



Scenarios

Candidate Number: _____

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Qualifying Test

00464: Fee Paid Specialist Member of the First-tier
Tribunal – Health, Education and Social Care
Chamber (Special Educational Needs and
Disability)

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Scenario 1

An appeal by Mr Champion, supported by Mrs Champion, (the parents) against the refusal of Wessex County Council (the LA) to undertake a statutory assessment of their son's, Peter's, special educational needs. (1996 Education Act: Part IV section 329, and the SEN Code of Practice Chapter 7)

Context for the Appeal

During the previous academic year, the parents asked the LA to assess Peter's special educational needs. This request was refused by the LA on the grounds that Peter's learning difficulties were insufficiently severe and did not meet the authority's published criteria for requiring a statutory assessment. As such his needs could be met by his school. The parents have appealed against this decision of the LA on the grounds that they believe Peter's needs to be severe and are of the opinion that he urgently requires specialist teaching to help him to make progress in literacy.

Summary of Peter's situation

Peter is a Year 5 pupil and his birthday is in January. He attends his local mainstream primary school, Riverside School. Riverside is a one form entry school with approximately 210 pupils on roll aged 4 – 11 years. Peter has been a pupil at the school since his Reception Year. He is in a class of 30 pupils who are taught by a newly qualified teacher. There are similar numbers of boys and girls in the class. There is a physically disabled child in the class who has a Statement of special educational needs and he receives 15 hours each week of support from a teaching assistant. Another teaching assistant works with the class for four mornings a week to support literacy and numeracy lessons.

An articulate pupil, Peter has readily engaged in oral activities and class discussion although recently he has become more withdrawn. He demonstrates a particular interest in science and is achieving at Level 4 of the National Curriculum. He is working within Level 3 in mathematics.

Peter has struggled with literacy since Year 1, and his end of Key Stage 1 SATs results were below national expectations; he achieved Level 1 in both reading and writing. It is expected that he will continue to make progress. As a Year 5 pupil, his teacher has assessed Peter as working within Level 2 in English, and his target for the end of Key Stage 2 is Level 3c. Standardised reading and spelling tests are used by the school at the start of each school year to screen all pupils and monitor their attainments.

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Peter's results on these group tests have been:

	Year 3	Year 4	Year 5
Chronological age	7.8	8.8	9.8
Reading comprehension age	7.0	8.0	8.8
Reading accuracy age	6.2	6.7	7.1
Spelling age	<6.0	6.2	6.3

Members of the school staff have been concerned since Year 2 about Peter's progress in literacy and have discussed their concerns with the LA's educational psychologist. His teachers believe that the school needs additional resources to provide the help that Peter requires to meet his specific needs. In Year 2 Peter was noted as a pupil with special educational needs and was placed at *School Action*. He was moved to *School Action Plus* during Year 4. The school sought advice from a member of the LA's specialist language and literacy team who visited to observe and test Peter in the summer term of Year 4. This specialist teacher gave advice to the school's Special Educational Needs Coordinator (SENCO) and the class teacher on strategies, materials and teaching approaches to use with Peter. The specialist teacher has continued to monitor Peter's progress each term and to give advice to the school staff on developing and adapting programmes of support for him.

The school has provided support for Peter in literacy as follows:

- 15 minutes daily using *Word Shark*, a specialist IT programme to support Peter's development of reading and spelling.
- Small group work with a teaching assistant during literacy lessons on a daily basis. The maximum size of this group is six pupils, all of whom are working below expected levels in literacy.
- Individual work on spelling twice a week for 20 minutes with a teaching assistant.
- Opportunities to read to a volunteer helper on 3 days a week.

Peter's teachers report that his behaviour has worsened during the past year. He has become disruptive in class and is frequently out of his seat when he should be completing written tasks. Peter becomes anxious and avoids tasks in any situation where he feels he might fail. In his strongest subject, science, Peter struggles with written work and will quickly lose interest. Generally, Peter has become discouraged and is making far less effort in academic subjects with the result that his marks are lower. Where extra adult help is available in literacy lessons, Peter responds well to individual and small group work. He is less comfortable about having to ask for help during a whole class lesson.

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Over the years, Peter has had a good attendance record but his mother reports that he is becoming increasingly reluctant to get ready for school in the mornings and as a result is often late. Both parents report a change in Peter's attitude; they comment upon him becoming more withdrawn and having low self-esteem. Peter is reported to have said that 'he is a failure' and 'is stupid'. The parents have discussed their concerns about Peter's change in attitude with his general practitioner (GP). The GP referred Peter to the local service for child and adolescent mental health (CAMHS) and he has been seen recently by a member of this team. The parents' concerns about Peter's lack of progress in literacy have led them to pay for him to be assessed by an educational psychologist at the local Dyslexia Institute in order to obtain a better picture of his situation.

The assessment identified that Peter is a pupil with above average non-verbal reasoning abilities with severe Dyslexia, particular areas of weakness being poor auditory and visual sequential memory, limited phonic knowledge and an inability to blend or segment sounds. The Dyslexia Institute report based on the WORD test gave assessment results for Peter that placed him at the 1st centile for reading accuracy and <1st centile for spelling. It was also noted that he has poor fine motor skills and recommended that an occupational therapy assessment might be helpful. Peter's father and uncle have both experienced difficulty with reading and writing.

