

**Revised Guidance for
Statutory Assessment of
Special Educational Needs**

September 2007

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INTRODUCTION

Part IV of the Education Act 1996 and the Education (Special Educational Needs) Consolidation Regulations 2001, lay down procedures for LEAs in carrying out statutory assessments and making statements of SEN for individual children. Paragraph 7:1 of the Revised SEN Code of Practice states:

“The special educational needs of the great majority of children should be met effectively within mainstream settings through *Early Years Action* and *Early Years Action Plus* or *School Action* and *School Action Plus*, without the local education authority needing to make a statutory assessment. In a very small number of cases the County Council will need to make a statutory assessment of special educational needs and then consider whether or not to issue a statement.”

This guidance identifies indicators that should inform decisions taken by both schools and the County Council about interventions made for pupils with SEN and disabilities at *Early Years Action/Early Years Action Plus/School Action Plus* and when considering whether a statutory assessment should take place. In considering requests for statutory assessment from early years settings, schools and parents, the LEA will need to be assured that appropriate actions and interventions have been undertaken or that there are exceptional reasons for “fast-tracking” a child (see page 10 for guidance on areas which the LEA will consider as exceptions).

CHILDREN IN EARLY YEARS

During the years prior to compulsory school age, most children who have or are likely to have long-term, significant special educational needs are identified by health professionals. These are likely to be young children with physical, sensory, developmental or particular medical conditions. Health Authorities and NHS Trusts have a statutory duty to inform parents and the County Council about such children.

Most such children in Shropshire are the subject of multi-professional assessment at the Child Development Centre (currently based at the Royal Shrewsbury Hospital) or are brought to the attention of the Sensory Inclusion Service immediately after diagnosis of severe or profound sensory impairment. They are usually provided with support in specialised early years settings or through home-based support (eg Portage Service or input from a visiting teacher from the Sensory Inclusion Service) prior to statutory assessment. With the agreement of parents, statutory assessment is often postponed for such children until about 8 months prior to full-time school entry into the Reception Year.

A very small number of children with significant, long-term special educational needs will also come to the attention of the County Council through their attendance at early years

settings. Early years settings are required to have regard to the SEN Code of Practice and to adopt a graduated response to identifying and meeting young children's special educational needs through *Early Years Action* and *Early Years Action Plus*. The overwhelming majority of young children with special educational needs will have their needs met through this process. However, where progress is extremely limited, despite appropriate interventions, or where it is clear that the young child's needs are sufficiently severe or complex as to require attention for much of the child's school life, the County Council will consider requests for statutory assessment.

CHILDREN OF SCHOOL AGE

At school age, the overwhelming majority of pupils' special educational needs should be able to be met through *School Action* and *School Action Plus*. This is reflected in changes to the local funding arrangements for SEN and enables a more rapid response to meeting needs with resources available in school budgets for early intervention.

School Requests for Statutory Assessment

In relation to school requests for statutory assessment, the SEN Code of Practice states (5.65 and 6.72):

"The description of the child's learning difficulty and progress together with information about the special educational provision made will form the basis on which the LEA can consider whether a statutory assessment is necessary. If the LEA's support services and, in particular, the LEA's educational psychologists have already been involved in assessing the child and reviewing provision, the LEA should be able to decide relatively quickly whether a statutory assessment is necessary."

A form that outlines the type of data that the County Council requires from schools to be able to consider a request for statutory assessment and reach a relatively rapid decision is included in annexe 2.

Consideration of statutory assessment **will only be made** if the County Council considers that the pupil has not made adequate progress through school-based interventions at *School Action* and *School Action Plus* and that the school could not reasonably be expected to make even more specialised arrangements to meet the pupil's special educational needs with further funding from its delegated budget.

