



Additional Support Needs

1. We use the term “ASC” as a shorthand for a condition or disorder falling within the autism spectrum. We take judicial notice, as an expert tribunal, that ASD and ASC describe the same condition or disorder, and that both ASD and ASC are terms currently in use by specialists in the relevant fields.

THE REFERENCE

2. By summary decision dated 2 May 2018, in the application against a decision of the respondents refusing the appellant’s placing request with respect to her son, the tribunal refused the application.
3. This case concerns a child of six years of age who has ceased attendance at his original school: a mainstream school close to his home. The child’s mother made a placing request specifying an independent special needs school. The respondents refused this request and ultimately proposed that the child attend an alternative school run by them: a mainstream school with enhanced provision. The only issues disputed before the tribunal were as follows:
 - I. Are the respondents able to make provision for the additional support needs of the child at the alternative school? [Education (Additional Support for Learning) (Scotland) Act 2004 (the 2004 Act), Sch 2, para 3(1)(f)(ii)]?
 - II. If so, is it not reasonable, having regard both to the respective suitability and to the respective cost (including necessary incidental expenses) of the provision for the additional support needs of the child in the specified school and in the respondents’ school, to place the child in the specified school? [2004 Act, Sch 2, para 3((1)f)(iii)]

III. If it is not reasonable, is it appropriate in all the circumstances to confirm the respondents' decision? [2004 Act, s 19(4A)(a)(ii)].

All three questions had to be answered in the affirmative for the respondents' decision to be confirmed. Otherwise the application must be allowed.

FINDINGS-IN-FACT

4. The tribunal found the following facts admitted or proved:

The child's nursery

1. The child attended nursery from August 2014.
2. Whilst at nursery, the child's social and emotional development was a cause for concern, with difficulties identified in sharing and turn taking, changes of activity, early language development, fine motor skills and possible sensory issues.

The child's primary school

3. The child attended his original school from August 2016 until March 2017. As at the time of the hearing, he has not attended since then, though he remains on the school roll.
4. The child would soil himself about twice a week in class at his original school.
5. The child displayed anxiety around travel to and going into school.

The child's needs, disposition and further assessment

6. The child has additional support needs within the meaning of section 1 of the 2004 Act.
7. The child's needs include needs arising from anxiety, sensory difficulties, communication difficulties, social and emotional difficulties, and motor difficulties (both fine and gross).

8. The child has previously been assessed by the community paediatrician on whether he had an ASC. At the time he was not found to meet the full criteria.
9. The child has certain traits which are associated with having an ASC.
10. Further formal assessment is presently required and has been requested to establish whether he has an ASC, and into the precise nature and extent of his current needs (including his speech and language needs).
11. The child's difficulties with his education have not attained the level to be regarded as a learning disability nor has there been global developmental delay.
12. The child would benefit from associating during the school day with children of his own age who behave and communicate in a manner typical of children that age.

The alternative school and the specified school

13. There is a place available to the child both at the specified and alternative schools.
14. The specified and alternative schools are roughly equidistant from the child's home.
15. The alternative school is a mainstream school with enhanced provision. It has "enhanced provision" in the sense that it has additional facilities and flexibility (compared to an ordinary mainstream school) so that it can accommodate pupils with additional support needs. It shares a campus, and some facilities, with the local secondary school. It has on-site swimming facilities. Pupils there have access to a sensory room and a quiet room. There is also a toilet with changing facilities suitable for those who need help with toileting.
16. The alternative school staff have experience with children with a range of additional support needs including with ASC.