Peter's parents are of the view that he needs to be taught twice a week by a specialist teacher on a 1:1 basis in order to achieve progress. They believe that Peter also requires support in class for written tasks. Mr and Mrs Champion reported that Peter had received speech and language therapy at the local health clinic until he was 6 years old when he was discharged. When he was in the infants, Peter had suffered from 'glue ear' and had grommets fitted.

The Local Authority's response to the appeal

The LA representative, Ms Patel, reiterated the original reason given for refusing to initiate a statutory assessment. The LA did not believe that Peter's needs are sufficiently severe to require the authority to determine Peter's special educational provision and the representative made particular reference to the SEN Code of Practice Paragraph 7:34. Ms Patel referred to the fact that Peter had made progress, albeit slow, in literacy, and his attainments in other subjects were within the expected levels for his age. Peter did not meet the LA's published criteria governing the need for a Statement of special educational needs and he was well placed at *School Action Plus*. There was evidence that Peter's school was providing support to help him to develop his literacy skills, and also that the school had sought appropriate help from the local specialist literacy team. Ms Patel told the Tribunal

RESTRICTED - APPOINTMENTS

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about the local arrangements for staff training on Dyslexia and spoke about the Dyslexia friendly schools' initiative within the LA. Ms Patel commented on the LA's arrangements for the delegation of SEN funding to schools and stated that Peter's school had sufficient funds to provide up to 10 hours a week of teaching assistant support for him as a pupil at *School Action Plus*. Ms Patel said that it would be unlikely that any higher level of provision would be achieved even if a Statement were to be issued for Peter.

Parental support for their appeal

Mr and Mrs Champion expressed their concern that Peter was making very little progress in literacy and the gap between his results and those of his peers was widening. They were witnessing the effect that this was having upon him as a young person; from being a happy and confident youngster, Peter was becoming withdrawn and anxious. Mr and Mrs Champion considered that Peter required individual targeted support for literacy delivered by a specialist teacher. They were very worried about how Peter would manage his work when he transferred to secondary school in 18 months time if he did not make progress with his literacy skills. They asked the Tribunal to order a statutory assessment in order that Peter's difficulties could be more clearly identified and provision made available to meet his needs.

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Scenario 2

An appeal by Ms Wright and Mr Cox (the parents) against the special educational provision specified in Part 4 of the Statement of special educational needs made for their son, Dean, by Mercia Council (the LA). (1996 Education Act Section 9, and Part IV sections 316, 316A, 326, and the SEN Code of Practice Chapter 8)

Context for the appeal

The parents had asked the LA to assess Dean's special educational needs some four years earlier after Dean had been excluded from a previous mainstream school but the LA refused. Early in the present academic year, the head teacher of the school that Dean attends asked the LA to arrange for a statutory assessment to be made of Dean's special educational needs. This request from the school was supported by Dean's parents. The LA complied with the request, undertook an assessment and subsequently issued a Statement for Dean in the summer term.

The parents' appeal is against the provision specified in the Statement as they do not agree with the school named in Part 4. The LA named Grange School, the local mainstream primary school that Dean has attended since Year 1. The parents asked the LA to name Chestnut School, an independent school for pupils with autism aged 7 – 19 years.

Summary of Dean's special educational needs described in Part 2 of his Statement

The parents and the LA are in agreement about Dean's special educational needs. He is a Year 5 pupil with a diagnosis of autism, and he also has epilepsy.

Assessment shows Dean to be functioning within the exceptionally low range of cognitive ability and he is very slow to process information. His school reports that he is making slow progress. This view was supported by the LA's educational psychologist who stated the 'Dean had made progress in line with what could be expected from him, rather than what could be related to his peer group'. He has achieved Level P8 for numeracy and writing, Level P7 for reading and Level 1(b) for science (based on the knowledge requirement only). A clinical psychologist reports, that in order to learn new skills, Dean requires repeated opportunities for over-learning, and once he has acquired a skill it must be consistently and regularly repeated or else he seems to lose it.

Dean's comprehension of language and his expressive language skills are delayed by 5 years but are in line with his cognitive skills. His interpretation of language can

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be very literal. He has made some use of Makaton¹ to aid his communication. He has social communication difficulties associated with his autism. When excited, Dean has very odd and inappropriate behaviour, such as barking like a dog.

Dean exhibits inconsistent and socially inappropriate behaviour both at home and at school; he can become aggressive. He lacks understanding of the emotions of others, and he does not understand the consequences of his actions. Dean has made several unsubstantiated allegations of sexual misconduct against known adults. He also has a tendency to self-harm, has vocal tics and is dependent upon rituals and routines.

An independent educational psychologist who assessed Dean reported upon his difficulties with auditory short-term memory and in committing his thoughts to paper. This psychologist concluded that Dean has specific learning difficulties in addition to the general learning difficulties previously identified. The LA's educational psychologist did not oppose this finding.

Provision to meet Dean's special educational needs detailed in Part 3 of his Statement

Part 3 of Dean's Statement records provision as summarised below:

- Access to a broad and balanced curriculum suitably differentiated to Dean's level of need
- Finely graded objectives for the acquisition of fluency, mastery and generalisation in all areas of Dean's development
- Use of visual prompts and teaching techniques, such as TEACCH, visual timetables and visual aids
- A structured communication skills programme, devised and implemented through the school curriculum. This will be undertaken by his teachers with support from a speech and language therapist. Dean will also receive a weekly session of direct speech and language therapy on a 1:1 basis.
- Structured programmes of work across the curriculum to develop literacy and numeracy skills
- Support to help him understand his and others' emotions and the consequences of his actions
- Opportunities to develop his social skills, and guidance to deal with social situations with peers and adults.

