



Additional Support Needs

**DECISION OF THE TRIBUNAL**

FTS/HEC/AR/22/0152

List of witnesses

**For the appellant:**

Head of Service school B (witness D)

Family Support Worker (witness E)

The appellant

**For the respondent:**

Head Teacher at school A (witness A)

Support for learning teacher at school A (witness B)

Educational Psychologist (witness C)

**Reference**

1. This is a reference in relation to a placing request lodged with the tribunal in September 2022. It is made under section 18(3) (da)(ii) of Education (Additional Support for Learning) (Scotland) Act 2004 (**the 2004 Act**). The appellant made a placing request for the child to attend school B which the respondent refused in August 2022. The appellant asks the tribunal to require the respondent to place the child in school B.

**Decision**

2. The tribunal overturns the decision of the respondent to refuse the placing request. The placing request is therefore granted. The tribunal requires the respondent to place the child in the school specified in the placing request by May 2023 or such other time as agreed between the parties in terms of section 19(A)(b) of the 2004 Act.

**Process**

3. A hearing took place by video conference over three days in March and May 2023.

4. Prior to the hearing three case management calls took place in November 2022, December 2022 and March 2023, in which procedural matters were discussed and agreed with directions made to regulate the hearing and the pre-hearing process. A direction was issued for a joint minute of agreement. This was produced (T048 – T052). Some of the matters covered in this joint minute are reflected in our findings in fact.
5. The written evidence comprised T001-T055, A001-A083 and R001-R185. Witness statements were lodged on behalf of the respondent. Oral evidence was heard from the following witnesses:
  - (a) Witness A (R129-R164)
  - (b) Witness B (R165-R185)
  - (c) Witness C (R063-R069 and R098-R128)
6. Witness statements were lodged, and oral evidence heard from the following witnesses for the appellant:
  - (a) Witness D (A035-A042)
  - (b) The appellant (A017-A934 and A084-A090)
7. The appellant had a third witness, witness E (A043-A046). It was decided at the hearing in March 2023 that we did not need to hear oral evidence from witness E.
8. The child's views were obtained by an independent advocate (T041- T047).
9. At the hearing in March 2023, written submissions were directed, with an opportunity for each party to comment on the submissions of the other. We heard further oral submissions at the final day of the hearing in May 2023. We considered all oral and written evidence and submissions.

## **Findings in Fact**

### *General*

10. The child is eleven years old. The appellant is the child's mother.
11. The child is currently enrolled at school A. The child has attended school A since primary one. The child is currently in primary seven. The child's catchment high school is school C. School A is a feeder school for school C. The child commenced an enhanced transition process in February 2023.
12. The appellant made a placing request for the child to be placed at school B. The respondent refused the placing request in August 2022.

### *The child's additional support needs (ASN)*

13. The child has a diagnosis of Attention Deficit Hyperactivity Disorder (**ADHD**), sensory sensitivities and dyslexia. The child is on the waiting list for assessment for Autism

Spectrum Disorder (**ASD**).