17. The child could take part in Riding for the Disabled and extra-curricular group activities at the alternative school.
18. A Multi-agency Meeting and Action Plan (“MMAP”) meeting would be organised as a priority by the respondents if this application was decided in their favour. The meeting would take place in the region of two weeks from the tribunal’s decision. The appellant would be involved at the MMAP meeting and she would be engaged with by the alternative school regularly to arrange the child’s transition there. The child would begin attendance at the alternative school in around five weeks from the hearing. The child would be attending full-time by around the start of the 2018/19 term.
19. Were the child to attend the alternative school, special steps would be taken to accommodate his needs. This could include a “soft start” (so that the child might start the school day later and/or might begin with different activities outside of class), the provision of a key worker, and the provision of a highly sensory play based curriculum.
20. Were the child to attend the alternative school, a referral would be made to the speech and language therapist for assessment and support. There would also be informal assessment of the child through observation in class. The child’s school regimen would be reviewed and altered in a manner informed by those assessments.
21. The specified school is a special school within the meaning of the 2004 Act.
22. The specified school has experience in supporting individuals with complex additional support needs, including those arising from ASCs.
23. The specified school offer on-site therapies including speech therapy. There are behaviour support strategies (BSS) trainers on-site.
24. The specified school would not provide as many examples of good models of social communication as the child would encounter at the alternative school.

Relative cost

25. The school fees for the child attending the specified school will be £23,370 per annum.
26. "Riding for the Disabled" would present an additional cost to the respondents.
27. There would be no other costs associated with attendance at the alternative school which would not be incurred with attendance at the specified school.
28. Education at the specified school would be no less costly than education at the alternative school.

THE PROCEEDINGS

5. The appeal was heard on Monday 16th, Tuesday 17th and Wednesday 18th April 2018. The hearing was electronically recorded in its entirety. Both parties were represented by solicitors, and the appellant was also present throughout.
6. Parties confirmed that the papers before the tribunal consisted of T1-37, A1-60 and R1-31. There were no objections to those papers being before the tribunal and considered by us, albeit some had been produced late.
7. The tribunal advised at the outset that one of the members was a member of the panel that heard a placing request in respect of one of the child's siblings, in which a decision was yet to be issued. Parties advised that they had no objection to that member forming part of this panel.
8. The tribunal heard the following witnesses (in order of appearance):-

Day 1 For the appellant

The appellant's autism consultant

For the respondent

The alternative school's head teacher

The respondents' educational psychologist

Day 2 The respondents' educational psychologist (continued)

For the appellant

The child's advocacy worker

Day 3 The appellant

9. The evidence of the appellant's autism consultant was taken first, and by telephone, as he was not otherwise available due to other commitments. The respondents did not object to this.
10. The child was brought by his father to the hearing towards the end of the second day for his views to be taken. The intention was that the views be taken by one of the specialist members of the panel, in the presence of the other panel members. This was unsuccessful as the child became distressed before any progress had been made with the child's interview, despite the efforts of the specialist member and both the child's parents. Neither party proposed that further efforts be made to obtain the child's views. The appellant's solicitor's instructions were that the child had become distressed when an advocacy worker had attended at his home to meet his elder brother.
11. After the evidence was completed, oral submissions were heard and completed on Day 3. At this time each party provided proposed findings-in-fact in writing, with the appellant's solicitor advising of some changes she wished to make to her draft. Electronic copies of the respondents' proposed findings and the appellant's adjusted proposed findings were subsequently received and marked R32-33 and A61-63 respectively.
12. After having heard the respondents' submissions, the tribunal advised at the hearing that it would make a finding to the effect of finding no. 4.

