

**Directorate of Children's Services**  
**Education Act (1996)**

**Guidelines for Completion of a  
Request for Statutory Assessment  
(Form RS323)**

## 1. Introduction

These guidelines set out some important points to be considered when making a request for statutory assessment using **Form RS323**.

## 2. RS323 – Request for Statutory Assessment

- 2.1 The purpose of a statutory assessment of special educational needs, under the Education Act 1996, is to gain a clear understanding of the child in terms of educational and personal strengths, as well as educational difficulties.
- 2.2 It is important, in any request for statutory assessment, to submit evidence to show that the school has implemented the school based stages of the Code of Practice, that is, School Action and School Action Plus. The school must have consulted with the Local Authority's Support Services or other external agencies and used their advice to formulate, monitor and regularly review Individual Education Plans with clear targets. **There should be clear evidence that, despite this level of support, the child's needs remain severe, complex and long-term.**
- 2.3 The views of the Support Service and/or external agency staff who are working with the child will also need to be clearly recorded. This should include clear views about the child's progress based on the interventions which have taken place and an indication of what support has been given. This information should always be included with a request.
- 2.4 In order to make a decision regarding the initiation of a statutory assessment, the Local Authority will need to understand the level of provision that the school has at its disposal and how it has used its resources. This should include expertise, skills and experience which are available to address the child's identified needs as well as specifically targeted budgetary resources.
- 2.5 In addition to the basic Form RS323 there are additional sheets based on the "Essential Evidence" sections for each of the 4 Areas of Need (Communication and Interaction; Cognition and Learning; Behaviour, Emotional and Social Development; and Sensory/Physical Disabilities). Each of the items of essential evidence has been separated from the next with sufficient spacing for narrative and other forms of account to be inserted, with cross-reference to appropriately numbered appendices. (An electronic version of these sections - as well as of the Form RS323 itself - is available in order that more or less space can be created under each heading as needed.) Guidance for the completion of these four sections follows on pages 5 to 22 of this document.

**2.6 Mandatory Sections** All sections of the RS323 and Areas of Need **Essential Evidence** that are marked “MANDATORY” **MUST** be completed if the documentation is to be accepted by the Special Services section (see paragraph 2.10.). In addition the following documentation **MUST** be included:

- Educational Psychology Form 2
- ALL IEPs from School Action and School Action Plus stages (THESE **MUST BE ACCOMPANIED BY FULL IEP REVIEWS**)
- Speech and Language Therapist’s report (Where Language/speech/communication are part of the child’s identified areas of need)
- Report from Access and Inclusion LID/MET (Low Incidence Disability Medical Education Team or CASBAT Report (Where Autistic spectrum disorder needs are identified or confirmed)
- Report from LID/MET (Where sensory impairment has been identified)

**2.7** There is an expectation that, in terms of a need for individual support for a child, the school’s budget should be routinely capable of providing that support, in the first instance using School Action Plus funding. It is not expected that requests for statutory assessment should be motivated solely by the expectation of obtaining higher levels of resource through a statement of SEN. If a statement does result it is likely that these resources will be specified in that statement as being provided by the school, from School Action Plus or Pupil and School Support (As has been agreed through consultation Pupil and School Support must be used to fund the first 15 hours, in addition to School Action Plus provision).

2.8 Information should also be available to show that the school has provided, where appropriate, access to information and communication technology and specialist equipment

2.9 It is very important to ensure that parents have been fully involved in discussions about their child’s special educational needs. The letter sent to parents to inform them of the Local Authority’s proposal to consider whether to carry out a statutory assessment must not be the first time that they will have been made aware of the school’s intentions to make a request. It is advisable that parents are informed as early as possible of the school’s concern and certainly at the point at which a School Action Plan is being drawn up. This will allow them to contribute to the Individual Education Plan and its reviews.