Adequate Progress

Whatever the level of pupils' difficulties, the key test of how far their learning needs are being met is whether they are making **adequate progress**. The SEN Code of Practice suggests **adequate progress** can be defined in a number of ways. It might be progress which:

- closes the attainment gap between the pupil and the pupil's peers;
- prevents the attainment gap growing wider;
- is similar to that of peers starting from the same attainment base-line, but less than that of the majority of other children of the same age;
- matches or betters the pupil's previous rate of progress;
- ensures access to the full curriculum;
- is likely to lead to accreditation and to participation in further education, training and/or employment;
- is likely to lead to usable levels of skills;
- is satisfactory to pupil and parents.

Different definitions of adequate progress will be appropriate in different cases. There is, for instance, no expectation that all pupils will close the gap in attainment between themselves and their peers.

Parental Requests for Statutory Assessment

Parents are encouraged to discuss possible statutory assessment with school staff. If, however, parents make a written request to the County Council, independently of the school, the County Council will seek information from the school and the SEN support services about the actions already taken to meet the child's SEN and thereby reach a decision on the appropriateness of the parental request.

THE AREAS OF NEED

Statutory assessment is appropriate only for pupils with **long term needs** arising from a major difficulty or disability in one or more of the following **four areas of need**:

- **cognition and learning**
- **communication and interaction**
- **behaviour, emotional and social development**
- **sensory and/or physical**

The following descriptions of actions associated with areas of need will not necessarily apply to an individual pupil in a discrete way. Some pupils will display aspects of need from more than one area.

COGNITION AND LEARNING: GENERAL LEARNING DIFFICULTIES

Level and Description of Difficulty

Despite support and intervention at *Action Plus* the pupil requires specialist resourcing to continue to access the full National Curriculum and current levels of attainment are unlikely to lead to usable levels of skills to enable participation in Further Education/training/employment.

The pupil will display a combination of the following features:-

- Extremely low general attainment levels.
- Very considerable limitations in social skills or self help skills.
- Attainment levels that are significantly below age-related expectations in National Curriculum subjects [eg End of Key Stage results may be:
KS1: NC Level W (P1 – P5).
KS2: NC Level W/1 (P1 – 1C).
KS3: NC Level 2 (P1 – NC2)]

Evidence Required by the County Council

In considering the request for statutory assessment, the County Council will seek clear, recorded evidence of:

- School-based intervention at *School Action* and *School Action Plus* with appropriate reviews.
- Copies of IEPs.
- Reports from external professionals/agencies.
- Standardised test scores.
- National Curriculum attainments in core subject areas.
- Evidence of school's response to the Inclusion Statement in the National Curriculum.
- Provision for the pupil (class size, support arrangements) at *School Action Plus*.
- Information on the child's social and emotional functioning.
- Information on any behavioural difficulties.
- Any evidence of significant attendance problems.
- Information about any relevant medical conditions.
- Parental views regarding statutory assessment.
- Pupil views.

COGNITION AND LEARNING: SPECIFIC LEARNING DIFFICULTIES

Level and Description of Difficulty

Despite support and intervention at *School Action Plus*, the pupil requires more specialist resourcing to continue to access the full curriculum and current levels of attainment are unlikely to lead to usable levels of skills that allow appropriate participation in Further Education/Higher Education/training/employment.

Pupils will display the following features:

- Extreme differences of 3 or more levels between and/or within National Curriculum attainments in core/foundation subject areas.
- Extreme difficulties in accessing the curriculum through written materials or through written recording despite the use of a range of alternative methods of access (eg voice recognition word processing software, screen reading software).

Evidence Required by the County Council

In considering the request for statutory assessment, the County Council will seek clear, recorded evidence of:

- School-based intervention at *School Action* and *School Action Plus* with appropriate reviews.
- Copies of IEPs.
- Reports from external professionals/agencies.
- Standardised test scores.
- National Curriculum attainments in core/foundation subject areas.
- Evidence of school's response to the Inclusion Statement in the National Curriculum.
- Provision for the pupil (class size, support arrangements) at *School Action Plus*.
- Alternative methods of access to curriculum tried and currently used.
- Information on the child's social and emotional functioning.
- Information on any behavioural difficulties.
- Any evidence of significant attendance problems.
- Information about any relevant medical conditions.
- Parental views regarding statutory assessment.
- Pupil views.

