



**worcestershire**  
**countycouncil**

**CRITERIA FOR STATUTORY  
ASSESSMENT  
(SCHOOL AGE)**

**Section 1**

## Introduction

The Special Educational Needs (SEN) Code of Practice is effective from 1 January 2002. From that date Local Authorities (LAs), schools, early education settings and those who help them – including health and social services – must have regard to it. They must not ignore it. That means that whenever settings, schools and LAs decide how to exercise their functions relating to children with special educational needs, and whenever the health and social services provide help to settings, schools and LAs 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 this 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 this Code will continue for its lifetime.

## 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;
- ensure that schools use baseline assessment tools to establish whether individual children have SEN;
- 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 teachers need to feel confident that a child's needs can be met without progressing through the school-based stages of support to a statement of Special Educational Needs.

***"It is expected that these measures will improve the quality of provision at School Support and Support Plus and will reduce the need for some children to move to Statutory Assessment."*** (Excellence for All, page 12).

The SEN Code of Practice (January 2002):

- emphasises the nature of school-based intervention rather than the labelling of pupils' levels of need;
- reflects the principle of improving provision at School 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 all schools to address identified need;
- focuses on preventative 'early intervention';
- seeks to reduce bureaucracy;
- seeks to promote effective school 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 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 LA will need to make a statutory assessment of special educational needs and then consider whether or not to issue a statement. SEN Code of Practice 2001 (CoP) 7:1

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 2<sup>nd</sup> 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 (see Appendix C for more detail).

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 curriculum;
- are descriptive not explanatory;
- all potentially impact on other aspects of education.

Labels of diagnoses such as 'Asperger's Syndrome' or 'dyslexia' 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 access the academic curriculum at School Action and School Action Plus.

The LA needs to apply criteria across the County equitably. Therefore the LA expects all schools to make appropriate provision at School 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.***

When a school makes a request for statutory assessment to a LA, the child will have demonstrated significant cause for concern. The LA will seek evidence from the school that any strategy or programme implemented for the child in question has been continued for a reasonable period of time without success and that alternatives have been tried, or the reasons why this has not occurred. The LA 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. (CoP) 5:62

By the time the Headteacher considers asking for statutory assessment of a child's special educational needs, the school should be able to provide written evidence of or information about:

- the school's action through School Action and School Action Plus;
  - Individual Education Plans (IEPs) for the pupil;
  - records of regular reviews and their outcomes;
  - the pupil's health including the child's medical history where relevant;
  - attainment in National Curriculum levels;
  - attainments in literacy and mathematics;
  - educational and other assessments, for example from an advisory specialist support teacher or an educational psychologist;
  - views of the parents and of the child;
  - involvement of other professionals;
  - any involvement by the social services or education welfare service.
- (CoP) 5:64

The evidence, which is required from schools, 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. These should be easily available and require only collation.

Schools should record the steps taken to meet the needs of individual children. The school's Special Educational Needs Co-ordinator (SENCo) should have responsibility for ensuring that the records are properly kept and available as needed. If schools refer a child for a statutory assessment, they should provide the LA with a record of their work with the child, including the resources or special arrangements they have already made available. (CoP) 5:24

In addition to the information that all schools will record for all children, the pupil records or profile for a child with SEN should include information about the child's progress and behaviour from the school setting itself, from the child's early education setting or a previous school, from the parents, and from health and social services. It should also include the child's own perception of any difficulties and how they might be addressed. It may also be necessary to record in the profile information about the child's needs in relation to the general strategies to be used to enable access to the curriculum and the school day. (CoP) 5:25

The information collected should reveal the different perceptions of those concerned with the child, any immediate educational concerns and an overall picture of the child's strengths and weaknesses. (CoP) 5:26

Schools must provide all the evidence required or the request will be returned to school for completion. If statutory assessment is agreed, the completed form and the accompanying evidence will constitute the school's statutory advice.

The LA will require evidence of the type, duration and quality of input at School Action/Action Plus. Action Plus is characterised by the school involving external support. Wherever the professional support has been obtained schools should include in the request an explanation of the school's provision at School Action Plus in order that the 'external support' criteria may be assessed. A copy of the support timetable is not sufficient evidence. Details of the programme being followed and its effects will be needed.

Schools should note that if the Learning Support Team has not been purchased, another external provider with specialist skills must be obtained.

Schools should note that pupils at School Action Plus should have a significantly higher level of support than those at School Action, and that the specialist nature of such provision should be over and above that normally found in mainstream schools. An Action Plus level of need requires support from a teacher who is a specialist in the particular special need of the pupil concerned. More than one specialist teacher may be needed to address multiple needs.

## Section 2

### Guidance on Criteria

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

Section 3 gives the rationale underpinning the use of the second percentile

Section 4 focuses on specific criteria for particular areas of need.

### Class Teacher Action

When a teacher identifies potential difficulty they should ensure that they:

- plan and provide an appropriate curriculum;
- differentiate by content, and pace;
- provide any specialist equipment that may be necessary;
- manage behaviour (where appropriate) using a recognised method of class and school systems which control the cause of negative or difficult behaviour and encourage positive behaviour;
- help the child to adjust to school expectations and routines;
- discuss with parents the difficulties and work together to alleviate them;
- discuss with the child ways of overcoming the difficulties;

### Further requirements to move to School Action

- evidence that the above has been carried out;
- a minimum of one term's duration (desirable at least 2) and that the child has failed to make "adequate progress";
- adequate progress is defined as "matches or betters the child's previous rate of progress".