2.10 The Local Authority will consider very carefully the need for a statutory assessment of the child’s special educational needs in cases:

- when the evidence presented satisfies the Panel that the pupil meets the performance/attainment criteria, set out in Section 5 of the Local Authority’s “SEN Policy into Practice” document, in relation to one or more of the categories of need (usually 2<sup>nd</sup> centile);

## AND

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

## AND IN ALL CASES

- when the Local Authority considers that it may be necessary to seek multi-professional advice in order to ensure that the pupil's special educational needs are being appropriately met.
- 2.11 More detailed indicators needed to meet the County Criteria for the initiation of a statutory assessment, relating to children with different learning difficulties, can be found in **Section 5 of the Local Authority's "SEN Policy in Practice"**. These draw heavily on the indicators within the Code of Practice but inevitably remain generalisations.
- 2.12 The parents/carers must be fully informed of the content of the school's request form. A copy of the completed request form should be sent to the parent/carer.
- 2.13 Requests for statutory assessment should be forwarded to the Special Services Section and marked for the attention of the Special Services Administrative Officer, P O Box 73 Worcester WR5 2YA. A statutory assessment will only be considered in the following circumstances:
- where **Form RS323** has been fully completed (with all the mandatory sections completed in full) and all the relevant documentation detailed in paragraph 2.6 above has been attached, paginated and cross-referred and forwarded to the Local Authority
  - where, on the basis of the information available, there is evidence that the child's needs meet the criteria in 2.6
- 2.14 **All requests by the school will be acknowledged by the Special Services Administrative Officer who will verify that all the mandatory sections of the documentation have been completed. If these sections are not completed the documentation will be returned to the school for further action.**
- 2.14 Fully completed documentation will then be forwarded for consideration to the County Assessment Panel, at which point Special Services will write to the parents to issue a notice under Section 323(1) that the Local Authority is considering whether to make a statutory assessment. We will set a time line of 29 days in which to receive parental views. Special Services will inform the parents and the school of the County Assessment Panel's decision.

## The Four Areas of Need

### **Communication and Interaction**

#### **Introduction**

Although the majority of children with communication and interaction difficulties will have been recognised during the pre-school period there will be some children who will present with a significant communication or interaction difficulty during their school years. This will have serious consequences for the child's academic attainment and may also give rise to emotional and behavioural difficulties.

For most children with communication or interaction difficulties their needs can be met at School Action or School Action Plus.

Children with the most severe communication and interaction difficulties will be characterised by limitations in accessing the curriculum and may present with emotional and behavioural difficulties. These children will need substantial support to ensure that they are provided with appropriate access to the curriculum and participation in school life.

#### **Essential Evidence**

When requesting a statutory assessment schools must provide evidence in the majority of the following areas:

- evidence that advice has been sought from the appropriate agency e.g. Low Incidence Disability/Medical Education Team or Worcestershire Specialist Children's Services, with respect to the educational implications of any communication or interaction difficulties;

#### **In compiling evidence list by person/agency and date of intervention/involvement**

**Cross-refer to each piece of evidence attached as a numbered appendix**

- the provision of at least 2 IEPs, over a minimum of 2 terms, at School Action Plus, incorporating the advice of all involved professionals - the plans should have been fully implemented and evaluated prior to the request for statutory assessment;

***In compiling evidence include all IEPs/target-setting documentation  
Especially include all detailed review documentation  
Cross-refer to each attached document as a numbered appendix***

- evidence that the recommendations from the above agencies have been fully implemented but adequate progress (**Section 2 page 5**) still has not been made;

***Referring e.g. 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***

- there is clear substantial evidence that the child's communication and interaction difficulties impede the development of purposeful/relationships with adults and/or peer group;

***Narrative account of specific examples of such impediment***

- there is clear and substantial evidence that the child's communication and interaction difficulties give rise to other emotional and behavioural difficulties;

***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***

- there is clear and substantial evidence that the child is unable fully to participate in particular aspects of the curriculum without significant adult support;

***Evidence of child's response with support (including the level of support as funded by the school)***

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

- the evidence produced should give a clear picture of when such support is necessary and in what curricular or non-curricular areas;

***Please list all areas and what specifically the supporting adult does***

- the child's expressive and/or receptive language development is significantly below that of the majority of children of his or her age;

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

***(Some of this information may already have been given on pages above)***

- there is clear substantial evidence that the child is unable to access the curriculum without substantial adaptation of teaching materials and/or the learning environment;

***List those adaptations made and by whom  
Indicate difference in child's response***

- evidence that appropriate equipment on loan has been trialled and evaluated;

***List and describe each attempt***

- evidence of the use of information and communication technology with relevant training for pupil and staff where appropriate;

***List and describe as appropriate***

- evidence of modifications to the school timetable in order to maximise access for the pupil;

***List or enclose annotated timetable as cross-referenced numbered appendix***

- evidence that any hearing loss contributing to the communication and interaction difficulty has been dealt with appropriately;

***List/describe any involvement of LIDMET and the outcomes of that involvement. Enclose any reports as cross-referenced numbered appendices***

- evidence of full parental involvement throughout the process.

