



worcestershire
countycouncil

**CONSIDERATION OF STATUTORY ASSESSMENT
(PRE-SCHOOL)**

**CRITERIA AND GUIDANCE ON COMPLETION OF
FORM RS323P**

Consideration of Statutory Assessment (Pre-School) Criteria and Guidance on Completion of Form RS323P

Section 1

Introduction

The Special Educational Needs (SEN) Code of Practice is effective from 1 January 2002. From that date local education authorities, schools, early education settings and those who help them – including Health and Children’s Social Care – must have regard to it. They must not ignore it. That means that whenever settings, schools and Local Authorities decide how to exercise their functions relating to children with special educational needs, and whenever Health and Children’s Social Care provide help to settings, schools and Local Authorities in this, those bodies must consider what this Code says. These bodies must fulfil their statutory duties towards children with special educational needs but it is up to them to decide how to do so – in the light of the guidance in the Code of Practice. The Code is designed to help them to make effective decisions but it does not – and could not – tell them what to do in each individual case. The duty to have regard to the Code will continue for its lifetime.

All early education settings in receipt of government funding are required to have regard to the SEN Code of Practice. This duty is set out in section 313(2) of the Education Act 1996 (in relation to governing bodies and LAs), and section 4(1) of the Nursery Education and Grant Maintained Schools Act 1996 and section 123 of the School Standards and Framework Act 1998 (in relation to other early education providers). CoP (SEN Code of Practice) 4:3.

Throughout this document ‘parents’ should be taken to include all those with parental responsibility including carers and corporate parents. ‘Setting’ should be taken to include those settings in receipt of Government funding to provide nursery education.

The national context

The Government’s publication: *‘Excellence for All – Meeting Special Educational Needs: A Programme of Action’ (1998)* requires Worcestershire LA to:

- recognise that early identification and appropriate intervention improve the prospects of children with SEN and reduce the need for more extensive intervention later on;
- recognise that the special needs of most children with severe difficulties and disabilities will be apparent well before they start school, for example children with physical disabilities, sensory impairment, severe Learning difficulties or speech and language difficulties;
- ensure that these children have access to well co-ordinated intervention from all relevant agencies;
- develop new in-service training programmes to assist with this process;
- develop arrangements for dealing with disputes.

In addition the LA and the Government recognise that:

- parents and providers need to feel confident that a child’s needs can be met without progressing through the graduated approach to provision to a statement of Special Educational Needs.

Graduated response

The SEN Code of Practice (January 2002):

- emphasises the nature of setting-based intervention rather than the labelling of pupils' levels of need;
- reflects the principle of improving provision at Early Years Action and Action Plus and reducing the numbers of children needing statutory assessment;
- aims to safeguard the interests of children by focusing on the responsibilities of settings to address identified need;
- focuses on preventative 'early intervention';
- seeks to reduce bureaucracy;
- seeks to promote effective setting based support and monitoring.

The SEN Code of Practice defines children requiring a statutory assessment as "a very small minority". They will have SEN of a severity or complexity that requires the LA to determine and arrange the special educational provision their Learning difficulties call for. As originally conceived, this description was taken to apply to approximately two percent of the pupil population. The criteria and process described here are designed to focus resources employed in statutory assessment and funding for statements on this group of children.

The criteria and process under consultation assume that children referred for statutory assessment in relation to Learning will generally be functioning at or below the 2nd percentile in appropriate standardised tests. We believe this is in line with the Department for Education and Skills (DfES) guidance and represents a key point on the distribution curve of ability.

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, without the LA needing to make a statutory assessment.

There will be a small number of children who will have such severe and complex need that the Pre-school Forum (PSF) a statutory assessment is called for. In the course of its regular meetings the PSF will have referred the case to its Core Forum for consideration of whether statutory assessment is called for. Prior to the meeting of the Core Forum reports and advice will have been sought from those agencies (including the child's current setting(s))

The proposed criteria focus on the **categories of need** specified in the SEN Code of Practice (Paragraphs 7:55 – 7:67):

- i. Communication and Interaction
- ii. Cognition and Learning
- iii. Behaviour, Emotional and Social Development
- iv. Sensory and/or Physical Needs.

These categories:

- seek to assess the impact of the difficulty on the child's ability to access the foundation curriculum;
- are descriptive not explanatory;
- all potentially have an impact on other aspects of Learning.

Labels of diagnoses such as 'Autistic Spectrum Disorder' may prove useful explanations of a child's functioning, but do not in themselves provide evidence of the need for a statutory assessment. Significant difficulties in one or more of these four areas of need could indicate that the child is unable to gain access to the foundation curriculum at Early Years Action and Early Years Action Plus.