¹ Makaton is a recognised signing system used in the support of children with special educational needs.

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The appeal against the school named in Part 4 of Dean's Statement

The LA named Grange School, a maintained mainstream primary school, as the placement for Dean. This is his current school. Prior to his statutory assessment, Dean's parents had indicated that they felt their son should attend a special school. A local special school was mentioned by them at this very early stage. The LA indicated that the suggested special school would not be suitable to meet Dean's needs as the pupils there were attaining at lower National Curriculum levels and their behaviour was more challenging than Dean's. Subsequently, the parents requested the LA to name Chestnut School, a local independent school for children with autism. Chestnut School has indicated that it can meet Dean's special educational needs and a place is available for him.

The position of the parties on the two schools is summarised below.

Grange School

The LA asserts that Dean's needs can be met at Grange School, within a Year 5 class of 30 pupils, with additional support for 25 hours per week from a teaching assistant. Dean is making progress and his attainments are in line with expectations. The teachers differentiate the work and prepare individual activities and tasks for Dean. Dean's class teacher has a qualification in teaching children with specific learning difficulties. There is careful planning to manage Dean's behaviour. There is a whole school behaviour policy that is followed by all staff, and each class has a weekly circle time session. The LA's specialist speech and language team will continue to provide a structured language programme for Dean. Team members will support the teachers and assistants who work with Dean, and will provide the individual speech and language therapy specified in Part 3 of Dean's Statement. The LA has given an assurance that these provisions will be available immediately. Support for Dean's emotional literacy will be provided through small group work once a week; these sessions will follow a LA devised programme and will be delivered by a teaching assistant trained in this approach. Grange School is also able to access help and advice about teaching programmes and approaches suitable for Dean through the outreach team from a local special school. The staff members continue to work closely and effectively with Dean's parents. Teachers also have access to advice from local health specialists and the educational psychologist. Grange School has received a good OfSTED report and this highlighted the good special educational needs provision. It also noted that there is good teaching with the majority of pupils reaching national expectations in English and maths by the end of Key Stage 2. Placement at Grange School would be in line with the LA's inclusion policy and would enable Dean to remain in his local community. Dean would be able to maintain his relationships with his mainstream peers who provide good role

RESTRICTED - APPOINTMENTS

RESTRICTED - APPOINTMENTS

models. Dean would also benefit from the wider curriculum opportunities that are provided at Grange School, such as the regular visits of a theatre group to promote communication skills through drama. Given that he is in Year 5, it is not in Dean's interests to move him at this stage. His needs will be considered carefully prior to secondary transfer.

The parents do not believe that Dean is making progress at Grange School and are concerned that he is working at levels considerably below those of his peers. They acknowledge that the recent introduction of 25 hours per week of teaching assistant support for Dean has helped him and that Dean has a good relationship with this person, but they still believe that he requires access to specialist teaching that takes account of his autism, learning and language needs. Dean finds it difficult to concentrate and cannot work independently. The parents have concerns that Dean will become overly dependent on his teaching assistant. The school had not been able to implement advice given some time ago by the LA's educational psychologist on teaching approaches to be used with Dean. The educational psychologist had recommended that an approach such as TEACCH should be used and that Dean should be 'explicitly taught' social and interaction skills. The parents acknowledge the extensive efforts in terms of tolerance and understanding that the school have made for Dean to enable him to remain in the classroom and maintain some relationship with peers. Although Dean now receives a high level of support, his learning has not progressed and he needs a more specialised approach in order to move forward and achieve his full potential.

Chestnut School

The parents have asked the LA to name this small, independent specialist school for pupils with autism in Dean's Statement. They believe that Dean needs to be placed in an autism specific provision where he will be taught by appropriate methods (such as TEACCH and other visual approaches), be in a smaller environment and class, have a high level of adult support and teaching from staff trained in autism, have opportunities to work at his own pace, receive help from the on-site speech and language and occupational therapists, and have the opportunity to focus on life and independence skills. The school has good links with the local community and the children benefit from active learning opportunities in the local area. The parents stressed the need for consistency of education for Dean and said that this could be available at Chestnut School as it provides for young people to the age of 19 years. The school is close to the family home and parents would transport Dean on a daily basis.

RESTRICTED - APPOINTMENTS

RESTRICTED - APPOINTMENTS

Chestnut School provides a holistic approach where children's learning, language and behavioural needs are addressed across the curriculum and in all activities. A recent OfSTED inspection report highlighted good monitoring of teaching and learning in the school. The school has confirmed that a place is available for Dean. He would join a group of 6 pupils, one of whom is the same age and has a similar learning profile to Dean, whilst the remainder are older, being in Years 7, 8 and 9. The class is taught by a teacher with training and experience of working with autistic children, and there are always at least two teaching assistants working with the class. Dean will follow an individual programme. A speech and language therapist and an occupational therapist will be involved with Dean's class on a daily basis. The speech and language therapist has training and experience of working with children with specific language disorders and the occupational therapist is qualified in sensory integration approaches. The speech and language therapist will provide 1:1 therapy for Dean on a weekly basis, and will also work with him in a small group to develop his social communication skills. The school routinely uses PECS, a specialist ASD approach to assist communication. Two behaviour management teachers provide programmes for each child for the development of appropriate behaviour, and for emotional development. Two music therapists are employed by the school and work with pupils either individually or in small groups. The school also receives regular support from a paediatrician, clinical psychologist and child and adolescent psychiatrist. For his first year at Chestnut School, Dean will require some 1:1 support.