***List contacts/dates/parental responses***

**Specific Criteria**

- A significant speech and 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 professional e.g. Speech and Language Therapist or a specialist teacher from one of the LA education support services

***Substantive reports attached as cross-referenced numbered appendices***

- A significant communication and interaction difficulty, which requires augmentative or alternative methods of communication e.g. a manual signing system, the use of graphic symbols or electronic communication aids.

***Detail all methods, how/where used/by whom  
Describe effects of use***

- A significant difficulty in using language to communicate and to interact in a social context and/or to access the curriculum.

***Detailed narrative report attached as cross-referenced numbered appendix***

- Evidence that substantial adaptation of curriculum content and delivery is required.

***Narrative description of which curriculum elements adapted, how delivery has been effected and by whom***

## ***Evidence of the effect on the child's functioning***

# **Cognition and Learning**

### **Introduction**

Children who demonstrate features of moderate, severe or profound learning difficulties, such as dyslexia or dyspraxia, require specific programmes to help them make progress in cognition and learning.

The majority of these children will have their needs met in a mainstream school at School Action or School Action Plus of the SEN Code of Practice but in a minority of cases a school may need to make a request for a statutory assessment.

Schools making a request for a statutory assessment for a child with cognition and learning difficulties must provide evidence of action taken at School Action and School Action Plus.

### **Essential Evidence for Statutory Assessment**

All these factors must be presented:

- evidence of the involvement of relevant external agencies at School Action Plus such as the Educational Psychology Service and the Learning Support Service

#### **List by person/agency and date of intervention/involvement Cross-refer to each piece of evidence attached as a numbered appendix**

- evidence from School Action Plus must show that the child's learning difficulties have not responded to relevant and purposeful measures taken by the school and external service;

#### **Include all IEPs Especially include all detailed review documentation Cross-refer to each attached document as a numbered appendix**

- evidence that the school has responded appropriately to the requirements of the National Curriculum;

#### **Highlight those elements that have been worked through IEPs with evidence of outcomes**

- evidence that the child's progress, measured by criterion referenced or standardised tests, shows that there are significant discrepancies between the child's attainment in assessments and tests in core subjects of the National Curriculum and the attainment of the majority of children of that age, e.g. working on P levels for Year 2 children, Year 5 working towards Level 1, Year 7 working towards Level 2;

***Attach as numbered appendices any reports which include scores/outcomes of relevant tests, together with a narrative account of how the discrepancies – if they meet the criteria – are affecting the child's performance amongst his/her peers***

- evidence that the child's progress, measured by **critereon referenced or standardised tests**, shows that there are significant discrepancies between the child's oral ability and literacy skills as agreed by a consensus among those who have taught and observed the child, including their parents and suggested by such standardised tests as can reliably and fairly be administered;

***Here set out the scores for both oral ability and literacy skills side by side with enlarging comment as appropriate***

- evidence that the child's progress, measured by critereon referenced or standardised tests, shows that there are significant discrepancies between the child's attainment within one core subject of the National Curriculum or between one core subject and another;

***Here set out any discrepancies between subjects side by side***

- evidence that the child's progress, measured by critereon referenced or standardised tests, shows that there are significant discrepancies between his/her general level of understanding and their ability to use co-ordination and organisational skills which adversely affects their access to all areas of the curriculum;

***Here set out any discrepancies side by side***

- evidence for children aged below 7 years of attainment at or below the expected norms for children two and a half years younger (see table below) in most of the following:
  - communication skills
  - concept development
  - early literacy and language skills
  - early numeracy skills
  - self-help skills
  - mobility skills;

**Here cite scores/tests by relevant professional agencies as well as any tests administered by the school and cross-refer to reports attached as numbered appendices**

- evidence for children aged 7 to 11: Key Stage 2 of attainment at or below the expected norms for a child about 3 to 4 years younger (see table below) in most of the following:
  - language
  - concepts
  - literacy
  - numeracy;

**Here cite scores/tests by relevant professional agencies as well as any tests administered buy the school and cross-refer to reports attached as numbered appendices**