The LA needs to apply criteria across the County equitably. Therefore the LA expects all settings to make appropriate provision at Early Years Action and Action Plus. ***This will ensure that only those "small minority" of children who have severe and complex needs that have not responded to meaningful and planned intervention are referred for statutory assessment.***

Where a request for statutory assessment is made to the LA, the child will have demonstrated significant cause for concern. The LA will generally seek evidence that any strategy or programme implemented for the child in question has been continued for a reasonable period of time without success. The LA will need clear documentation in relation to the child's special educational needs and any action taken to deal with those needs. (CoP) 4:35

The evidence which is required from settings is not intended to generate additional bureaucracy. As far as possible the paperwork required should already exist as records of assessments, observations, interventions and other records, including Individual Education Plans. These should be easily available and require only collation.

Settings in receipt of Government funding to provide early education, other than maintained nursery schools or nursery classes in maintained schools, currently only have a statutory right to request an assessment for four and five year olds for whom they provide nursery education (those children for whom the LA must secure education under section 118 of the Schools Standards and Framework Act). Since September 2004 local authorities' duties under Section 118 extends to three year olds. The LA is then responsible for determining whether a statutory assessment is required. (CoP) 4:34

In a very few cases where there are severe and complex needs the extent of the child's needs will be evident. In such cases requests for assessment might be made prior to any early education intervention, and there should be no need for reports from all the agencies involved with the child before the LA can reach a decision. The LA should act on reports from the professionals most closely involved with the child. (CoP) 4:36

Settings must provide all the evidence required on Form RS323P (**Pre-School**). If statutory assessment is agreed, the completed form and the accompanying evidence will constitute the setting's statutory advice.

The LA will require evidence of the type, duration and quality of input at Early Years Action/Action Plus. Action Plus is characterised by the setting involving external support. Wherever the professional support has been obtained settings should include in the referral an explanation of the setting's provision at Early Years Action Plus in order that

the 'external support' criteria may be assessed. Details of the programme being followed and its effects will be needed.

Settings should note that children at Early Years Action Plus should have a significantly higher level of support than those at Early Years Action, and that the specialist nature of such provision should be over and above that normally found in mainstream settings.

Assessment of children under two years of age

If the LA believes that a child may have special educational needs for which provision should be identified, the LA may make a statutory assessment of their special educational needs if the parent consents to it. If the parent requests it some form of assessment shall be made "*in such a manner as the authority consider appropriate*" (CoP 4:46). A final Statement is likely to be highly exceptional for these young children. They are more than likely to have a particular medical condition or major health problem causing early concern.

Transition to school

In some cases a child in an early education setting may have received considerable support without the need for a Statement. If the Educational Psychology Service, the Low Incidence Disability/Medical Education Team (LID/MET) or the Physical Disability Outreach/Support Teams have been involved, liaison with the future school staff will be made to assist in preparing for the child's admission to school. In most cases a child monitored at Early Years Action Plus in the pre-school years will transfer to school at School Action Plus

Any record drawn up by an early education setting for a child with a possible special need should be passed on to the school with the parent's consent. The importance and benefits to their child of providing these records to schools should be carefully explained to parents. (CoP) 4:54

SEN Services Administrative Officer,
SEN Services, Directorate of Children's Services,
P.O. Box 73,
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Guidance on Criteria

The following is guidance on general criteria for all children at each stage of the SEN Code of Practice.

Section 3 focuses on specific criteria for particular areas of need.

Early Years Action

Strategies employed to enable the child to progress should be recorded within an Individual Education Plan (IEP). Further information on managing IEPs and Group Education Plans can be found in the SEN Toolkit. The IEP should include information about:

- the short term targets set for or with the child, and in consultation with parents;
- the teaching strategies to be used;
- the provision to be put in place;
- when the plan is to be reviewed;
- success and/or exit criteria;
- outcomes (to be recorded when the IEP is reviewed).

The IEP should only record that which is **additional to** or **different from** the differentiated curriculum plan, which is in place as part of normal provision. The IEP should be crisply written and focus on three or four key targets. The IEP should be discussed with parents and the child. (CoP) 4:27

It must be remembered that during Early Years Action the setting is required to plan a programme which is **additional to** or **different from** that which is available through usual differentiation. It should focus clearly on the targets which address the child's difficulties, but use strengths identified during observations

Ideally IEPs should be continually kept 'under review', and in such circumstances there cannot simply be a 'fixed term' or a formal meeting for reviews. However IEPs should be reviewed regularly and at least three times a year. Reviews need not be unduly formal, but parents' views on the child's progress should be sought and they should be consulted as part of the review process. (CoP) 4:28

Movement from Early Years Action to Early Years Action Plus will be possible if **evidence** is made available to:

- demonstrate that strategies have been employed to enable the child to progress i.e.
 - the short term targets set for or with the child, in consultation with parents;
 - the teaching strategies used;
 - the provision put in place;
 - when the provision was reviewed (minimum two reviews);
 - success and/or exit criteria set;
 - outcomes (to be recorded when the IEP is reviewed).
- show that the child is not making adequate progress.