The LA opposes this school on two grounds. Firstly, on terms of cost given that the LA believed that Dean's needs can be met at his local primary school, and, secondly, on the fact that there is not an appropriate peer group for Dean at Chestnut School. The LA has placed other children at Chestnut School, but these young people have more severe autism and challenging behaviour than Dean.

The cost of maintaining Dean's place at Grange School will be approximately £20,000 per year (this figure includes the AWPU, 25 hours of teaching assistant support and speech and language therapy). Chestnut School will cost £43,273 for the first year (this is the standard fee plus some additional 1:1 support). There are no transport costs attached to either placement.

The LA believes that it would not be appropriate to place Dean in a class at Chestnut School with older pupils who are approaching or experiencing adolescence.

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RESTRICTED - APPOINTMENTS

Final comments from the LA

'Dean's needs are met appropriately at Grange School with additional support. The school has an inclusive ethos and is successful with pupils with behavioural difficulties. The school serves its local community well and makes good provision for children for whom English is an additional language. The LA has a duty to avoid unreasonable public expenditure, whilst ensuring that all children with special educational needs have those needs both accurately identified and appropriately addressed. A maintained primary school can both meet Dean's needs and ensure that special educational needs resources are used in the most effective manner. Such a placement would also be in line with the LA's inclusion policy.'

Final comments from the parents

'Dean is not making satisfactory progress at a mainstream school and requires a special school placement. The complexity of his needs affects his ability to make progress and this has an adverse effect on his emotional well-being. The parents believe that the LA is considering a special school placement for Dean when he transfers to secondary school in 18 months time. This will be too late as Dean needs help now.'

RESTRICTED - APPOINTMENTS

Scenario 3

An appeal by Miss Fernandez (the parent) against the decision of Midshire County Council (the LA) not to make a Statement of special educational needs for her daughter, Sofia. (1996 Education Act Part IV section 325, and the SEN Code of Practice Chapter 8)

Context for the Appeal

Miss Fernandez asked the LA to undertake a statutory assessment of Sofia's special educational needs four years ago when Sofia was in Year 3. The authority refused to comply with this request on the grounds that, whilst Sofia had various medical needs, she was making progress in school and was attaining at levels expected for her age. Miss Fernandez did not appeal this decision.

During Key Stage 2, Sofia's medical problems worsened and she missed a considerable amount of education. She began to fall behind with her work and to lose confidence. The teachers at Sofia's primary school were very supportive and provided as much help as they could. The school placed Sofia at *School Action plus*.

Miss Fernandez was concerned about how Sofia would manage at secondary school. At the start of Year 6, Miss Fernandez again asked the LA to undertake an assessment of Sofia's special educational needs. The LA agreed to this but on completion of the assessment decided not to make a Statement. A note in lieu of a Statement was issued by the LA in the June prior to Sofia's transfer to secondary school in September.

Summary of Sofia's situation

Sofia is in Year 7 and is on roll at her local mainstream secondary school, Highdown. Since her transfer to Highdown, Sofia has attended on only very few occasions. Whilst acknowledging that Sofia does have special educational needs, the LA is of the view that these could be met at *School Action Plus*. The LA has concerns about Sofia's non-attendance at school and is considering taking legal action against Miss Fernandez.

Sofia has physical needs arising from a rare and long-term medical condition that affects her joints and muscles, and she has also been diagnosed with Dyspraxia. She attends Great Ormond Street Hospital (GOSH) where she is cared for by a

RESTRICTED - APPOINTMENTS

multi-disciplinary team. She receives physiotherapy and occupational therapy and has detailed therapy programmes for use at home and school.

Sofia is well known to the local Community Paediatrician and therapy services. She has also been receiving help from the local Child and Adolescent Mental Health Team. When she was in Year 5, Sofia was diagnosed as having Asperger's Syndrome. Observation of Sofia suggests that she is experiencing difficulties with her social communication skills with adults and peers as is common in children with Asperger's. She is having particular difficulty in relating to peers, lacks empathy, tends to interpret comments in a very literal way so that misunderstandings occur, and does not engage in group activities. In some learning situations it appears that Sofia is liable to experience a degree of sensory overload.

Sofia's cognitive abilities have been assessed as falling within the top 5% for her age group. Because of her medical difficulties, Sofia has poor coordination, suffers from fatigue and poor stamina (leading to tiredness and poor concentration), finds it difficult to record extensive amounts of written work and takes longer to complete some practical tasks.

On transfer to Highdown, Sofia attended very irregularly. Initially her absences were as a result of her medical problems, which sometimes required hospitalisation, but more recently Sofia has been refusing to attend school. LA members of staff have indicated that they believe Miss Fernandez could take a firmer line with Sofia to secure her attendance.

Medical personnel involved with Sofia say that she is medically fit and believe that it is in her best interests to return to school as soon as possible. However, a recent assessment by a child and adolescent psychiatrist has found that Sofia has a 'generalised anxiety disorder and depression'. Sofia's return to school would need to be planned carefully and the reintegration programme should occur over some months. Alongside this Sofia will require 'cognitive behavioural therapy' to treat her anxiety. These mental health problems are contributing to her inability to attend school and lessons, resulting in missed work, underachievement and general approach to school and the adults and peers with whom she has contact.