- evidence for children aged 11 to 14 years: Key Stage 3 of attainment or below that expected for a child about 4 to 6 years younger (see table below) in most of the following:
  - reading and spelling skills
  - numeracy skills
  - comprehension levels
  - language/vocabulary levels;

**Here cite scores/tests by relevant professional agencies as well as any tests administered by the school and cross-refer to reports attached as numbered appendices**

Year	Age	Attainment level	National Curriculum level
1	5-6	2.5 years below	WT 1 (P levels)
2	6-7	5 years	WT 1 (P levels)
3	7-8	5.5 years	WT 1 (P levels)
4	8-9	6 years	WT 1 (P levels)
5	9-10	6.25 years	WT 1 (P levels)
6	10-11	6.5 years	Level 1/WT Level 2
7	11-12	7 years	Level 1/WT Level 2
8	12-13	7.25 years	Level 2
9	13-14	7.5 years	Level 2

- evidence of the rate and style of the child's progress through School Action and School Action Plus;

***Here include an analysis of rate and style with reference to IEP review outcomes, specifically cross-referring to IEPS as numbered appendices***

- evidence of parental involvement throughout School Action and School Action Plus;

***List contacts/dates/parental responses***

- evidence that the school has utilised structured reading, spelling and numeracy programmes and multi-sensory teaching strategies to enhance the National Literacy and Numeracy Framework;

***Here cite the relevant strategies and programmes, how they were administered/staffed and the outcomes, making reference where necessary to IEPs and other documentation (specifically cross-referring to relevant documents as numbered appendices)***

- evidence through Individual Education Plans that the child's learning difficulties have not responded to relevant and purposeful measures taken by the school and external specialist;

Narrative analysis of outcomes of IEPs with a view as to why they have not responded (have the targets been appropriate?)

- evidence that the child's learning difficulties may call for special educational provision which cannot reasonably be provided within the resources normally available to maintained schools in the area;

***A case for such provision is only likely to be capable of being made in very exceptional circumstances and will apply only to that small number of children who require a more specialised environment than a normal mainstream classroom. Children who, it is felt, need more individual support than they are currently receiving would not qualify under this heading***

- Evidence that the school has used its own resources at School Action Plus.

***State here the financial resources that have been applied specifically to this child and indicate the areas of the curriculum/times of the week when they have been applied. Please give an evaluation of how these resources have influenced the outcome of the IEP reviews (cross-referencing where necessary to any IEPs in the appendices)***

### **Specific Criteria**

The Local Authority will need to consider on an individual basis, whether the following programmes can be provided through intervention at School Action Plus or whether the Local Authority 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 in accessing the curriculum. (CoP) 7:59.

The Code states that these children may require:

- flexible teaching arrangements;
- help with processing language, memory and reasoning skills;

- help and support in acquiring literacy skills;
- help in organising and co-ordinating spoken and written English to aid cognition
- help with sequencing and organisational skills;
- help with problem solving and developing concepts;
- programmes to aid improvement of fine and motor competencies;
- support in the use of technical terms and abstract ideas;
- help in understanding ideas, concepts and experiences when information cannot be gained through first hand sensory or physical experiences.

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

The Local Authority would expect these programmes to have been implemented at School Action Plus. The essential evidence will enable the Local Authority to decide whether the child has moved beyond ordinary differentiation to need specific input to provide access to the curriculum and to secure learning such that a statutory assessment may be necessary.

## **Behaviour, Emotional and Social Development**

### **Essential Evidence for Statutory Assessment**

Evidence is required of the nature of the child's difficulties. This should include evidence that one or more features of inappropriate behaviour are present across a variety of contexts and over an extended period of time with analysis of the antecedents to and consequences of the behaviours described. For example, a pattern of withdrawn and/or anxious behaviour, unpredictable, bizarre, obsessive or egocentric behaviours, poor relationships with peers and/or adults, a pattern of severely disruptive behaviour, a pattern of poor communication. Evidence should include the following:

- evidence of a range of behaviour management strategies being implemented;

***Here list the strategies and by whom implemented with outcomes please cross-refer to relevant reports/strategy documents/plans attached as numbered appendices***

- evidence that the child is not engaged in appropriate learning tasks for a significantly greater proportion of time than the majority of their peers. This should take the form of:
  - structured observation by a Specialist Support Teacher and/or Educational Psychologist on two or more occasions if practicable;
  - or
  - by those who teach the child, in consultation with a Specialist Support Teacher or Educational Psychologist, using an agreed behaviour schedule or log, to indicate the frequency and duration of the child's off task behaviour.