Early Years Action Plus

Early Years Action Plus is triggered if, despite receiving an individually tailored programme and/or concentrated support under Early Years Action, the child:

- continues to make little or no progress in specific areas over a reasonable period;
- continues working at an early years curriculum substantially below that expected of children of a similar age;
- has emotional or behavioural difficulties which substantially and regularly interfere with the child's own learning or that of the group, despite having an individualised behaviour management programme;
- has sensory or physical needs, and requires additional specialist equipment and/or regular visits for direct intervention or advice by practitioners from a specialist service;
- has ongoing communication or interaction difficulties that impede the development of social relationships and cause substantial barriers to learning; CoP 4:31

A request for help from external services is likely to follow a decision taken by the SENCO and colleagues, in consultation with parents, at a meeting to review the child's IEP. CoP 4:30

Where an early education setting seeks the help of external support services, those services will need to see the records on the child held by the setting, in order to establish which strategies have already been employed and which targets have been set and achieved. They will usually then observe the child, in their education setting if that is appropriate and practicable, so that they can advise on new and appropriate targets for the child's IEP and accompanying strategies. CoP 4:32

Statutory Assessment

There will be a small number of children who will have such severe and complex need that the PSF will determine that a statutory assessment is called for. In the course of its regular meetings the PSF will have referred the case to its Core Forum for consideration of whether statutory assessment is called for. Prior to the meeting of the Core Forum reports and advice will have been sought from those agencies (including the child's current setting(s))

Statutory Assessment is usually agreed:

- i. when the evidence presented satisfies the LA that the child meets the performance/attainment criteria set out in this document in relation to one or more of the categories of need (usually 2nd centile);

AND

- ii. when the evidence presented as part of the referral satisfies the LA that over a reasonable period of time, the child's difficulties have not responded to relevant and purposeful measures taken by the setting and external specialists, and rates of progress continue to be inadequate and/or there has been no improvement in behaviour;

AND IN ALL CASES

- iii. when there is evidence that the child may need specialist early intervention that cannot be provided in the current setting;
- iv. when the child's special educational needs appear to be sufficiently severe or complex as to require attention for much of the child's school life;
- v. when the LA considers that it may be necessary to seek multi-professional advice in order to ensure that the child's special educational needs are being appropriately met.

The LEA will need information about the child's **progress over time** and will also need **clear documentation** in relation to the child's special educational needs and any action taken to deal with those needs, including any resources or special arrangements put in place. There should be existing reports or written advice from external agencies that should be included with the documentation.

Performance criteria are set at or below the second percentile in most areas. Individual children may well have needs which span two or more of the areas of need. However, the accumulation of milder difficulties may not in itself equate with a setting being unable to meet the child's needs through setting-based provision.

Exceptional cases will be dealt with on merit.

In deciding whether a statutory assessment is necessary for a child over two but under compulsory school age, where the child is attending an early education setting, the LA should ask the following questions:

- a. what difficulties have been identified by the setting? Have the practitioners provided individualised strategies through Early Years Action and Early Years Action Plus to assist the child?
- b. has outside advice been sought, regarding the child's:
 - physical health and functioning
 - communication skills
 - perceptual and motor skills
 - self-help skills
 - social skills

Section 3

Criteria for the categories of:

- Communication and Interaction
- Cognition and Learning
- Behaviour, Emotional and Social Development
- Sensory and/or Physical

Please note that, in the following sections, the underlined bullet points constitute the criteria for statutory assessment for each of the areas of need. Under each of the underlined bullet points is a suggestion as to how the relevant section of the Form RS323P should be completed.

Please note that, in completing relevant sections of the RS323P some of the bullet points (and corresponding suggestions as to completion) are repeated for each of the areas of need. Please therefore only complete those sections/bullet points which are directly relevant to making the case for statutory assessment for the child in question. Please strike out those sections/bullet points that are not relevant

Communication and Interaction

Introduction

The needs of the majority of children with communication, interaction and social skills difficulties will be met in mainstream early education settings at Early Years Action or Early Years Action Plus of the SEN Code of Practice.

There will be a small number of children who will have such severe and complex needs that the setting will need, in consultation with parents 'carers' and any external agencies already involved, to consider whether a statutory multi-disciplinary assessment may be appropriate.

These children will be characterised by limitations in accessing the Early Years and Foundation Stage curriculum and may present with emotional and behavioural difficulties. They will require substantial support to ensure that they are provided with appropriate

access to the Foundation Stage curriculum and are able to participate in activities in the early education setting.

Essential Evidence for Statutory Assessment (Communication and Interaction)

When requesting a statutory assessment early education settings must provide evidence in the majority of the following areas:

- Evidence of the involvement of LA support services at Early Years Action Plus e.g. educational psychologist or LID/MET team member (including a Form 1 from an educational psychologist).