13. On 2 May 2018 a summary decision refusing the application was issued.

REASONS FOR FINDINGS AND DECISION

14. We found the autism consultant to be qualified to give expert evidence. We thought some weight could be given to his opinion evidence.
15. The autism consultant struck the tribunal as doing his very best to assist us, and being candid as to the limited degree of confidence in which he could express his conclusions given the limited opportunity available to him to obtain relevant information. We found his evidence to be credible and, as to the primary facts - with one limited exception - reliable.
16. The exception concerns the child's behaviour in the classroom. The appellant did not give evidence of there having been any incidents or "meltdowns" in the classroom, but that her son had become distressed upon being brought to school. By contrast in his report, the autism consultant stated: "There were frequent 'meltdowns' *during* school attendance *and* when attempting to attend" (A53) (our emphasis). The consultant was asked during oral evidence whether he was told by the appellant about "meltdowns" in school. He did not say that he had only been told of meltdowns with the child being brought to school; rather, he said he had not been told of this "in any particular detail". We would have expected the consultant to have obtained clear details as to the child's behaviour at school, and to have a clear recollection of this, as this would be of obvious potential importance to the conclusion he stated in cross-examination that the child could not be able to manage in a mainstream classroom. We think it likely that his recollection of what the appellant told him on this point is flawed, but in any event he appeared to proceed on the basis that there had been meltdowns in class, a point which was not established in evidence.
17. As to his opinion evidence, we did not accept his view as to the suitability of the alternative school, partly given the other evidence in the case and partly because of the discrepancy regarding "meltdowns" in class that we have just described.

18. We found the alternative school's head teacher to be credible and at least broadly reliable. She appeared to us to express a very confident assessment of the capabilities of her school and its staff. She had a tendency to speak in general terms rather than with specific detail. She was not able to give a clear, firm, answer as to how many children attended her school who had additional support needs. She was able to tell us that the school had thirteen primary school assistants, though she did not state how many were full-time and how many part-time. We considered the absence of these details surprising. She estimated that the child could start attending her school within five weeks, but when it was put to her in cross-examination that this might be optimistic, she said instead that this was she would be working towards this. We thus considered her evidence carefully.
19. Notwithstanding these features of her evidence, she struck us as a sincere witness and a committed head teacher, whose evidence we accepted regarding the features of her school, its staff, and the school's capabilities. Except as to the likely timing of the initial MMAP meeting (the appellant having said in evidence that it might be four weeks in her experience before this took place), we did not hear any evidence contradicting her evidence. We did not interpret the head teacher's description of time-scales as being anything more than estimates, and we do not treat the head teacher's estimates for when the child was likely to return to school, and likely to resume full-time schooling, as anywhere near certain. There is an inherent level of inevitable uncertainty in predicting such matters, and we do not need be satisfied that the chance of these estimates being accurate (or reasonably accurate) is any higher than the balance of probabilities before taking them into account. Those estimates did not strike us as unachievable. Rather, measuring these against our collective experience and knowledge of such matters as a specialist tribunal, we considered them to be within the range of what could reasonably be expected, albeit perhaps at the optimistic end of that range.
20. Accordingly we made finding nos. 14-20 based on her evidence.
21. The educational psychologist's options placement appraisal and her witness statement were impressive, thorough and balanced documents. In terms of balance, for example, the facilities on offer at the specified school were set out in detail in the

options placement appraisal, and it was also noted that a school with enhanced provision “can be a noisier and busier environment than the local primary school” (R11). Further, it was noted in the psychologist’s statement that the specified school would “provide many outdoor opportunities ... to de-stress and manage ... anxiety” (R25).

22. The educational psychologist’s oral evidence was advanced with considerable firmness. There was a stridency in her oral evidence as to why she concluded that the specified school would be unsuitable and the alternative school would be suitable. She was also forthright in her criticisms of the report of the appellant’s autism consultant, including what the tribunal considered to be the unjustified complaint that the autism consultant’s references to ASD (rather than ASC) were outdated. There was a strong tendency in her oral evidence to favour interpretations of the child’s behaviour and traits which were inconsistent with a diagnosis of an ASC, or which tended to suggest causes in the home environment. We think this went beyond a witness merely speaking with the confidence of her own convictions, and suggested (to some extent) a tendency to fall into the role of advocate rather than expert.
23. We were unimpressed by her account of having interviewed all of the staff of the original school, including the “admin” and cook. She seemed less than certain as to having spoken to the primary one class teacher, stating only that as she spoke to all teaching staff she must have spoken to that teacher.
24. All that having been said, there were two points of significance of the educational psychologist’s evidence which the tribunal accepted. First, the tribunal accepted that she was familiar with pupils with ASCs of significant severity having progressed through the alternative school in a satisfactory manner. We accepted the educational psychologist as a credible witness and we do not think she could be mistaken on this. This supported finding no. 16. Second, we accepted her opinion that the child would benefit from association with children his own age with typical behaviour, and might be disadvantaged by being in a class with pupils with often atypical and challenging behaviour. This was a position which had been stated clearly in her options placement appraisal (R16: the child “requires appropriate social models ...”). This also coincided with the other evidence. The appellant gave evidence

