

DECISION

Appeal No: 06-00844
Appeal by: Mr and Mrs R
Against decision of: Surrey County Council
Concerning: M (Born 11 April 1995)
Hearing Dates: 17 July 2006

Appeal

Mr and Mrs R appeal under Section 326 of the Education Act 1996 against the contents of a Statement of Special Educational Needs dated 10 February 2006 in respect of their son, M.

Attendance

Mr and Mrs R attended and were represented by Mr D Silas. Mrs B, an Educational Psychologist and Mr A, Head Teacher of S School gave evidence on their behalf. The LEA did not attend having written to the Tribunal indicating that they were no longer opposing the appeal.

Preliminary

Mr Silas applied to admit as late written evidence a report of a Paediatrician, Dr N, dated 16 May 2006, of Ms H, a Speech and Language Therapist dated 22 May and of Mrs B following her recent observation of M. These reports had not been supplied to the Tribunal or the LEA at least five working days prior to the hearing and we concluded that in the circumstances, pursuant to Regulation 33(3), the reports should not be admitted.

Facts

- 1 M is due to transfer to secondary school in September 2006. He has Asperger's Syndrome and associated Attention Deficit Disorder. Mr and Mrs R seek amendments to the description of his needs in Part 2, the provision to be made in Part 3 and the school placement in Part 4 of his Statement of 10 February 2006. After the appeal was lodged but prior to the hearing, the LEA issued two amended Statements, the latest dated 5 July 2006. The Statement of 5 July 2006 incorporates many of the amendments that Mr and Mrs R were seeking including in particular naming in Part 4, S School ("S"), an LEA maintained special school for pupils with emotional and learning difficulties from September 2006. The LEA's letter to the Tribunal notifying it that the LEA no longer opposes the appeal and will not be attending the hearing was received by fax on 13 July 2006. By virtue of Regulation 15(2) we heard evidence in relation to the additional amendments to those made by

the Statement of 5 July 2006. We treated the Statement of 5 July 2006 as a working document for the purpose of the Appeal.

- 2 Mr and Mrs R seek the deletion of the first two paragraphs on page 1 on the basis that it is unnecessary to refer to earlier Statements and the re-ordering of the paragraphs in Part 2 to make it more coherent and easily understood. They also seek an amendment to set out M's current functioning by referring to M's recently achieved Key Stage 2 results. Mrs R told us that M obtained a level 3 in English, level 4 in Maths and level 5 in Science. On our request for written evidence, details of these results were sent to the Tribunal consistent with this evidence.
- 3 In respect of Part 3, Mr and Mrs R seek an increase of the monitoring of the Social Skills Group by a qualified Speech and Language Therapist from termly to half-termly. Mrs R told us that currently the Speech and Language Therapist does monitor M's programme half termly and she considered that there was an unintentional error in the Statement issued on 5 July. Mr A, the Head Teacher at S school confirmed that there would be no difficulty in providing this level of support at S school. Amendments of the provision consistent with the recommendations of an Occupational Therapist, Ms K Quinn, who assessed M on 3 May 2006 and recommended that M required weekly individual occupational therapy sessions and also a programme devised and monitored by an Occupational Therapist are sought.
- 4 An additional provision of thirteen hours per week Learning Support Assistant (LSA) to supervise all unstructured time and also to liaise with school staff and deliver the Occupational Therapy programme on a daily basis is sought. Mrs B told us that this support is essential and determinative of whether M will make progress at S or would require a wholly specialised school for children with Asperger's Syndrome. She considers M needs such support to cover all lunch time and break times at least until his first annual review when the level of input can be reviewed. The LSA also needs time to develop and work on various programmes including circles of friends and the occupational therapy programme. Mr A confirmed that he had initially been concerned as to whether S school could meet M's needs due to the high level support he is currently receiving on a one to one basis but that he has concluded that it can meet M's needs as long as he receives support during all unstructured time.

Tribunal's Decision with Reasons

We have carefully considered the written evidence submitted to the Tribunal in advance and the evidence given to us at the hearing. We take account of the Code of Practice and the relevant sections of the Education Act 1996 and the Special Educational Needs and Disability Act 2001. Our conclusions are:

(A) We accept the evidence of Ms B and Mr A and the written evidence provided by Mr and Mrs R within the Case Statement. We are satisfied that the amendments being sought by Mr and Mrs R should be made to M's Statement. We have taken the opportunity of making some changes within Part 2 to reflect the fact that M has now left primary school. The amendments ordered are set out in Appendix 1.

Order

That the LEA do amend Parts 2, 3 and 4 of M's Statement of Special Educational Needs in accordance with Appendix 1.

Dated: **31 July 2006**

Signed:

Chairman: **Simon Pearl**