In compiling evidence please list by person/agency and date of Intervention/involvement

Please cross-refer to each attached document as a numbered appendix

- Evidence of the involvement of other external agencies as appropriate e.g. Speech and Language Therapy service, Community Paediatrician, Occupational Therapist etc.

In compiling evidence please list by person/agency and date of Intervention/involvement

Please cross-refer to each attached document as a numbered appendix

- Evidence that the recommendations and advice from the above agencies has been fully implemented and reviewed at Early Years Action Plus but adequate progress still has not been made.

Referring for example to IEP reviews, a narrative account of why it is felt that Progress has not been made, whether IEP targets were varied/ Modified or felt inappropriate at any stage

- Evidence from the setting at Early Years Action Plus must show, through Individual Education Plans and reviews, that the child's difficulties have not responded to relevant and purposeful measures taken by the setting and external specialists over a reasonable period of time (usually a minimum of 6 months).

Please highlight those elements of EYA+ IEPs which, despite modification and adaptation to circumstances clearly show a failure to progress

- Clear and substantial evidence that the child's communication and social interaction difficulties impede the development of purposeful relationships with adults and/or peer group.

Narrative account of specific examples of such impediment

- Clear and substantial evidence that the child's communication and social interaction difficulties give rise to other emotional and behavioural difficulties.

Please give a narrative account of other emotional and behavioural difficulties and an indication of what is felt to be the link between this and the communication/interaction difficulty.

- Clear and substantial evidence that the child is unable to fully participate in activities within the early education setting without significant adult support in addition to that which is normally available in the setting. The evidence produced should give a clear picture of when such support is necessary.

Evidence of the child's response with support (including any support funded by the setting or from external agencies (please specify the degree and nature of this)).

Evidence of the child's response in similar circumstances without support

- The child's expressive and/or receptive language development is at a level significantly below that expected of a child of a similar age.

Evidence of scores/centiles with appropriate reports attached and cross-referenced as numbered appendices

NB Some of this information may already have been given above in response to issues about other agency intervention.

- Clear and substantial evidence that the setting has provided differentiated activities and alternative approaches to learning for the child but they are still unable to access the Foundation Stage curriculum and activities within the setting at a satisfactory level.

Evidence of differentiation (other than IEP targets) and an appraisal of the child's responses to it (or lack of response)

- Evidence, wherever possible, of the child's views e.g through observation records, preferred activities, specific relationships with adults and other children etc.

It is vital that an attempt is made to establish the child's views and record them in an appropriate way. Please attach and cross- refer to them as a numbered appendix

- Evidence that appropriate equipment and resources have been trialled and evaluated.

Please list and describe each attempt

- Evidence of the use of information and communication technology with relevant training for the child, parents and early year's practitioners, where appropriate.

Please list and describe as appropriate

- Evidence that any hearing loss which may have been contributing to the communication and interaction difficulty has been dealt with appropriately.

Please list and describe any involvement of Hearing Impairment professionals and the outcomes of this. Please enclose any resulting reports as cross-referred and numbered appendices

- Evidence of full parental involvement throughout the process.

Please list contacts/dates/parental responses

- Evidence that the setting has used its own resources at Early Years Action Plus

Please list and describe

Other specific criteria (Communication and Interaction)

- A significant speech and/or language disorder/delay compared to other areas of development. This assessment will have been carried out over a period of time by a suitably qualified Speech and Language Therapist. For example, a three year old with fifty single words and understanding at a two word level (12 to 18 months equivalence) or a four year old with three to five word phrases and understanding at a three word level (two year level).

Substantive reports attached as cross-referenced numbered appendices (NB these may already have been covered above)

- A significant communication and social interaction difficulty which requires augmentative or alternative methods of communication e.g the use of graphic symbols or electronic communication aids.

**Please detail all methods, how/where used and by whom
Please describe the effects of use of these**

Cognition and Learning

Introduction

Children who demonstrate features of mild, moderate, severe or profound Learning difficulties require specific programmes to help them make progress in cognition and Learning.

The majority of these children will have their needs met in mainstream early education settings at Early Years Action or Early Years Action Plus of the SEN Code of Practice. There will be a small number of children who will have such severe and complex need that the PSF will determine that a statutory assessment is called for. In the course of its regular meetings the PSF will have referred the case to its Core Forum for consideration of whether statutory assessment is called for. Prior to the meeting of the Core Forum

reports and advice will have been sought from those agencies (including the child's current setting(s))

Settings making a request for a statutory assessment for a child with cognition and Learning difficulties must provide evidence of action taken at Early Years Action and Early Years Action Plus.

Essential Evidence for Statutory Assessment (Cognition and Learning)

All these factors must be presented:

- Evidence of the involvement of relevant LEA support services such as the Educational Psychologist at Early Years Action Plus (including a Form 1 from an Educational Psychologist).