14. The child receives medication for his ADHD symptoms. The child is on the legal maximum dose of medication for his age and weight.
15. The child can struggle to focus due to his ADHD. He can require prompting and support to complete tasks. The child benefits from additional processing time. He benefits from receiving short, chunked tasks and instructions.
16. The child has multiple sensory sensitivities. He cannot tolerate certain sounds and needs to be soothed by others. He is sensitive to light and keeps his bedroom curtains closed. His balance is poor, and he has motor co-ordination difficulties. He is sensory seeking and likes to touch and stroke things. He seeks to be soothed and responds to pressure and hugs.
17. The child struggles in loud and busy spaces because of his sensory sensitivities. **[Part of this paragraph has been removed by the Chamber President for reasons of privacy and anonymity under rule 55(3)(b) and (4) of the First-Tier Tribunal for Scotland Health and Education Chamber Rules of Procedure 2018 (schedule to SSI 2017/366)]**
18. The child has a history of trauma related to physical and emotional abuse. **[Part of this paragraph has been removed by the Chamber President for reasons of privacy and anonymity under rule 55(3)(b) and (4) of the First-Tier Tribunal for Scotland Health and Education Chamber Rules of Procedure 2018 (schedule to SSI 2017/366)]**
19. The child regularly states that he does not wish to go to school. The child has a good attendance record despite this due to the appellant's perseverance and commitment to ensuring the child attends school.
20. The child has displayed distressed behaviour at home after school since primary one. This has increased in frequency and severity since then. The child's distressed behaviour after school occurs 3 to 4 times a week. There is a reduction in distressed behaviour at weekends and outside of the school term. During lockdown there was a reduction in the child's distressed behaviour (A010).
21. The child's distressed behaviour after school includes screaming and crying, refusing to eat and drink, and hiding under his bed. **[Part of this paragraph has been removed by the Chamber President for reasons of privacy and anonymity under rule 55(3)(b) and (4) of the First-Tier Tribunal for Scotland Health and Education Chamber Rules of Procedure 2018 (schedule to SSI 2017/366)]**
22. A referral was made to the respondent's Family Support Service in September 2022 to support the family with the distressed behaviour. This service is run by the respondent's social work department. The appellant engaged with this service which concluded that there was no role for them. There were no concerns about the appellant's care of the child. The child's case was closed in February 2023. A referral has been made to a youth support charity to provide mentoring and wellbeing support for the child (agency A). If agency A agrees to support the child, it will be for a limited time.

23. The child does not display distressed behaviour at school A. The child is suppressing his ADHD symptoms during the school day resulting in an emotional release after school. The child is masking in the school environment.
24. The child has difficulty sleeping. He is prescribed melatonin to help him sleep. He needs very low stimulation and a strict routine to help him get to sleep. The child's emotional dysregulation after school has an impact on his ability to sleep.
25. If the child's distressed behaviour persists, they will have a significant impact on his home life, his relationships with his family, and his wellbeing.

#### *School A and the child*

26. School A is a mainstream school with a high percentage of children with recorded additional support needs and 26% in the child's class are recorded as having additional support needs (R118). The school have knowledge and experience of a number of additional support needs.
27. School A do not have an understanding of the child's ADHD. The child has an ADHD nurse, who has not been invited to multi-agency meetings at school A. School A have not worked collaboratively with health professionals involved with the child.
28. The child engages with his peers in school at a number of different curricular levels in an appropriate way. The child plays football with peers during breaks. The child does not like football and participates to fit in. The child is popular with other boys and girls in his class but does not have contact with peers outside of school. The child has an active role in school A. He is a vice house captain. Despite this, the child has low self-esteem and confidence in relation to friendships and struggles to have a sense of belonging at school A (T044).
29. One incident of the child being called an unkind name relating to his ADHD was reported to school A, staff completed restorative work and no further incidents have been reported. The child has experienced other episodes of name calling. The child's experience of name calling exacerbates his low self-esteem and lack of sense of belonging. The child is acutely conscious about not wanting to stand out or to be seen to be different to other children, which school A is aware of (R136, T045).
30. The child is making academic progress within school A. The child is achieving at second level for numeracy and is expected to achieve second level progressing for reading, writing, talking, and listening in March 2024. This is a level appropriate for his age and stage.
31. The child is accessing learning scaffolded through support strategies for learners with ADHD and dyslexia. This includes chunking down of instructions and additional time for assessments. These are universal supports available to all children at school A.
32. The child receives support for literacy. The child receives targeted support for reading including Rapid Reading Intervention and 'toe by toe' programme. The child is supported

with spelling through regular use of ICT including NESSY.