***Please attach as numbered appendices reports of the observations and comment on the level of the child's engagement. Please cross refer to the documents as numbered appendices***

### **Specific Criteria**

- Evidence that the school has considered the full implications of ***DfES Circular 10/99 'Social Inclusion: Child Support'***, (available from DfES website) which makes explicit the actions a school should take for children who are disaffected.

***Cite here those actions followed from the Circular***

- Copies of the child's Pastoral Support Programme, as specified in Circular 10/99.

***Please attach PSP and cross-refer to it as a numbered appendix***

- Incident record/behaviour diary.

***Please attach relevant documentation as numbered appendices. Make here any comments on this documentation and cross refer to the appendix number***

- Medical diagnosis and action taken by Health workers.

***Narrative account listing such diagnosis and action. Attach any relevant reports as numbered appendices***

## **Hearing Impaired, Visually Impaired & Multi-Sensory Impairment (MSI)**

### **Essential Evidence for Statutory Assessment**

When requesting a statutory assessment schools must provide evidence in the majority of the following areas:

- evidence that advice has been sought from the appropriate agency e.g. Low Incidence Disability/Medical Education Team or Worcestershire Specialist Children's Services;

List agencies involved for this area of need

- evidence that the recommendations from the above agencies have been fully implemented but that adequate progress still has not been made;

***List the recommendations and indicate in each case how implemented. Please give an account of how you have determined that inadequate progress has been made and what may need yet to be done***

- the provision of at least 2 IEPs at School Action Plus, incorporating the advice of all involved professionals - the plans should have been fully implemented and evaluated over a period of time, prior to the request for a statutory assessment;

***Include as numbered appendices IEPs or provision mapping documentation specific to this area of need and cross-refer to relevant page numbers in them in a narrative account here of how the advice has been incorporated***

- evidence that the child is unable to fully participate in particular aspects of the curriculum without significant adult support - the evidence produced should give a clear picture of when such support is necessary and in what curricular and non-curricular areas;

List the areas where support has been provided and what actions were being carried out by the support personnel. indicate how it is known that the child is unable to function in these areas without the support

- evidence that specialist equipment has been trialled at School Action;

***Detail any equipment and how it has been tried out with resulting views on effectiveness***

- evidence that the child's expressive and/or receptive speech and/or language development is significantly below that of the majority of children of his/her age (see Communication and Interaction criteria pages 10-11);

***Attach salt reports as numbered appendices and cross refer to pages within them in an account of the child's functioning in the context of the classroom***

- there is clear substantial evidence that the child's sensory impairment impedes the development of purposeful relationships with adults and/or peer group;

**Here cite specific examples**

- there is clear substantial evidence that the child's sensory impairment gives rise to other emotional and behavioural difficulties;

***Indicate any of these emotional or behavioural issues together with any professional views as to causal factors***

- there is clear substantial evidence that the child is unable to access the curriculum without substantial adaptation of lesson content and curricular material;

**Detail with specific examples the degree to which the lesson content and curricular material has been adapted**

- evidence of full parental involvement throughout the process;

***List contacts/dates/parental responses***

- evidence of modifications to the school timetable in order to maximise access for the pupil.

**Specific Criteria:**

- The child has a profound or significant hearing loss and cannot be supported at School Action Plus.

***Report from teachers of hearing impaired children to be attached as numbered appendix and cross-referred to in a narrative account of the child's difficulties in the classroom context.***

- The child is blind or has a significant visual impairment and cannot be supported at School Action Plus.

***Report from teachers of visually impaired children to be attached as numbered appendix and cross-referred to in a narrative account of the child's difficulties in the classroom context.***

- The child is deaf/blind.

***Report from teachers of multi-sensory impaired children to be attached as numbered appendix and cross-referred to in a narrative account of the child's difficulties in the classroom context.***

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

***Relevant reports to be attached from relevant specialist teachers***

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

***Relevant reports to be attached from relevant specialist teachers***

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

***Relevant reports to be attached from relevant specialist teachers***

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

***Relevant reports to be attached from relevant specialist teachers***

- The child has other special educational needs in addition to their sensory impairment.

***List as appropriate and complete as necessary other relevant “areas of need” sheets***