that her son liked to behave like others. She gave an example of the child being reluctant to use ear defenders at the cinema when he observed that no-one else was wearing these. The child had also been observed to prefer using standard scissors in the classroom like his peers (T21, R5). That there would be significant benefits from familiarity with peers with typical behaviour was something which accorded with our collective expertise as a specialist tribunal. Thus we made finding no. 12.

25. Although the advocacy worker did his best to assist the tribunal, the tribunal did not find his evidence to materially advance the case, considering especially the other evidence available to us. His only evidence as to the primary facts concerned certain meetings he had attended with the appellant. In that context, his answers sometimes lacked precision. He appeared to have less depth of expertise than the appellant's autism consultant or the respondents' educational psychologist. He was unfamiliar with the alternative school. He also envisaged a potentially very brief placement at the specified school, possibly as short as six weeks, a possibility which was not advanced in submissions on the appellant's behalf or in evidence by any other witness. This did not strike the Tribunal as a sensible or realistic possibility.
26. The appellant struck the tribunal in many respects as an impressive witness, particularly with her evidence regarding her and her child's experiences in his original school as well as the child's current behaviour and disposition. She spoke in a calm and measured manner in a way that many parents fail to achieve when speaking about something concerning their children. She said that the head teacher of the alternative school appeared to her to be a "nice lady", and she "kind of" agreed in cross-examination that the plan prepared by that head teacher could work, albeit the appellant explained in re-examination what her reservations were. Her criticisms of the alternative school were measured and specific. We regarded her as entirely and patently credible and, except as to one point, reliable as to matters of primary fact.
27. We did not accept her evidence as to whether her son was diagnosed with attention deficit disorder. She spoke to this diagnosis having been made by an occupational therapist but having been incorrectly omitted from their report. We reject this and

conclude that the appellant must be mistaken: such a diagnosis would not be made solely by an occupational therapist and if a diagnosis had been made it would have been recorded. This, however, in the context of the case was a minor point and we felt we could place significant reliance on her evidence otherwise.

28. Thus we made finding in fact nos. 4-5 based on her evidence. Regarding finding no. 4 (soiling at school) the absence of any mention of this in the records of the original primary school lodged with the tribunal or considered by the educational psychologist, if this occurred, is astonishing. But given our positive impression of the appellant as a credible witness, and the absence of any primary evidence (rather than the educational psychologist's hearsay) to contradict this, we found this established on the balance of probabilities. It is more likely that the school failed to notice or failed to record this problem than that the appellant had engaged in a complete fabrication.
29. Finding no. 2 was made on the basis of the documents at A38 and A44.
30. On the appellant's evidence, we have found that the child displayed anxiety around travel to and going into school.
31. The respondent proposed that we make a finding that the child did not present as anxious or distressed during school. We do not find this established. Given our finding on soiling in class, we are unable to place reliance upon the absence of any mention of any incidents of distress, &c., in the school records.
32. Equally, we have not made any finding that any "meltdowns", or other signs of anxiety or stress, occurred in class. We had no direct evidence of such. The autism consultant's report advised that pupils with an ASC might be able to control their behaviour despite being distressed. We do not think we ought to infer from the child's distress at other times (such as on going to school) that he would have had "meltdowns" or other aberrational behaviour in class. The appellant's solicitor did not invite us to make any finding as to distress exhibited during class. The burden of proving such a proposed finding would, we think, lie upon the appellant and there was no evidence we heard that could have discharged that burden.