BEHAVIOUR, EMOTIONAL AND SOCIAL DEVELOPMENT

Level and Description of Difficulty

There will be little measurable improvement recorded despite a carefully designed series of interventions involving outside agencies at *School Action Plus*. The pupil is likely to have a significant identified medical or mental health condition that impacts upon behaviour and on individual learning/learning environment.

There will be evidence of extreme, complex emotional and behavioural difficulties of considerable duration and frequency in a variety of school situations, resulting in adverse consequences for pupil and severely affecting other pupils and adults in a detrimental way (eg unpredictable, bizarre, obsessive, violent, dangerous or severely disruptive behaviour).

Evidence Required by the County Council

In considering the request for statutory assessment, the County Council will seek clear, recorded evidence of:

- School-based intervention at *School Action* and *School Action Plus* with appropriate reviews, together with a detailed history of the child's behavioural difficulties.
- Copies of IEPs, and when appropriate Individual Behaviour Plans or Pastoral Support Programmes or Personal Education Plans (for looked-after children).
- Reports from external professionals/agencies.
- Standardised test scores.
- National Curriculum attainments in core/foundation subject areas over time.
- Evidence of school's response to the Inclusion Statement in the National Curriculum.
- Provision for the pupil (class size, support arrangements) at *School Action Plus*.
- Detailed information on the child's social and emotional functioning.
- Any evidence of significant attendance problems.
- Information about any relevant medical conditions.
- Parental views regarding statutory assessment.
- Pupil views.

COMMUNICATION AND INTERACTION: SPEECH AND LANGUAGE DIFFICULTIES

Level and Description of Difficulty

Pupil progress through support and intervention at *Action Plus* (including the direct involvement of appropriate external agencies and services) is still very limited and indicates that specialist resourcing is required to continue to access the full curriculum. Current attainment levels are unlikely to lead to usable levels of skills that allow participation in Further/Higher Education/training/employment.

Complex, long-term speech and language difficulties, which cause substantial and extensive barriers to learning and severely impede the development of social relationships, are continuing. Social isolation, frustration and peer isolation is evident and this may result in reluctance to participate, behavioural difficulties or absence from school.

Evidence Required by the County Council

In considering the request for statutory assessment, the County Council will seek clear, recorded evidence of:

- School-based intervention at *School Action* and *School Action Plus* with appropriate reviews.
- Copies of IEPs.
- Reports from Speech and Language Therapist
- Reports from other external professionals/agencies.
- Standardised test scores.
- National Curriculum attainments in core/foundation subject areas.
- Evidence of school's response to the Inclusion Statement in the National Curriculum.
- Provision for the pupil (class size, support arrangements) at *School Action Plus*.
- Information on the child's social and emotional functioning.
- Information on any behavioural difficulties.
- Any evidence of significant attendance problems.
- Information about any relevant medical conditions.
- Parental views regarding statutory assessment.
- Pupil views.

COMMUNICATION AND INTERACTION: AUTISTIC SPECTRUM DISORDERS

Level and Description of Difficulty

Pupil progress through support and intervention at *Action Plus* (including the direct involvement of appropriate external agencies and services) has not developed communication and interaction skills to a level that is likely to lead to usable levels of skills that allow participation in Further/Higher Education/training/employment.

All of the following criteria are likely to apply:

- severe difficulties in following instructions, classroom routines and staying on task;
- highly atypical behaviours such as obsessive, challenging or withdrawn;
- resistance to changes in routines;
- highly inappropriate social behaviour leading to social isolation.