Professional advice also indicated that Sofia will require a high level of teaching assistant support to assist with her medical needs and to deliver the school-based aspects of the occupational therapy and physiotherapy programmes set out by GOSH. Sofia will require assistance with recording her work, including appropriate IT equipment. She will require help with learning to use any equipment, including

RESTRICTED - APPOINTMENTS

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being taught to touch type. It will also be necessary for Sofia to participate in a social skills group to improve her social communication skills.

A home tutor who has worked recently with Sofia reports that she is a clever girl who is responsive, interested and very willing to learn. With so much time out of school, Sofia's National Curriculum levels had not improved but neither had they regressed. She is still attaining within expected levels for her peer group.

The LA's response to the appeal

The LA representative agreed that, whilst Sofia was medically fit to return to school, more recent advice had highlighted the extent of Sofia's anxiety. The LA accepted this as a special educational need. The LA representative also accepted that Sofia will require the range of provision described above. It remained the LA's view, however, that these provisions could be met at *School Action Plus* without the need for the LA to make a Statement. As the LA had delegated all funding for special educational needs to schools, the required provision could be delivered through a note in lieu without any additional cost to the authority. The LA representative indicated that the note in lieu would be updated to reflect the most recent advice. In taking responsibility for Sofia's special educational needs, the school will prepare an individual education plan and set out a careful timetable for reviewing progress. The school is also well-placed to seek advice from local health professionals as necessary. The LA representative concluded by saying that Sofia's non-attendance is the major issue in this case. It was confirmed that the school is able to plan and deliver a transition plan to assist Sofia in returning to full-time education without the need for a Statement but that this will need parental support to be successful. The school can access help and advice on this matter from staff in the local support services. It would not be appropriate for Sofia to attend a special school; she is rightly placed in mainstream education.

Parental support for the appeal

Miss Fernandez shared her concerns that Sofia was not attending school and was missing out on education. She was worried about the impact of this upon Sofia's longer term prospects of obtaining suitable employment, particularly as she was an able young person. Miss Fernandez described the actions she had taken to try to secure Sofia's attendance at school. Miss Fernandez commented that the primary school had supported Sofia well, even without a statement, but she did not have confidence that the secondary school would be able to do the same. The school was too large, with over a thousand pupils and a very big site, and Sofia finds it hard to manage in this environment. She has also found it difficult to relate to a large number of different teachers. Miss Fernandez acknowledged that with the agreed

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RESTRICTED - APPOINTMENTS

provisions in place, and a very carefully prepared and delivered transition plan, Sofia might be able to return to full time attendance by the end of the first term in Year 8. Miss Fernandez felt that a statement was necessary to ensure that the agreed provision was actually delivered. In conclusion, Miss Fernandez said that she was not at all sure that Sofia would cope at Highdown and felt that Sofia needed to attend a much smaller school. She accepted that the local special schools would not be suitable but nevertheless considered that Sofia should be placed in a small school that could meet her academic, medical and emotional needs. Most of the local mainstream secondary schools had pupil numbers of about a thousand or more.

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Question & Answer Booklet

Candidate Number:

Test Date: July 2010

Test Session (please tick): 9:00am 12:00pm 3:00pm

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Qualifying Test

00464: Fee Paid Specialist Member of the First-tier
Tribunal – Health, Education and Social Care
Chamber (Special Educational Needs and
Disability)

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Instructions to Candidates

The following guidance is important and should be read before starting the test:

- You have been supplied with relevant aspects of the *1996 Education Act* and the *SEN Code of Practice*. These documents may be taken into the test and may be used to assist you in answering the questions.
- There are 3 scenarios to this test and each provides the basis for answering a number of related questions. The 3 scenarios are unrelated and each covers a different type of appeal that might come to the Tribunal. English is the first language of each of the children featured in the scenarios.
- For each section of the test, you should read the relevant scenario carefully. The information that is required to answer some questions will be found here.
- You must attempt each of the 3 scenarios of the test. The marks available for each individual question are indicated on the test paper. Some questions carry more marks than others. There are no 'negative' marks for incorrect answers. Scenario 2 is slightly longer than the others, covers more complex issues and carries more marks. Scenario 3 is the shortest.
- Some questions are multiple choice – in each case, please be careful to show your answers by making a clear mark beside the required number of answers in each question. If you make any changes you must indicate clearly the answer you wish to be marked. If your answer to any particular question is not clear to the test marker this could result in no marks being awarded. Please note that some multiple choice questions require two or more answers.
- For the questions that are not in multiple choice format, it is not necessary to write your answer in full sentences. Single words, bullet points or numbered points may be used to convey your answers. Some questions may ask you to give reasons for your answer and to support these with evidence. The evidence should be taken from the available information in the scenarios or drawn from the SEN Code of Practice.
- The total time available for the test is **90 minutes**. Again, for planning purposes, you are advised that Scenario 2 may take longer than Scenarios 1 & 3. You are allowed an extra **5 minutes** before the start of the test to familiarise yourself with the materials; you will be told when you can start writing.

Scenario 1 Questions (62 marks)

Please read Scenario 1 before attempting the questions.