33. The child can use ICT for extended pieces of writing. The child has been reluctant to use ICT in class due to not being able to type as quickly as he can write. The child was also concerned about standing out in class. All children in the child's class now have a chromebook to use as IT support. The school have provided the child with a chromebook to use at home with links to relevant learning opportunities.
34. There are other support strategies in the child's support for learning profile available at school A for supporting learners with ADHD and dyslexia that the child does not access. The child was given a yellow overlay to support reading but prefers not to use it. A timer was made available, but the child also prefers not to use it.
35. There are other pupils in the child's class who have an ADHD diagnosis or dyslexia. Despite this, the child is self-conscious about using individual or targeted support strategies that he may benefit from and avoids them. The child is hyperaware of his difficulties and feels this differentiates him from his peers (T046). This negatively impacts on the child's sense of belonging and his ability to access appropriate supports.
36. The child benefits from regular movement breaks in school A to help him focus. School A relies on the class teacher identifying when the child needs a movement break because the child does not use this support of his own accord. The child was encouraged to make a card to indicate subtly to his class teacher when he needed a movement break, but he ripped it up. He was given further opportunities to make a new one but did not wish to.
37. The child attends a movement group at the end of the school day twice a week to support the regulation of his energy and the transition to home. School A have also provided a place for the child to attend an after-school club if he chooses to do so to assist with the transition to home.
38. The child was referred to witness C when the appellant's placing request was lodged. The Educational Psychology service had not had any prior involvement with the child or been asked to provide advice to the school.
39. Witness C attempted to explore behaviour at home with the child and to provide him with coping strategies. The child said he did not need this support. Witness C has concluded her involvement with the child because he has declined support. Witness C recommended instead that the child become an Emotion Works champion and engage with agency A. Emotion Works is a universal programme in school which enables older pupils to become emotion coaches for younger children. The child is not receiving any tailored support for his emotional wellbeing.
40. The child does not have trusting relationships with the adults in school A. This is a barrier to the child being able to express his true emotions and experiences to staff in school A and to accepting a need for support for his emotional wellbeing.
41. School A have not carried out a sensory assessment of the child's needs.
42. The cost of a placement at school A is £4,505 per year.

### *School B and the child*

43. School B is an independent special school. It provides education for boys up to the age of 18. All children in school B have a diagnosis of ASD, and all function at the high end of the spectrum. Many also have ADHD and other neurodivergent conditions. The child has a similar profile of need to other children attending school B. School B is willing to admit the child.
44. The school has residential pupils and day pupils. There are currently 19 residential pupils and 7 day pupils. Day pupils participate in activities after school alongside residential pupils.
45. At school B there is a higher staff to pupil ratio than at school A. Class sizes are small. The class the child would join has 5 other pupils: 3 other Primary 7 pupils, one Primary 6 pupil and one Primary 5 pupil. There would be three pupils progressing with the child to the senior phase of the school.
46. The child would have a more limited peer group at school B. School B has a social communication curriculum and independent development programme, which would allow the child to develop social and peer interaction skills. The child would also have access to peer mediation to develop skills in mediation, conflict resolution and restorative practices. This would support the development of the child's understanding of friendships and improve his self-esteem.
47. Despite a more limited number of peers at school B compared to school A, the child would be placed with peers who are all neurodivergent and need similar supports which would reduce the current barriers that prevent him from accessing all the support strategies that he needs.
48. At school B the child would have access to role models which includes both teaching and care staff, peers, and more senior pupils. School B has a young leader course in which senior pupils follow a qualification that involves them supporting younger pupils in subjects like outdoor learning. Other senior pupils support after school clubs.
49. The child would be able to move about freely in class without needing built in movement breaks. He would access experiential learning embedded within the Broad General Curriculum in Curriculum for Excellence. There are also many opportunities for outdoor learning.
50. Within the senior phase of school B there is less subject choice than in school C. This year pupils at school B are presenting in SQA Highers in Maths, English, Geography, Biology and Chemistry. They are also presenting in National 5 Level in IT and Admin, Leadership, Computing, History and Music. In the last two years pupils have been presented in Advanced Highers.
51. School B offers electives including cabin construction, expedition and hill walking, ground care and maintenance, rock climbing, paddle boarding and cycling. The child has a special interest in woodwork and wants to be a joiner.