Please list by person/agency and date of intervention/involvement. Please cross-refer to each piece of evidence attached as a numbered appendix.

- Evidence of involvement of other external agencies, as appropriate, such as Speech and Language Therapist, Community Paediatrician, Volunteers in Playcare, Low Incidence Disability and Medical Education Team (LID/MET)

Please list by person/agency and date of intervention/involvement. Please cross-refer to each piece of evidence attached as a numbered appendix.

- Evidence that advice from the above agencies has been incorporated into Individual Education Plans and reviewed at Early Years Action Plus.

Please Indicate which IEP targets have resulted from which agency advice. Please describe the review outcomes

- Evidence from the setting at Early Years Action Plus must show, through Individual Education Plans and reviews, that the child's learning difficulties have not responded to relevant and purposeful measures taken by the setting and external specialists over a reasonable period of time (a minimum of 6 months).

Please include all IEPs Especially include all detailed review documentation. Please include this evidence as cross-referred numbered appendices

- Evidence that the child continues to work at an early years curriculum level significantly below that expected of children of a similar age:

Please indicate the levels of functioning in comparison to expected norms for the child's age and/or the levels of functioning apparent in the rest of the children in the group.

For children aged three years – attainment at or below the expected norms for a child of eighteen months or less in concept development and three of the following:

- personal, social and emotional development
- communication, language and literacy
- mathematical development
- knowledge and understanding of the world
- physical development
- creative development.

Please list recorded attainment levels

For children aged four years – attainment at or below the expected norms for a child performing at around a two-year level or less in concept development and three of the above areas.

Please list recorded attainment levels

Reference should be made to the Foundation Stage Stepping Stones and any other developmental profile such as Pathways, Portage, Teaching Talking (available through the Area SENCOs).

Please attach any documentation relevant to these profiles as cross-referred and numbered appendices

- Evidence of parental involvement throughout Early Years Action and Early Years Action Plus.

Please list contact/dates/parental responses

- Evidence of the involvement of the child, wherever possible, e.g. preferred activities, specific relationships with adults and other children (through observation).

It is vital that an attempt is made to establish the child's views and record them in an appropriate way. Please attach and cross- refer to them as a numbered appendix

- Evidence that the child's learning difficulties may call for special educational provision which cannot reasonably be provided within the resources normally available to settings in the area at Early Years Action Plus.

Please detail why any resources.provision/input currently being made is insufficient

- Evidence that the setting has used its own resources at Early Years Action Plus.

Please list and describe

Specific Criteria (Cognition and Learning)

The LA will need to consider on an individual basis, whether specific programmes can be provided through intervention at Early Years Action Plus or whether the LA should undertake a statutory assessment. The decision may depend on the severity of the child's cognitive ability and any associated needs that compound the child's difficulties accessing the Foundation Stage Curriculum such as:

- severe emotional and behavioural difficulties
- severe sensory difficulties
- severe physical or medical difficulties
- severe communication difficulties
- severe social interaction difficulties.

The setting should provide evidence of the severity of the child's cognitive ability and any associated needs that compound the child's difficulties.

Behaviour, Emotional and Social Development

Introduction

The needs of the majority of children with behaviour, emotional and social difficulties will be met in mainstream early education settings at Early Years Action or Early Years Action Plus of the SEN Code of Practice.

Behaviour, emotional and social difficulties arise from a variety of causes which often interact with each other. These include psychological trauma, circumstances within the pre-school environment, abuse or in rare cases early psychiatric signs. Evidence of severe behaviour, emotional and social difficulties takes a variety of forms such as phobia, extreme withdrawn behaviour, depressive attitudes or severely violent behaviour. Such incidents should be carefully recorded through intervention in the pre-school setting and under the advice of outside agencies.

Extreme social and home factors do not in themselves justify a statutory assessment.

The majority of these children will have their needs met in mainstream early education settings at Early Years Action or Early Years Action Plus of the SEN Code of Practice.

There will be a small number of children who will have such severe and complex need that the PSF will determine that a statutory assessment is called for. In the course of its regular meetings the PSF will have referred the case to its Core Forum for consideration of whether statutory assessment is called for. Prior to the meeting of the Core Forum reports and advice will have been sought from those agencies (including the child's current setting(s))

Settings making a request for a statutory assessment for a child with behaviour, emotional and social difficulties must provide evidence of action taken at Early Years Action and Early Years Action Plus.

Essential Evidence for Statutory Assessment (Cognition and Learning)

All these factors must be presented:

- LEA support services such as Educational Psychologist or the Low Incidence Disability and Medical Education Team (LID/MET) at Early Years Action Plus (including a Form 1 from an Educational Psychologist).