Evidence Required by the County Council

In considering the request for statutory assessment, the County Council will seek clear, recorded evidence of:

- School-based intervention at *School Action* and *School Action Plus* with appropriate reviews.
- Copies of IEPs.
- Report from child psychiatrist.
- Confirmation of a diagnosis from CAMHS.
- Reports from other external professionals/agencies.
- Standardised test scores.
- National Curriculum attainments in core/foundation subject areas.
- Evidence of school's response to the Inclusion Statement in the National Curriculum.
- Provision for the pupil (class size, support arrangements) at *School Action Plus*.
- Detailed information on the child's social and emotional functioning.
- Detailed description of behavioural difficulties presented.
- Any evidence of significant attendance problems.
- Information about any relevant medical conditions.
- Parental views regarding statutory assessment.
- Pupil views.

SENSORY AND/OR PHYSICAL NEEDS: PHYSICAL DIFFICULTIES/MEDICAL CONDITIONS

Level and Description of Difficulty

“A medical diagnosis or disability does not necessarily imply SEN. It may not be necessary for a child with any particular diagnosis or medical condition to have a statement, or to need any form of additional educational provision at any phase of education. It is the child’s educational needs rather than a medical diagnosis that must be considered.” (paragraph 7:64 SEN Code of Practice)

In some cases it will be appropriate to chronicle pupil progress through support and intervention at *Action Plus* (including the direct involvement of appropriate external agencies and services) that has indicated the need for specialist resourcing to access the full curriculum. In other cases it will be sufficient to specify the physical difficulties/medical condition are complex, severe and long-term, requiring a level of additional support in order to access the curriculum which is in excess of what would normally be expected to be funded from school resources.

Such pupils may have additional learning, communication or behaviour difficulties requiring specialist intervention. They may exhibit emotional/behavioural problems (withdrawal, disaffection, reluctance to attend). Rate of learning may be affected by absences, fatigue, medication etc.

Evidence Required by the County Council

In considering the request for statutory assessment, the County Council will seek clear, recorded evidence of:

- Where relevant, school-based intervention at *School Action* and *School Action Plus* with appropriate reviews and/or details of pupil’s functional difficulties in school that affect access to the curriculum.
- Copies of IEPs (where relevant).
- Clear information from health professionals about physical difficulties/medical conditions and any treatment/therapy with **educational implications**.
- Reports from other external professionals/agencies.
- Standardised test scores, where relevant.
- National Curriculum attainments in core subject areas.
- Evidence of school’s response to the Inclusion Statement in the National Curriculum.
- Current provision for the pupil (class size, support arrangements in class and school premises).
- Information on the child’s social and emotional functioning.
- Information on any behavioural difficulties.
- Any evidence of significant attendance problems.
- Parental views regarding statutory assessment.
- Pupil views.

SENSORY AND/OR PHYSICAL NEEDS: HEARING IMPAIRMENT

Level and Description of Difficulty

Pupils who mainly have severe and profound bilateral sensori-neural hearing loss requiring at least weekly visiting support from a Teacher of the Deaf and other additional resourcing within school.

SENSORY AND/OR PHYSICAL NEEDS: VISUAL IMPAIRMENT

Level and Description of Difficulty

Pupils with severe and profound visual impairment requiring at least weekly visiting support from a Teacher of Visually Impaired and other additional resourcing within school.

CRITERIA FOR “FAST-TRACKING” OF SPECIAL CASES

In all but exceptional circumstances, the County Council will expect children who are being considered for statutory assessment to have been the subject of intervention at *Early Years Action* and *Early Years Action Plus*, or *School Action* and *School Action Plus*. Whilst it is difficult to prescribe for all exceptional circumstances and eventualities, it is expected that the vast majority of children who will be considered for “fast-tracking” will fall into the following categories:-

1. Abrupt medical or physical changes leading to significant problems in access to school premises and/or curriculum. This will include acute psychiatric problems.
2. Particular circumstances of individual children moving into the local authority area or moving from private education or home education into the maintained sector.
3. Children in the Foundation Stage with previously unidentified but very significant special educational needs.

It will be very unusual for consideration to be given to a direct move to statutory assessment for children who do not fall within these criteria.