33. The respondents proposed that we find that he displayed anxiety when separated from his mother. The appellant's evidence was that he visited other relatives without any display of apparent separation anxiety. The child's troubled behaviour on being brought to school is potentially consistent with him having found school stressful in some way, and so we do not find any satisfactory basis for inferring from the timing of the meltdowns that it is the separation from his mother which is the sole or primary cause of this. The appellant's evidence was that the child's anxiety levels generally had reduced since he stopped going to school. On this admittedly rather slender evidentiary basis, we infer on the balance of probabilities that the child suffered, to some degree, from anxiety related to his attendance at his original school. We are unable to make any finding as to what it was about that school or the child's experiences there that might have caused his anxiety. In light of further experience at another school, the precise cause (whether or not related to school) might become clearer.
34. Finding no. 7 was based on the appellant's evidence (both oral and in her statements) as well as the following productions:
- Avoidant behaviour – R5: e.g. head teacher of original school reports that child "shudders' when he hears even quiet noises on the iPad".
 - Communication difficulties – A21: "informal discussions with speech therapist ... indicated that ... [child] needs to work on pronouns (he/she)"; A58: autism consultant's observations of child).
 - Social and emotional difficulties – A36: child "is very dependent upon the friendship of one member of the class, both in school and in the playground"; A58: autism consultant's observations of child,
 - Gross motor difficulties – T18, A48.
 - Fine motor difficulties – T20-T22.
35. The respondent proposed that we find that the child had *mild* communication difficulties. But there was no recent assessment by a professional of the child's communication difficulties, the child had been out of school for over a year, and the appellant's evidence and the autism consultant's observations in his report suggested

a level of difficulty beyond this. We were not prepared to make any finding as to the severity of the communication difficulties.

36. Finding No. 8 was derived from the reference in the educational psychologist's options appraisal to the child being "deemed to not meet the criteria for an ASC diagnosis" (R6) and in her statement to an assessment for ASC "carried out in Jan 2016 and found not to be present" (R21). The appellant's autism consultant gave what we understood to be a provisional view, pending further formal assessment, that the child was likely to have an ASC. We do not make a finding as to whether the child has an ASC, as our decision would be the same whether or not he has such a condition. Insofar as the educational psychologist's evidence appeared to suggest there were certain factors that were incompatible with a diagnosis of an ASC (such as the child's imaginative play and his having formed one friendship at school) we reject that evidence and accepted the autism consultant's evidence. In preferring the autism consultant's evidence on these points, we drew upon our own expertise as a specialist tribunal. The presence of these factors reduce the likelihood that the child has an ASC, but they are not incompatible with him having such a condition.
37. The need for further formal assessment was spoken to in oral evidence by the autism consultant, the educational psychologist and the alternative school's head teacher. The autism consultant spoke to the need for further assessment as to whether the child has an ASC, the educational psychologist spoke to the cause of the child's anxiety being uncertain, and the head teacher both acknowledged her incomplete knowledge of the child's current needs and said she would make a referral for a speech and language assessment. These witnesses appeared to the tribunal to be all at one in observing that the child's conditions and needs were not yet fully understood.
38. Based on finding nos. 15 to 20, we find that the alternative school could meet the child's needs. We are satisfied that the alternative school has the appropriate staff, facilities and experience to meet the child's needs, and to adapt as those needs change or become better understood. We place some weight on children with ASCs having successfully progressed through the alternative school, albeit accept-

ing the point made by the appellant's solicitor in submissions that we did not have the specific details of those children's circumstances. Our conclusion would not be different if the child was found to have an ASC, nor if the child has had in fact experienced meltdowns in class at his original school. We are satisfied the school has sufficient breadth of experience and flexibility in any event. Albeit there is some uncertainty as to the nature and intensity of the child's needs, we do not think on any tenable view of what they might be that they are of a kind that would be outwith the experience and capabilities of the staff of the alternative school.