In compiling evidence please list by person/agency and date of Intervention/involvement

Please cross-refer to each attached document as a numbered appendix

- Evidence of the involvement of other external agencies, as appropriate, such as Volunteers in Playcare, Health Visitor, Community Paediatrician, Clinical Psychologist, Speech and Language Therapist, Occupational Therapist.

In compiling evidence please list by person/agency and date of Intervention/involvement

Please cross-refer to each attached document as a numbered appendix

- Evidence that the recommendations and advice from the above agencies have been incorporated into Individual Education Plans and reviewed at Early Years Action Plus, but that adequate progress has not been made.

**Please Indicate which IEP targets have resulted from which agency advice.
Please describe the review outcomes**

- Evidence from the setting at Early Years Action Plus must show, through Individual Education Plans and reviews, that the child's difficulties have not responded to relevant and purposeful measures taken by the setting and external specialists over a reasonable period of time (usually a minimum of 6 months);

Please highlight those elements of EYA+ IEPs which, despite modification and adaptation to circumstances clearly show a failure to progress

- Clear, substantial evidence that the child's behaviour, emotional and social difficulties impede the development of purposeful relationships with adults and/or peer group.

Narrative account of specific examples of such impediment

- Clear, substantial evidence that the child is unable to participate fully in activities within the early education setting without significant additional support, and that the difficulties are affecting their approach to learning.

Please describe the effects of the child both with and without support in comparison to the functioning of his/her peers in the setting

- Evidence that a range of different strategies and approaches have been discussed and implemented in a consistent way by all practitioners in the setting.

Please describe the extent of the range of strategies and what prompted any changes

- Evidence of parental involvement throughout Early Years Action and Early Years Action Plus.

Please list contacts/dates/parental responses

- Evidence of the involvement of the child, wherever possible, in setting targets and having a clear understanding of the behaviour expected. The views of the child should be included and could be expressed through observed behaviour, preferred activities, specific relationships with adults and other children etc.

It is vital that an attempt is made to establish the child's views and record them in an appropriate way. Please attach and cross- refer to them as a number appendix

- Evidence that the behaviour occurs in more than one setting
 - with a range of different adults
 - in the pre-school setting and at home or in the community.

Please give an account of the occurrence and their circumstances

- Evidence that appropriate action is being taken to support any learning and/or language difficulty.

**Please list the strategies and refer to relevant IEP targets and reviews
NB this information may already have been given in an earlier response on this document.**

- Evidence that incidents, which occur in the setting, have severe educational consequences for the child concerned such as:
 - injury to self or others, or threat of significant harm
 - challenges to adult authority that cannot be ignored, delayed, diverted or tolerated, and which have persisted in spite of the strategies implemented
 - consistent lack of participation in learning and social activities
 - unpredictable and/or obsessive behaviour.

Please list the types of incidents and indicate the results as above

- Evidence that the behaviour occurs very frequently.

Please give an account of frequency./ Please attach any logs of this cross-refer as numbered appendices

- Evidence that behaviour programmes have been in place but proved to be ineffective despite appropriate modifications to targets and the use of well constructed individual programmes.

Please give a narrative account of how adaptations have been made to targets/strategies and give a view of their effectiveness

- Evidence that the setting has used its own resources at Early Years Action Plus

Please list any such resources and how they were built in to the IEP/Review

Other specific criteria (Cognition and Learning)

The LA will need to consider on an individual basis, whether specific programmes can be provided through further intervention at Early Years Action Plus or whether the LA should undertake a statutory assessment. The decision may depend on the severity of the child's behaviour, emotional and social difficulties, and any associated needs that compound the child's difficulties in accessing the Foundation Stage, such as:

- severe cognition and learning difficulties;
- severe sensory difficulties;
- severe communication difficulties;
- severe physical or medical difficulties/diagnosis;
- severe social interaction difficulties.

The setting should provide evidence of the severity of the child's behaviour, emotional and social difficulties, and any associated needs that compound the child's difficulties.

Sensory Impairment

(Hearing Impaired, Visually Impaired and Multi-Sensory Impairment)

Introduction

"For the children with the most complex physical needs and the most severe sensory losses it is likely that the LA will consider a statutory assessment necessary. The governing factors are probably the extent of specialist teaching aids and adaptations which are required.

However for many children with a lesser level of sensory or physical needs, Early Years Action Plus will be appropriate" (CoP) 7.63.

The majority of these children will have their needs met in mainstream early education settings at Early Years Action or Early Years Action Plus of the SEN Code of Practice. There will be a small number of children who will have such severe and complex need that the PSF will determine that a statutory assessment is called for. In the course of its regular meetings the PSF will have referred the case to its Core Forum for consideration

of whether statutory assessment is called for. Prior to the meeting of the Core Forum reports and advice will have been sought from those agencies (including the child's current setting(s))

It will only be for children with the most severe sensory difficulties or complex needs where the early education setting will need, in consultation with parents/carers and any involved external agencies, to consider whether a multi-disciplinary assessment may be appropriate.