Legislation

1. In this case, who requested the Local Authority (LA) to assess Peter's special educational needs?

*Tick **one** answer (1 mark)*

- a. Class teacher
- b. Dyslexia Institute
- c. Parent
- d. Specialist literacy teacher

2. Which of the following is entitled to ask the LA to carry out a statutory assessment of Peter's special educational needs? *Tick **two** answers (2 marks)*

- a. Educational psychologist
- b. General practitioner
- c. Peter's school
- d. Speech and language therapist
- e. Peter's parents

3. Who is entitled to appeal the LA's decision not to carry out an assessment of Peter's special educational needs? *Tick **one** answer (1 mark)*

- a. Dyslexia Institute who assessed Peter
- b. Peter's parents
- c. Peter's school
- d. Specialist literacy teacher

4. Which two decisions are available for the Tribunal to take after hearing this appeal? Tick **two** answers (2 marks)

- a. Dismiss the appeal
- b. Issue a Statement for Peter
- c. Order the LA to arrange an assessment
- d. Order the parent to obtain further professional advice about Peter's difficulties
- e. Order the school to increase the level of provision for Peter

Peter's learning difficulties

The following set of questions relates to Peter's difficulties in acquiring skills in all aspects of literacy.

5. Which piece of evidence is the most reliable indicator of Peter's level of attainment in reading accuracy? Tick **one** answer (3 marks)

- a. On the school standardised test, Peter's reading accuracy age was over 2 years below his chronological age
- b. Poor phonic knowledge and inability to blend sounds
- c. The WORD test places his reading accuracy at the 1st centile
- d. Very slow progress in reading accuracy and gap widening with peers

6. Which piece of evidence is the most reliable indicator of Peter's attainment in spelling? *Tick **one** answer (3 marks)*

- a. Making progress with individual teaching assistant support and use of Word Shark programme
- b. No effective progress and gap widening
- c. Standardised test gives a spelling age 3.5 years behind chronological age
- d. WORD assessment places his spelling as below the 1st centile

7. Which piece of objective evidence best describes the extent of Peter's difficulties in writing? *Tick **one** answer (3 marks)*

- a. Behind expectations for writing at the end of Key Stage 1
- b. Making progress on programmes suggested by the specialist teacher
- c. Poor fine motor skills
- d. Targeted to achieve a National Curriculum Level 3c in English at the end of Key Stage 2

Peter's strengths in learning

8. Which two pieces of objective evidence best indicate Peter's strengths in learning? *Tick **two** answers (6 marks)*

- a. Achieving above National Curriculum expectations in science
- b. Articulate child who readily engages in oral tasks
- c. Evidence of above average non-verbal reasoning skills
- d. Good school attendance
- e. Responds to help in 1:1 situations and small groups
- f. Working within National Curriculum Level 3 for maths

Other information about Peter

9. There is additional information about Peter that may be helpful in considering the level of severity of his special educational needs. Which one of the following points do you consider to be most relevant in taking a decision as to whether or not it is necessary to assess Peter's special educational needs? *Tick **one** answer (3 marks)*

- a. He has a relatively good reading comprehension score
- b. He is approaching secondary transfer where the literacy demands placed upon him will become greater
- c. He is working within Level 3 for maths
- d. His difficulties have persisted over time and were first identified in Key Stage 1
- e. There is evidence of the possible need for speech and language and occupational therapy assessments

Conflict in evidence

10. There is some conflict in the evidence provided from different sources about Peter's attainments in reading accuracy. To enable you to be confident in taking decisions about Peter's reading accuracy attainments, which one of the following test features would you consider to be most important? *Tick **one** answer (2 marks)*

- a. A measure of reading ages for a cohort of children that enables progress to be monitored
- b. A reading test that has been administered correctly and consistently by a trained practitioner
- c. A test for an individual child that enables progress in reading to be measured
- d. A test with measures of progress linked to performance on a computer based reading programme (such as Word Shark)

Decision

Consider carefully the evidence that you have about Peter's special educational needs in the context of Paragraph 7.34 of the SEN Code of Practice.

In your opinion, should the LA conduct a statutory assessment of Peter's special educational needs? *Tick one.*

Yes

No

Reasons for Decision and supporting evidence

11. In the table on the next page, list the three specific reasons on which your decision is based (*4 marks for each reason = maximum 12 marks*). In the adjacent box indicate the particular evidence that you have relied upon for each reason you have identified (*4 marks for the supporting evidence for each reason = maximum 12 marks*). Evidence can be listed as bullet points and may include information about Peter and/or about the school's response to his needs. (*24 marks in total*)

Specific reason	Evidence on which you rely
1.	
2.	
3.	

Advice about Peter's special educational needs

If a statutory assessment of Peter's special educational needs were to be undertaken the LA must obtain advice from:

- Peter's parents
- Peter's school (including any other educational advice from specialist teachers)
- The designated local Community Paediatrician
- An educational psychologist employed by the LA
- Social care

The LA must also obtain Peter's views.

12. There are additional people who might be asked to give specific advice that would contribute to a determination of the nature and extent of Peter's special educational needs. Name **three** people or services/organisations who you consider could give the most important further advice. *List as numbered points (4 marks for each answer = maximum 12 marks)*

Scenario 2 Questions (80 Marks)

Please read Scenario 2 before attempting the questions.