52. School B has access to Occupational Therapy, Speech and Language Therapy and a psychotherapist. The child would have a sensory assessment at enrollment which would be reviewed regularly to identify and understand the child's sensory needs. The assessment identifies changes needed to reduce a pupil's sensory challenges.
53. Many pupils at school B have sensory sensitivities or preferences. The school environment at school B is designed to reduce the sensory load on pupils with uncluttered classrooms which are large enough to allow personal and movement space. The school uses other support strategies and develops individualised adjustments with occupational therapy, encourages self-stimulatory behaviour and physical activity breaks. The child will benefit from this approach given his sensory sensitivities and the need for movement.
54. Staff at school B are knowledgeable about the effects of ADHD medication and can administer it.
55. At school B the child would have a key teacher and key worker. These relationships are reinforced through outreach during school holidays. This would allow the child an opportunity to build meaningful relationships with staff which the child does not feel he has at school A. This wrap-around approach also supports positive relationships with families and if they are experiencing difficulties school B supports them to find individualised solutions.
56. School B staff are experienced in supporting young people who display distressed behaviour and are trained in de-escalation. School B staff are experienced in supporting children who mask ASD or ADHD symptoms.
57. School B is outside the child's local community. The child would still be able to access extra-curricular groups supported by the appellant. The appellant and her family have strong links to the local community. School B have strong links with its community and wider links through an employer engagement network.
58. The cost of a placement at school B is £1198 per week.

### **Reasons for the Decision**

59. There was no dispute between the parties on the question of whether the child has additional support needs, as defined in section 1 of the 2004 Act. Given our findings, it is clear to us that this is the case.
60. The ground of refusal relied upon by the respondent is in schedule 2 of the 2004 Act at paragraph 3(1)(f). This ground is made up of a number of constituent parts, numbered in paragraphs 3(1)(f)(i)-(iv). These are as follows:
- i. the specified school is not a public school,
  - ii. the authority are able to make provision for the additional support needs of the child in a school (whether or not a school under their management) other than the specified school,

- iii. it is 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 school referred to in paragraph (ii), to place the child in the specified school, and
- iv. the authority have offered to place the child in the school referred to in paragraph (ii).

61. The onus of establishing a ground of refusal lies with the respondent. The appropriate assessment point is at the time of the hearing.
62. The respondent must satisfy us that each of the paragraphs apply for the ground of refusal to exist. If the respondent can satisfy us that the ground of refusal exists at the date of the hearing, we must consider whether it is appropriate in all the circumstances of the case to confirm their decision. This is referred to as stage 2 of the legal test.
63. We have concluded that the ground of refusal set out at paragraph 3(1)(f) of schedule 2 of the 2004 Act does not exist at the date of the hearing. We therefore overturn the refusal of the placing request. We will address each part of the ground of refusal below. In doing so, we do not address all the points and evidence referred to by the parties, but only those parts of the evidence and argument which influenced us in our decision.

*The specified school is not a public school: paragraph 3(1)(f)(i)*

64. This paragraph requires that the specified school is not a public school. We are satisfied that this is the case, and this was not disputed. This part of the ground of refusal is met.