Essential Evidence for Statutory Assessment (Sensory Impairment)

When providing evidence for a statutory assessment early education settings must set out the evidence in the majority of the following areas:

- Evidence that advice has been sought from the appropriate external agency e.g. Low Incidence Disability and Medical Education Team (LID/MET), Educational Psychologist (including a Form 1 from an Educational Psychologist).

In compiling evidence please list by person/agency and date of Intervention/involvement

Please cross-refer to each attached document as a numbered appendix

- Evidence of the involvement of other external agencies such as Health Visitor, Speech and Language Therapist, Community Paediatrician, Consultants, Occupational Therapist.

In compiling evidence please list by person/agency and date of Intervention/involvement

Please cross-refer to each attached document as a numbered appendix

- Evidence that the recommendations and advice from the above agencies has been fully implemented and reviewed at Early Years Action Plus but adequate progress still has not been made.

Referring for example to IEP reviews, a narrative account of why it is felt that Progress has not been made, whether IEP targets were varied/ Modified or felt inappropriate at any stage

- Evidence from the setting at Early Years Action Plus must show, through Individual Education Plans and reviews, that the child's difficulties have not responded to relevant and purposeful measures taken by the setting and external specialists over a reasonable period of time (usually a minimum of 6 months).

Please highlight those elements of EYA+ IEPs which, despite modification and adaptation to circumstances clearly show a failure to progress

- Evidence that the child is unable to participate fully in particular aspects of the early years curriculum without significant adult support. The evidence produced should give a clear picture of when such additional adult support is necessary.

Evidence of the child's response with support (including any support funded by the setting or from external agencies (please specify the degree and nature of this

Evidence of the child's response in similar circumstances without support

- Evidence that specialist equipment has been provided and used appropriately with relevant training for the child, parents and early education setting.

Please itemise any equipment and detail who has been trained and by whom

- Evidence that the child's speech and/or expressive and receptive language development is significantly delayed in comparison with their peer group.

Evidence of scores/centiles with appropriate reports attached and cross-referenced as numbered appendices

NB Some of this information may already have been given above in response to issues about other agency intervention.

- Clear and substantial evidence that the child's sensory impairment impedes the development of purposeful relationships with adults and/or peer group.

Please describe instances where relationships are clearly impeded.

- Clear and substantial evidence that the child's sensory impairment gives rise to other emotional and behavioural difficulties.

Please describe instances of emotional and behavioural difficulties and why it is felt that the sensory impairment is the source of them

- Evidence that the views and wishes of the child have been considered e.g. through observation, preferences, likes and dislikes etc.

It is vital that an attempt is made to establish the child's views and record them in an appropriate way. Please attach and cross- refer to them as a numbered appendix

- **Evidence of full parental involvement throughout the process.**

Please list contacts/dates/parental responses

- Evidence of carefully differentiated learning opportunities and alternative approaches to learning in order to maximise access for the child.

Please describe instances where the curriculum has been differentiated, how this was reflected in IEPs and the outcomes

- Evidence that the setting has used its own resources at Early Years Action Plus.

Please list any such resources and how they were built in to the IEP/Review
Other specific criteria (Sensory Impairment):

- The child has a significant hearing impairment.

Please attach appropriate professional reports/diagnoses as cross-referred numbered appendices

- The child has a significant visual impairment.

Ditto above

- The child is deaf/blind.

Ditto above

- The child, parents and early education setting require significant support from a Teacher of the Deaf, Teacher of the Visually Impaired or Teacher for MSI children.

Ditto above

- The child requires significant, long term support from an Intervenor, Communicator or Teaching Assistant.

Ditto above

- The child requires regular support from a Communication Skills Adviser or Mobility Officer.

Ditto above

- The child requires specialist equipment beyond that which is presently provided by Worcestershire Specialist Children's Services or LID/MET

Please attach specialist professional advice to this effect (please cross refer as attached numbered appendices

- The child needs access to a deaf or visually impaired peer group.

Ditto above

- The child has severe and complex special needs in addition to their sensory impairment.

**Please list the specific areas of needs and identify who first identified them
Please attach (as cross-referred numbered appendices) any professional reports to that effect**

Children with Physical Disabilities

Introduction

“For the children with the most complex physical needs and the most severe sensory losses it is likely that the LA will consider a statutory assessment necessary. The governing factors are probably the extent of specialist teaching aids and adaptations which are required.

However for many children with a lesser level of sensory or physical needs, Early Years Action Plus will be appropriate.” (CoP) 7.63.