Legislation

1. In considering the appeal by the parents to have Chestnut School named in Part 4 of Dean's Statement, what are the 3 possible options available to the Tribunal to conclude the appeal? Tick **three** answers (3 marks)

- a. Dismiss the appeal
- b. Order the LA to amend Dean's Statement in Part 3 but not Part 4
- c. Order the LA to amend Dean's Statement (Part 4) to name Chestnut School
- d. Order the LA to cease to maintain Dean's Statement
- e. Order the LA to name a school other than Grange School or Chestnut School in Part 4 of Dean's Statement
- f. Order the LA to undertake further assessments
- g. Order the parent to obtain further information about Chestnut School

2. If Dean's parents had asked the authority to name a maintained special school (instead of Chestnut School) the LA should have named the school unless there was a specific reason not to do so. Which two of the following points would count as a specific reason or exception for not naming the school the parents had requested?

Tick **two** answers (2 marks)

- a. Dean's attendance at this school would be incompatible with the provision of efficient education of his peers
- b. Placement at this school would not be an efficient use of the LA's resources
- c. The LA has an inclusion policy and Dean's needs should be met in a mainstream school
- d. The school has spare places but there are none in Dean's year group
- e. The school is too far from his home and he will need transport
- f. The school is unsuitable for Dean's age, ability or aptitude or his SEN

3. Section 9 of the 1996 Education Act states that 'LEAs shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents'. Dean's parents have asked for Chestnut School to be named in his Statement. In the following list, which two points must be satisfied in order for the LA to comply with the parents' request for Chestnut School?

Tick **two** answers (2 marks)

- a. Dean must be able to follow the National Curriculum and have his work assessed at the appropriate level.
- b. Dean must be placed at a school within reasonable travelling distance of his home
- c. Dean's placement at the school must be compatible with the provision of efficient instruction and training
- d. The school must be able to provide primary and secondary education for Dean
- e. The school must have available capacity within an age-appropriate class to admit Dean
- f. Unreasonable public expenditure must not result from placing Dean at the school

4. Thinking about the previous two questions, do you consider Question 2 or Question 3 to be relevant to this case? Tick **one** answer (3 marks)

Question 2

Question 3

5. What is the primary reason that the LA relies upon in not naming Chestnut School? Tick **one** answer (2 marks)

- a. Dean's autism is not sufficiently severe to require such a specialist placement
- b. It is better for Dean to remain at Grange School until the end of his primary education
- c. Placing Dean at Chestnut School would cause unnecessary public expenditure
- d. The LA does not consider that there is an appropriate peer group for Dean at Chestnut School

Provision to meet Dean's needs

Using Scenario 2, consider carefully the details of Dean's special educational needs (Part 2 of the Statement), the summary of provision (Part 3 of the Statement) and the information about each school. **In the following questions**, indicate how each school will make provision to meet Dean's special educational needs, in the areas of learning, language and communication skills and behaviour and social skills.

SEE OVER →

Grange School

6. Learning: Tick *four* answers (8 marks)

- a. The school has good SEN provision and this was highlighted as a strength in a recent good OfSTED report for the school
- b. A teaching assistant will support Dean for 25 hours each week
- c. Dean is making progress
- d. Dean maintains excellent relationships with his teaching assistant
- e. Dean will be taught in a class of 30 pupils of his age group
- f. Dean's programme of work will be matched to his levels of attainment
- g. Placement at Grange would provide learning opportunities in an inclusive environment
- h. Dean would receive good teaching in a school where most pupils reach national expectations in English and maths at the end of Key Stage 2
- i. The educational psychologist recommends the TEACCH approach
- j. The pupils provide good role models for Dean
- k. The school accesses advice from the local outreach service based at a special school
- l. The school works closely with Dean's parents

7. Language and communication skills: Tick *three* answers (6 marks)

- a. Dean's teacher has a qualification in teaching children with specific learning difficulties
- b. Dean will receive 1:1 speech and language therapy once a week
- c. His mainstream peers provide good language role models
- d. Theatre groups visit regularly to improve the children's communication skills through drama
- e. The school makes good provision for children for whom English is an additional language
- f. The specialist speech and language team provides a structured language programme for Dean and supports staff who work with Dean

8. Behaviour and social skills: Tick *three* answers (6 marks)

- a. Dean will attend a small group session weekly for the development of emotional literacy
- b. Dean will maintain his relationships with mainstream peers
- c. Dean's class has a weekly circle time session
- d. School undertakes careful planning to manage Dean's behaviour
- e. The school has an inclusive ethos and is successful with pupils with behavioural difficulties
- f. There is a whole school behaviour policy that is implemented by all staff
- g. Tolerance and understanding of the staff enable Dean to remain in the classroom

Chestnut School

9. Learning: Tick **four** answers (8 marks)

- a. A number of externally accredited courses are available in Key Stage 4
- b. Children are actively involved in learning through good use of local community links
- c. Dean will follow an individual ASD specific learning programme
- d. School classes are small and Dean would be in a group of 6 pupils
- e. The school's OfSTED report highlighted good monitoring of teaching and learning
- f. The school provides for children to the age of 19 years
- g. The teacher in Dean's class will have training and experience of working with autistic pupils
- h. There will always be at least two teaching assistants in Dean's class

10. Language and Communication: Tick **three** answers (6 marks)

- a. An on-site speech and language therapist would work with Dean weekly on a 1:1 basis
- b. Dean will work in a small group with the speech and language therapist to develop social communication skills
- c. Music therapy is available on a regular basis
- d. The school routinely uses a specialist ASD approach in its teaching (PECS)
- e. The speech and language therapist has training and experience in working with children with specific speech and language disorders
- f. The speech and language therapist works in the class with the teacher and children on a daily basis to support language needs across the curriculum