39. As we have said, the appellant's criticisms of the alternative school were measured and specific. She expressed concern regarding the layout of the school, including that the child would have to pass through a busy and noisy part of the building on his way to class. Whilst the appellant's observations have some force, they were not such as to lead us to conclude that the alternative school is, as a whole, not able to meet the child's needs.
40. We did not accept the autism consultant's evidence that mainstream education would be unsuitable for the child in view of three considerations. First, it seems his opinion might have been based in part on something that was not established in evidence: that the child had suffered meltdowns in the classroom. Second, his evidence was that he was unfamiliar with the alternative school. Third, we gave more weight to the evidence of the respondents' educational psychologist and the head teacher of the alternative school.
41. We considered the fact that some time would be required before the child could begin attendance, and possibly further time before he could move to full-time attendance, and the possible effects of the summer break upon the child. We concluded that, considered overall, the alternative school was likely able to provide for the child's needs, and the fact that some time would be required before he became settled into a full school day was not inconsistent with this. The interruption of the summer holidays might, to some extent, temporarily stall or set back the child's progress. But it would not prevent a successful transition.

42. On one view, the tribunal's assessment of the child's actual and potential needs differs from the respondents. We have concluded that the child had soiling problems during the school day, that his anxiety was at least partly contributed to his experience of the school day, that his social communications difficulties might be more than mild, and we have not been prepared to rule out that he might have an ASC. We have also concluded, in line with the evidence of the respondents' witnesses, that his needs are not yet fully known and require further assessment.
43. The appellant's solicitor submitted, relying upon *M v Aberdeenshire Council* 2008 SLT (Sh Ct) 126, that the respondents had failed to demonstrate that the child's needs had been assessed, and that without such an assessment they could not demonstrate that the child's needs could be met by the alternative school. We reject that submission.
44. *M* was an appeal against a placing request concerning a child with additional support needs decided in the sheriff court. Explaining why he found that the education authority (the defenders) had not established the ground contained in para. 3(1)(f), Sheriff Tierney, at para. [47] said that:
- “... this process is ... effectively a re-hearing of the case. ... the very latest time at which the defenders' assessment of [the child's] ... needs should have been made was before the commencement of the hearing of the appeal and in time for proper consideration and examination of what they considered to be [the child's] ... needs at the hearing of the appeal. ... There was no suggestion by ... the witnesses for the defenders that the defenders would meet any need which I held to be established, and standing the evidence ... I cannot assume they would do so. Their position was that if the defenders were successful in opposing the appeal they would only then themselves assess what they believed [the child's] ... needs to be, and then what steps should be taken to meet them.”
45. There are, in our view, two material distinctions between the case of *M* and the present case. First, the respondents have engaged to some extent in an assessment of the child's needs. They have not simply declined to make any assessment, awaiting the decision of this tribunal. Second, unlike the sheriff in *M*, we are satis-

fied from the respondents' evidence that the child's needs fall within a range that can be met by the alternative school. So long as those needs can be met wherever they fall in that range, it matters not that it is currently unknown where in the range they fall.

46. If we could not distinguish *M*, we would not follow it. It is a first instance decision which we are not bound by. There is no explicit requirement in para. 3(1)(f) that an assessment be made by the authority of the child's needs by the time of the appeal hearing. Given that an appeal to this tribunal constitutes a rehearing, we do not think such a requirement arises by implication. We make our own assessment of the child's needs as this is not akin to proceedings for judicial review. To the extent that a child's needs are unknown or uncertain, it makes it inevitably more difficult for the respondents to show that those needs will be met by the school proposed by them, but it does not necessarily make that impossible. Absurd results might follow otherwise. For some children (and this child might be an example) long-term observation and assessment might be necessary before a comprehensive and conclusive assessment of their needs could be made. In other cases, the respondents' assessment might be absent or incomplete, but the tribunal might be able to make a full assessment of the child's needs based on its own evaluation of the evidence led. It would not be in a child's interests if, despite this, the tribunal was compelled to hold that the child be educated in a potentially unsuitable specified school, rather than in a school that would meet the child's needs, because of the respondents' default.
47. We find that the alternative school would be more suitable for the child's education than the specified school. We base our decision on finding nos. 15 to 20 and 24.
48. Having regard to the entirety of the evidence, the tribunal did not accept the appellant's views expressed in her evidence regarding relative suitability. She gave oral evidence that her child was happy in the playground of the specified school, but we think this could tell us little as to the suitability of the school more generally. She did not give specific reasons in her oral evidence for favouring the specified school. In her statement to the tribunal she said that she thought the specified school would provide a quieter and calmer environment, one-to-one support, and would have