The majority of children will have their needs met in mainstream early education settings at Early Years Action or Early Years Action Plus of the SEN Code of Practice. There will be a small number of children who will have such severe and complex need that the PSF will determine that a statutory assessment is called for. In the course of its regular meetings the PSF will have referred the case to its Core Forum for consideration of whether statutory assessment is called for. Prior to the meeting of the Core Forum reports and advice will have been sought from those agencies (including the child's current setting(s))

Medical conditions with longer-term implications for accessing the curriculum and making satisfactory progress in learning in school, also need to be considered. Clear evidence of the resulting SEN would have to be presented.

Evidence of action taken by the early education settings must be recorded. It is suggested that the following considerations may be useful as evidence at Early Years Action:

- Seek general advice from relevant agencies;
- Optimal organisation of settings for disabled pupils;
- Availability of written materials in alternative formats;
- Training for teachers on differentiating the curriculum;
- Provision of handrails following advice from relevant agencies;
- Highlighting of steps and door thresholds where appropriate;
- Provision of writing slopes, pencil grips, seat wedges where appropriate and following general advice.

(It is important that this action is monitored and reviewed by the Early Years Practitioner if necessary, in consultation with the SENCO).

Triggers for Early Years Action Plus

If the measures implemented at Early Years Action fail to enable the child to participate fully and safely in the Foundation Stage Curriculum or fail to ensure safe access to the building and environment, advice should be sought from the LA support teams and other agencies at Early Years Action Plus.

If, following a minimum of 6 months at Early Years Action Plus and full reviews involving the external specialists, parent'/carers' and staff, there is significant cause for concern regarding the child's progress and access to the Foundation Stage Curriculum, the early education setting and other agencies involved will ensure that sufficient information is available to the PSF in order that it may consider referring the case to the Core Forum for a decision on a statutory assessment of the child's Special Educational Needs.

Essential Evidence for Statutory Assessment (Physical Difficulties)

All of these factors must be presented:

- Evidence of the involvement of the relevant LA support services such as Physical Disability Support Teams, LID/MET, Educational Psychologist at School Action Plus.

In compiling evidence please list by person/agency and date of Intervention/involvement

Please cross-refer to each attached document as a numbered appendix

- Evidence of the involvement of other external agencies such as Occupational Therapist, Physiotherapist, Community Paediatrician, Speech and Language Therapist, Consultants.

Ditto above

- Evidence that the child is unable to participate fully in particular aspects of the curriculum without significant adult support and/or substantial adaptation of teaching materials or the learning environment.

Evidence of the child's response with support (including any support funded by the setting or from external agencies (please specify the degree and nature of this

Evidence of the child's response in similar circumstances without support

- Evidence of significant self-help and/or mobility difficulties.

Please detail each of these difficulties with examples

- Evidence of involvement of the child wherever possible, e.g. observed preferred activities, observed specific relationships with adults and children.

It is vital that an attempt is made to establish the child's views and record them in an appropriate way. Please attach and cross- refer to them as a numbered appendix

- Evidence that advice from health practitioners and therapists, with respect to the implications of any medical or physical difficulty has been sought at setting based stages and acted upon accordingly.

Please cross refer to specialist reports and highlight how these have been incorporated in the IEPs and detail the outcomes

- Evidence that the provision of at least two Individual Education Plans at Early Years Action Plus have been fully reviewed and show that advice from the support service has been incorporated and acted upon.

Please cross-refer to relevant IEPs (AND THEIR DETAILED REVIEWS) as numbered appendices

- Evidence of parental involvement throughout Early Years Action and Early Years Action Plus.

Please list contacts/dates/parental responses

- Evidence that the setting has used its own resources at Early Years Action Plus.

Please set out the use of any resources, additional staffing financed by the setting

Other Specific Criteria (Physical Difficulties)

1. Significant adult support – evidence produced would need to give a clear picture of when such supervision was essential and in what curricular or other areas. From this the degree of support could be determined. Examples would include practical curriculum support and self-help areas and physical support for access in and around the environment of the setting.

Please detail examples

2. Substantial adaptation of teaching materials – evidence would be required that the provision of specialist resources and equipment is essential, in addition to those provided by the setting at Early Years Action Plus.

Please detail what would need to be adapted and whether it is capable of adaptation at the setting level. Detail what specialist equipment (and its function) would be needed and who would be the likely source.

3. Evidence that simple adaptations, modifications and/or specialist furniture have been considered by the setting to provide access to all areas.

Please detail

4. Substantial adaptation of the environment – evidence would be required that certain specialist equipment or furniture as well as modification to the building is necessary in the long-term.

Please attach as numbered appendices any professional advice to this effect

5. Evidence that the implications of side effects of any medical treatment (and/or medication) and/or prolonged absence have been fully considered before identifying the child's special educational needs.

Please attach as numbered appendices any professional advice to this effect

6. The child requires significant, long-term support from an intervenor or teaching assistant, who may require specific training to meet individual needs.

Please attach as numbered appendices any professional advice to this effect