*Provision for the child's needs at school A: paragraph 3(1)(f)(ii)*

65. The application of this paragraph is disputed. This paragraph requires that the respondent is able to make provision for the child's additional support needs in a school other than school B. In this case, that other school is school A. The respondent submitted that school A is able to make provision for the child's support needs while the appellant submitted they cannot.
66. We are not satisfied that school A can make provision for the child's needs. The child has significant and complex support needs (paragraphs 13 to 25). The respondent did not demonstrate that they have a sufficient understanding of these needs to make provision for them in school A.
67. The appellant argued that the child's distressed behaviour at home narrated in paragraphs 20 and 21 are indicative of the child masking at school. The respondent disputed this. Their position was that there is no link between the child's experience at school and his behaviour at home. The respondent asked us to prefer the evidence of their witnesses over the appellant and witness D. Whilst we found the respondent's witnesses gave evidence truthfully, their insistence that there is no evidence that the child is masking at school means that there was limited weight we could give to their evidence. The respondent placed significant weight on the evidence of witness C and it was clear from the evidence of both witnesses A and B that their knowledge and understanding of masking was heavily influenced by the views of witness C.
68. We did not consider witness C's opinion that the child is not masking at school



persuasive. She did not demonstrate a full understanding of masking, as she regarded masking as being associated mainly with ASD. It was only when asked to consider alternative words to describe this concept such as compressing, suppressing, or containing, that she accepted that this could apply to the child. We found witness C's evidence difficult to reconcile with the fact that the child's behaviour at home was not disputed, and the child himself described not feeling able to be himself at school and 'exploding' after school to the independent advocate and witness E. Further witness C was unable to offer another explanation for the stark contrast between the child's behaviour at home and school; indeed it did not appear that she had given any thought to the reason(s) for it. We found witness D to be more knowledgeable about masking, how it presents and the reasons for it. It was his opinion that it is clear that the child is masking, and that masking can be associated with a number of neurodivergent conditions. We preferred his evidence given his significant experience of working with neurodivergent children and young people and experience of supporting children and young people who mask. The respondent offered no alternative explanation for the child's distressed behaviour at home. We conclude that it is clear from the evidence that the child is suppressing his ADHD symptoms in school which requires a great deal of energy and builds tension through the day, resulting in an emotional release at home. In our view, this can also be described as masking.

69. It is clear from the evidence that despite the significant concerns about the child's presentation at home, school A have done little beyond offering external services to the family. The child was only referred to Educational Psychology because of the placing request and has since been closed to them. The child has a complex emotional presentation having experienced past childhood trauma. During evidence, witness A and C both admitted that they did not know that the child has a history of trauma despite this being recorded in the child's medical information shared with the school and despite the appellant sharing this with witness C. This is significant information which the school ought to have known and borne in mind. In our view the interventions recommended by witness C (paragraph 39) are unlikely to address the child's complex emotional presentation. The respondent has offered no evidence that their approach has or is likely to result in any change.
70. In addition, school A has not collaborated with health professionals. There had been no multi-agency meetings involving health. This revealed itself in a number of ways. Firstly, school A did not demonstrate a knowledge of the effects of ADHD medication either generally or specifically relating to the child. Secondly, despite health professionals sharing information about the child's sensory sensitivities, the school have not carried out any sensory assessment. This information had not even been included in the child's chronology such is the little weight the school gave it. Witness B stated that she did not include sensory areas in the chronology as she only includes information that is relevant to behaviour at school. All the respondent's witnesses stated they did not see evidence of the child struggling with the sensory environment of the school in the way that children typically do. However, the lens they viewed this through failed to consider that the child could be suppressing his reactions to any sensory challenges due to his acute need not to stand out amongst his peers.
71. The respondent argued that the evidence that school A is meeting the child's needs is that he is achieving the appropriate academic levels in Curriculum for Excellence. They submitted that they can only deal with the child's behaviour that they see in school. This approach fails to have proper regard to the holistic needs of the child. School A has not ensured that the child can access all forms of support other than just those that can be

provided at the universal level. We agree with the appellant that there are significant concerns about the child's emotional and social needs, which if met at school, would mean he was not returning home dysregulated. We conclude that school A's inability to understand the child's holistic needs means that they cannot make provision for his additional support needs.

