hours of specific support set out in the IDP and they were confident that there is always awareness of the Child's needs, which are met either by direct support or attention within the group.

17. There was no evidence to which the Parent could point which undermined or weighed against the advice of Educational Psychologist. Educational Psychologist had taken care to review the material provided by the speech and language therapist, and their own reports, which along with their observations led to their recommendation.
18. Head Teacher's summary of the Child's improvement since their arrival at School in September is entirely consistent with the evidence of Educational Psychologist and there was nothing which caused us to doubt their confidence in provision. We note in particular, that they felt some concern at the number of hours of 1:1 support when the Child transferred, and they were part of the review process which led to an increase in December. Head Teacher was clear in their response to the Parent that they have not underestimated the Child's needs, and they reassured us that the school will respond to advice in the future. We accept their evidence.
19. The cogency of the evidence of Educational Psychologist and Head Teacher was reinforced by the e-mail from Speech and Language Therapist dated 2023, cited above, and their additional comments on 2023. In the latter, they expressly states that they cannot advise on the number of hours support a child needs. They goes on to summarise the type of support the Child needs and means to deliver it, but that is what is happening now.
20. We indicated at the start of this decision that we were alert to the need to consider all of the evidence, however in our final balancing exercise, the professional advice, taken as a whole, was unassailable. There was nothing said by the Parent, either in evidence, or by way of questions to witnesses or in submissions which could weaken that evidence. Solicitor submitted that there was no evidential support for the Parent's appeal, and we agree.
21. We are satisfied that the Child is happy and settled in school, where they are supported by an inclusive and responsive environment. Their needs are being met. The school has put much thought into providing an effective team, which is willing to listen to advice, and their efforts and the efforts of the Child's parents are what lies behind their improvement over the last eight months. There is no deficit in the Child's IDP

ORDER: *appeal dismissed*

Dated May 2023