everything being in place to support her child from the outset (A4, para. 5). We have already commented about the appellant's concerns regarding noise in the alternative school. We acknowledge that the presence of therapists on-site might allow the child to begin attending school somewhat more quickly than would be the case with the alternative school. There is also a smaller staff to pupil ratio at the specified school. The specified school might be a calmer, quieter, environment than the alternative school but the latter school has means to alleviate any problems arising from this. We note the appellant's evidence that he appears to have tolerated the noise and disruption of renovations to his home, his parents having taken particular care with him in this regard by seeking to involve him in what is going on there. Further, the disposition of some of the children at the specified school is such that one would expect some level of distraction or disturbance there. When we balance the advantages of the specified school against the advantages of the child remaining in a mainstream environment, including the benefit from being amongst peers with typical behaviour whom he might aim to emulate, we think that overall the alternative school is relatively more suitable than the specified school.

49. The cost of tuition at the specified school was agreed in oral submissions.
50. The appellant's solicitor submitted that the evidence of the head teacher of the alternative school left open the possibility that certain group activities would not take place unless the child was participating. The implication was that the marginal cost would therefore be the full cost of the activity (rather than nil or close to nil). This did not match, however, what we took the tenor of the head teacher's evidence to be. As we understood it, she anticipated participation only in certain group activities taking place in any event.
51. In the absence of a costing for Riding for the Disabled, the respondents could not establish what the saving would be for the respondents in educating the child at the alternative school. We are prepared to find that the cost of Riding for the Disabled would not exceed the cost of the fees for the specified school. But we do not go any further than that.
52. We conclude that the alternative school is able to meet the child's needs.

53. We proceed on the basis that whether the child is educated at the alternative school or the specified school is cost-neutral. We conclude that the alternative school is more suitable than the specified school.
54. Given our conclusions that the child's additional support needs could be provided for, and would be more suitably provided for, at a school other than the specified school, and in the absence of some other special circumstance, it is appropriate to confirm the respondents' decision.

FURTHER COMMENTS

55. We have concerns generally as to the respondents' efforts in meeting the child's needs so far. There is reason to suspect that the management of the child's needs at his original school was remiss. We regard it as lamentable that home tuition of the child was brought to an end due to staff shortages at the original school without anything else being put in place. We accepted the respondents' solicitor's submission that the original school's management of the child was relevant to but not determinative of our assessment of the likelihood that the respondents would meet the child's needs. Having been satisfied as to the earnestness of the alternative head teacher, we anticipate that whatever problems existed in the original school will not be repeated in the alternative school. But we should not be taken to endorse what has been done in the past.
56. We reiterate what was said in our summary decision. We have relied on the evidence of the head teacher of alternative school, and the educational psychologist, regarding the transition planning that would be put in place, the likely timescale in which the child could begin attending the alternative school, and the adaptations that could be arranged to facilitate his attendance. We expect that the head teacher, educational psychologist and others of the respondents' employees will act faithfully and consistently with the intentions stated in evidence led by the respondents. It is of the highest importance in furthering the child's education and wellbeing, and his successful resumption of attendance at school, that transition planning is pursued with a degree of urgency, and that the appellant is fully involved in this pro-

cess. We agree with the educational psychologist's observation in oral evidence that the child is a priority given the significant time he has spent out of school. Furthermore, we expect that all those involved in supporting the child will engage actively in purposeful collaboration with other agencies to ensure that further assessment and identification of the child's needs forms part of the transition process.