*Reasonableness of placing the child in the specified school: respective suitability and cost - paragraph 3(1)(f)(iii)*

72. The application of this paragraph is disputed. Given that we have decided above that paragraph 3(1)(f)(ii) is not met, we do not need to consider respective suitability and respective cost as the respondent must satisfy the tribunal in respect to all four parts of the ground of refusal. However, for the sake of completeness, and having heard evidence relating to this part of the ground of refusal we went on to consider it. This paragraph requires us to consider both the suitability and cost of the provision for the child's additional support needs at school A and school B respectively. The respondent submitted that the difference in respective cost between school A and school B is considerable. The appellant submitted that school A is not suitable for the child and that school B is to such a degree that the difference in cost is justified.

*Respective costs*

73. On cost, it is clear that we should consider the additional cost in meeting the additional support needs for the child at school B compared with the cost (fees and, if applicable, transport cost) in relation to school A. We were not provided with evidence about transport cost and the respondent accepted that we could not include this cost in our calculation as a result.

74. The cost of a placement at school A is agreed as £4505 per year. It was also agreed that the cost of providing for the child's additional support needs at school B is £1198 per week. This suggests a cost to the respondent of around £42,217 per year for a placement at school B, based on a 39-week school term. We do not consider this to be an insubstantial cost. However, we must consider this alongside the suitability question.

*Respective Suitability*

75. In considering respective suitability we have compared the respective provision available in each school. Our conclusions at paragraphs 66 to 71 are also relevant to the suitability question.

76. On the issue of suitability, the respondent submitted that we should prefer the evidence of their witnesses. The appellant submitted that we should prefer the evidence of witness D in relation to the provision at school B. The respondent submitted that their witnesses were far more knowledgeable about the child's needs and what he requires in a school environment than witness D. Given our conclusions at paragraphs 66 to 71 we reject this argument. While witness D may have only met the child on one occasion and has not observed him in school A, we are satisfied that he demonstrated an understanding of the child's needs and was best placed to consider how school B could meet those needs. The respondent's argument that we cannot rely on witness D's evidence because he had

not seen the child's full education records did not hold significant weight with us given witness D had read and considered the bundle in advance of giving evidence. In addition, witness D has had regular updates from the appellant since the request to admit the child to school B. We were therefore satisfied that witness D was able to offer an informed view about the needs of the child and how those could be met in school B.

77. The respondent submitted that witness D was vague and casual with his answers. We did not form this view. We found witness D to be thoughtful and considered in his answers. Although he was not able to provide details about the curriculum level for each pupil in the class the child would join, we accept the appellant's submission that he could not necessarily be expected to know this given he is not a class teacher. We preferred his evidence in relation to whether school B can meet the child's needs. Neither witness A nor witness B had visited school B. Their knowledge of the school was informed only by information in the bundle. Witness C had visited school B on one occasion only. It appeared to us that she drew conclusions from that visit which were not well founded in comparison to the evidence of witness D. Further she made generalised statements which indicated a superficial understanding of ASD, for example 'Autistic learners are typically not often looking for friendships. For these reasons we preferred the evidence of witness D about school B's suitability.

#### *Wider Community Links*

78. The respondent submitted that being educated at school B would result in a loss of wider community links. We accepted the appellant's evidence that there would be no loss of wider community links due to her own strong links to the community and her commitment to supporting the child to maintain these through supporting relationships and attendance at extra-curricular activities.

#### *Curriculum*

79. The respondent submitted that the curriculum at school B is not appropriate for the child. They rely on the statement by witness C that a totally experiential learning environment would only be appropriate for learners with significant complex needs. This is a misunderstanding on the part of witness C about the curriculum at school B. School B provides the Broad General Education with experiential learning embedded throughout. This is clear from the educational levels children are achieving at school B which are equivalent to the child's. We conclude that the curriculum at school A is appropriate for the child who will benefit from school B's approach to learning.