11. Behaviour and social skills: Tick *three* answers (6 marks)

- a. All classes are supported by the occupational therapist who has an additional qualification in sensory integration approaches
- b. All staff are trained in safe handling and restraint
- c. On-site behaviour management staff work with class teachers and individual children
- d. Programmes for the development of appropriate behaviour are planned for each child
- e. The school receives regular support from a clinical psychologist and a child and adolescent psychiatrist
- f. The school's holistic approach promotes the emotional development of individual children

Decision and reasons

As a member of the Tribunal panel, you are asked to give a view about which school should be named in Part 4 of Dean's Statement. In arriving at your decision, you should be aware that it is not the place of the Tribunal necessarily to order the 'best' provision but any provision ordered must be appropriate to the needs of the child. The panel must be satisfied that the school named in Part 4 is able to meet Dean's needs as set out in Parts 2 & 3 of his Statement.

Drawing on your previous answers, indicate the school that you consider should be named in Part 4, or, if you consider neither to be suitable, indicate this. **Tick *one***

- Chestnut School
- Grange School
- Neither

12. If you indicated either Chestnut School or Grange School, complete this question below. ***If you stated neither, go straight to question 13.***

Using evidence taken from Scenario 2, give **6 specific reasons** (*maximum of 4 marks for each*) as to why you consider Dean's needs should be met in the school that you have indicated above. (You should consider any legal requirements, Dean's attainments or needs, and aspects of provision available at the school). For each school there is a fundamental reason that will carry double marks. *List reasons as 6 bullet points (maximum = 28 marks)*

When you have finished this question please go to Scenario 3.

13. If your answer was **neither**, you must complete this question. Using evidence taken from Scenario 2, give what you consider to be the specific reasons as to why each school should **not** be named. You should identify **6 reasons in total** (*maximum of 4 marks for each*) – the 6 reasons do not need to be equally divided between the schools but for each school you must give at least 2 reasons. (You should consider any legal requirements, Dean’s attainments or needs, and aspects of provision available at either school.) For each school there is a fundamental reason that will carry 2 extra marks. *List reasons as 6 bullet points (maximum = 28 marks)*

Grange School

Chestnut School

Scenario 3 Questions (63 Marks)

Please read Scenario 3 before attempting the questions.

Legislation

1. Who can appeal the LA's decision not to make a Statement for Sofia?

*Tick **one** answer (1 mark)*

- a. Child and adolescent psychiatrist who has assessed Sofia
- b. Home tutor currently working with Sofia
- c. Sofia's parents
- d. Sofia's secondary school
- e. Therapists at Great Ormond Street Hospital who are treating Sofia

2. What are the three possible options available to the Tribunal to conclude this appeal? *Tick **three** answers (3 marks)*

- a. Find that a Statement is not necessary for Sofia and dismiss the appeal
- b. Issue a Statement for Sofia
- c. Order Sofia's mother to return her to school immediately
- d. Order the LA to make a Statement
- e. Order the LA to place Sofia in a smaller school
- f. Order the LA to reassess Sofia's special educational needs
- g. Require the LA to reconsider whether it is necessary to make a Statement for Sofia
- h. Require the local Primary Care Trust to part fund provision to meet Sofia's medical and emotional needs

Note in lieu

3. What are the three main purposes of a note in lieu for Sofia? *Tick **three** answers (3 marks)*

- a. To enable the LA to monitor Sofia's progress
- b. To help the school to meet Sofia's special educational needs
- c. To inform the Governing Body about Sofia's needs
- d. To make additional resources available to Sofia's school to meet her needs
- e. To make the statutory assessment advice available to Sofia's parent, the school and other professionals
- f. To secure Sofia's attendance at school
- g. To set out the LA's reasons for not making a Statement

4. Is Sofia's note in lieu a statutory document? *Tick **one** answer (1 mark)*

- Yes
- No

5. Is there a required format for Sofia's note in lieu? *Tick **one** answer (1 mark)*

- Yes
- No

6. What are the four main areas of information that any note in lieu should contain?

List as numbered points (2 marks for each = maximum 8 marks)

7. Having issued a note in lieu for Sofia does the LA have any further responsibility to specify or provide for her individual special educational needs? *Tick **one** answer (1 mark)*

Yes

No

8. For the purposes of her school, is Sofia's note in lieu: *Tick **one** answer (1 mark)*

Advisory

Enforceable by the LA

Evidence

9. From the information in Scenario 3, list what you consider to be Sofia’s three main areas of difficulty (*4 marks for each*) that make up her special educational needs. For each difficulty indicate how this appears to impact on her learning (*4 marks in each case*). Complete the table below (*maximum = 24 marks*)

	Difficulty	Impact on learning (<i>list as bullet points</i>)
1.		
2.		
3.		

Decision

With the information that is available about Sofia's special educational needs (*and taking account of the SEN Code of Practice paragraphs 8.12 – 8.14*):

Do you consider that it is necessary for the LA to make a Statement for Sofia? *Tick one*

Yes

No

10. Set out four reasons to support your decision above (*4 marks each*). There is one fundamental reason for each of the possible decisions that will carry double marks. *List as bullet points (maximum = 20 marks)*

END