

# Pupils denied chance of special needs help

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A London council has unlawfully denied hundreds of children the right to be assessed for extra support at school.

Among about 700 children refused an assessment by Sutton was an autistic girl who had attempted suicide several times before her parents asked for help.

Councils are legally obliged to assess the special educational needs of children in their boroughs and to pay for any support necessary. The rate at which councils refuse assessments has risen in recent years as budgets have been cut.

Parents say that for four years Sutton used unlawful criteria to decide whether to do assessments. It said in letters to parents dating back to 2014, and in a document removed from its website last year, that the child must be in the bottom 2 per cent for academic performance for their age group. The law says only that a child should be assessed if it may have a special educational need.

Last year Sutton rejected 64 per cent of requests to assess for Education Health Care Plans (EHCPs), which parents need to get support, compared with a national average of 22 per cent.

Some parents have taken legal action against the council. One mother said her 12-year-old son, who has autism and generalised anxiety disorder, had expressed suicidal thoughts over the £17,000 in legal costs his family paid.

Government data shows that 700

children were refused an assessment by Sutton between 2014 and last year.

Sutton set up a company in July 2016 to run its special educational needs (SEN) services. Cognus, which is 75 per cent owned by the council, decides which children to assess. It made a profit of £378,000 in 2017-18 and is projected to make £340,000 this year.

Marian James, a Liberal Democrat councillor, said Cognus had been using lawful criteria since last September.

Responding to a petition, Sutton did not deny that unlawful decisions had been made but said it would not review any refusals or contact the parents.

The council has opted not to publish a report it commissioned on its SEN spending that was written this year. *The Times* has seen a copy of the report, which says that "the provision system is not coherent/fit for current needs".

The council said it had seen a 20 per cent rise in requests for assessments. "So far this year we are agreeing more requests for EHCP assessments than not ... We appreciate entirely the concerns of the small number of residents, however, their experience clearly does not represent our improving service on the whole. It's a national issue."

It said that it had appointed an independent expert to review its compliance with the law, adding: "Cognus was at no time ever directed to make decisions regarding assessment based on inappropriate financial considerations."