#### *Peer groups and peer interactions*

80. The respondent submitted that the child's profile does not match that of children attending school B. They argued that the school is tailored to ASD learners and, since the child does not have a diagnosis of ASD, this would be detrimental to his learning. This is despite witness A stating that the respondent's own philosophy is that supports for children with ASN are not diagnosis-led. The appellant argued that school B is an appropriate learning environment for the child. Witness D was clear that although all pupils in school B have an ASD diagnosis, there are many who also have an ADHD

diagnosis, and that there is significant overlap between profiles of children with ASD and ADHD including sensory processing or sensitivity difficulties. We were persuaded by witness D's evidence that the peer group in school B is appropriate for the child, that the child's needs are similar to pupils in school B and that he would have positive role models. Any assessment of suitability must focus on needs rather than diagnosis, particularly when the child is being assessed for ASD.

81. We also considered the evidence of the appellant in relation to suitability. She had visited school B on more than one occasion. It was clear that she had thought very carefully about the placing request. She shared witness D's understanding of ADHD as overlapping with ASD. Her knowledge and understanding is informed by another son who has ASD and in-depth research she has carried out to support the child. It was clear to us that the child has similar needs to other children at school B. We accept that the number and variety of peers the child will be more limited than at school A and took this into consideration as part of our overall assessment of suitability. We balanced this against the peer interaction difficulties the child experiences at school A and his lack of any contact with these peers outside of school.
82. Despite the respondent's witnesses describing the child as popular among his peers, the child describes himself as struggling with friendships and feels that he does not have many friends (T044). The social communication curriculum and independent development programme at school B would support him to develop his understanding of friendships. He is also likely to develop a sense of belonging within a smaller school community of neurodivergent children which he has said he does not currently feel. We think that there is a need for focused work to support the child with peer relationships which he would have at school B.
83. The respondent submitted that being a day pupil when most pupils are residential is likely to contribute to the child feeling different from peers at school B. It is clear from the evidence of witness D that the school is a mixed community of day and residential pupils with an opportunity for the former to engage in after school activities. In addition, the appellant is committed to supporting relationships with these peers. We were not concerned that this would be a significant barrier to the child feeling a sense of belonging at school B.

#### *Sensory needs*

84. The appellant submits that it is likely that the child's behaviour at home will improve if his sensory needs are met. The respondent submits there is no indication this will be the case and does not consider that the child has any sensory difficulties since he is able to attend and present in whole school assemblies and therefore copes in loud and busy spaces. However, it is clear the child's dysregulated behaviour after school indicates that he is not coping during the school day. Given the appellant's evidence in relation to the child struggling in loud and busy spaces and the acknowledgement of sensory difficulties by medical professionals, it is clear that the child would benefit from the sensory environment at school B and their holistic approach working in partnership with the appellant to understand the child's behaviour and make adjustments at school to improve the child's presentation at home, an approach which is lacking at school A.

### *Overall assessment*

85. Considering respective cost and suitability factors in the round, we take the view that it is reasonable to place the child in school B. Whilst school A has a wider range of peers and closer community links, the child's education has to be viewed holistically. School B provides the child with an environment where his needs can be understood and accepted by staff as well as pupils, a place where he is likely to feel included and listened to and therefore enhance his learning. We consider that the nature of school B is significantly more suitable for addressing the child's holistic needs such that the cost of school B is worth the extra benefit for the child given the long term risks to the child's mental health and wellbeing arising from masking.

*Respondent has offered to place the child in the school referred to in paragraph (ii) - paragraph 3(1)(f)(iv)*

86. This paragraph requires that the respondent has offered to place the child in school A. We are satisfied this is the case, and this was not disputed. This part of the ground of refusal is met.

*Appropriateness in all of circumstances (s.19(4A)(a)(ii) of the 2004 Act).*

87. If we conclude that the ground of refusal is satisfied, we need to be satisfied that it is appropriate in all of the circumstances to confirm the decision to refuse the appellant's placing request. As we have concluded that the respondent has not shown that a ground of refusal exists as at the date of the hearing there is no need to consider the stage 2 appropriateness question.