### School 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 by the child;
- 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). (CoP) 5:50

The IEP should only record that which is **additional to** or **different from** the differentiated curriculum plan, which is in place as part of provision for all children.

The IEP should be crisply written and focus on 3 or 4 individual targets, chosen from those relating to the key areas of communication, literacy, mathematics, and behaviour and social skills that match the child's needs. The IEP should be discussed with the child and the parents. (CoP) 5:51

Where a child with identified SEN is at serious risk of disaffection or exclusion the IEP should reflect appropriate strategies to meet their needs. A Pastoral Support Programme should not be used to replace the graduated response to special educational needs. (CoP) 5:52

It must be remembered that during 'School Action' the school is required to plan a programme, which is **additional to** or **different from** that which is available through usual differentiation and modified class management. It should focus clearly on the targets, which address the child's difficulties, but use strengths identified during "skilled assessments".

These targets should be updated as part of the IEP review process. It is advisable that these are held at least termly but at the very minimum twice yearly. (CoP) 5:53

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. Wherever possible, the child should also take part in the review process and be involved in setting the targets. If the child is not involved in the review, their ascertainable views should be considered in any discussion. (CoP) 5:53

Movement from School Action to School 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 by the child;
  - the teaching strategies used;
  - the provision put in place;
  - when the provision was reviewed (minimum 2 reviews);
  - success and/or exit criteria set;
  - outcomes (to be recorded when the IEP is reviewed).
- demonstrate that all requirements were met during the Class Teacher Action phase;
- show that the child is not maintaining or improving on their previous rates of progress.

## **School Action Plus**

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

- continues to make little or no progress;
- continues working at National Curriculum levels substantially below that expected of children of a similar age;
- continues to have difficulty in developing literacy and mathematics skills;
- has emotional or behavioural difficulties which substantially and regularly interfere with the child's own learning or that of the class group, despite having an individually tailored behaviour management programme;
- has sensory or physical needs, and requires additional specialist equipment or regular advice or visits by a specialist service;
- has ongoing communication or interaction difficulties that impede the development of social relationships and cause substantial barriers to learning; (CoP) 5:56

A request for help from external services (School Action Plus) should follow a decision taken by the SENCo and colleagues, in consultation with parents, at a meeting to review the child's IEP.

During School Action Plus it is expected that the SENCo and class teacher, together with curriculum, literacy and numeracy co-ordinators and external specialists, should consider a range of different teaching approaches and appropriate equipment and teaching materials, including the use of information technology. The external specialist may act in an advisory capacity, or provide additional specialist assessment or be involved in teaching the child directly. In some instances improved management or alternative arrangements based on advice from health professionals may considerably reduce the child's special educational needs. (CoP) 5:58

The resulting new IEP for the child should set out fresh strategies for supporting the child's progress. Although developed with the help of outside specialists, the strategies specified in the IEP should usually be implemented, at least in part and as far as possible in the classroom setting. The delivery of the interventions recorded in the IEP continues to be the responsibility of the class teacher.

A range of services available at School Action Plus is to be found in Section 6 of this folder.

See also Code of Practice (Section 10).

## **Statutory Assessment**

For a very few pupils the help given by schools through Action Plus may not be sufficient to enable the pupil to make adequate progress. It will then be necessary for the school, in consultation with the parents and any external agencies already involved, to consider whether to ask the LA to initiate a statutory assessment.

Statutory Assessment is usually agreed:

- i. when the evidence presented satisfies the County Assessment Panel (CAP) that the pupil meets the performance/attainment criteria set out in this document in relation to one or more of the categories of need (usually 2<sup>nd</sup> centile);

AND

- ii. when the evidence presented as part of the request satisfies the CAP 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**

- iii. there is evidence that the child may require a level of provision that cannot reasonably be made from within the resources normally available to schools in Worcestershire;
- iv. when the LA 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.

The LA 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 (see **Section 3** for rationale). Individual pupils may well have needs, which span two or more of the areas of need. However, the accumulation of low-level difficulties may not in itself equate with a school being unable to meet the child's needs through school-based provision.

Exceptional cases will be dealt with on merit.

The school should seek advice from the LA's support services or other external agencies at School Action Plus. There may be a need for a quick response from the LA for such children.

In considering whether a statutory assessment is necessary, LAs should pay particular attention to:

- evidence that the school has responded appropriately to the requirements of the National Curriculum, especially the section entitled 'Inclusion: Providing effective learning opportunities for all children';
- evidence provided by the child's school, parents and other professionals where they have been involved with the child, as to the nature, extent and cause of the child's learning difficulties;
- evidence of action taken by the child's school to meet and overcome those difficulties;
- evidence of the rate and style of the child's progress;
- evidence that where some progress has been made, it has only been as the result of

much additional effort and instruction at a sustained level not usually commensurate with provision through School Action Plus. (CoP) 7:35

Timescales for Statutory Assessment are set by the national framework, see Code page 120. The 18-week date for a proposed statement or Note in Lieu is significant when considering the timing of school requests.

The table below shows the approximate 18 week dates on a monthly basis if an assessment is conducted.

Request Date	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug
18 week Date	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec

**Note:**

- a) The ONLY time any allowance is made for school holidays is when the formal request to schools for educational advice by the Authority is made in late July or August.
- b) No allowances are made for end of term “disruptions”, Christmas, New Year or Easter.
- c) For pupils transferring in September e.g. from Nursery, Primary and Middle Schools, requests received after February are going to reach the 18 week deadline either close to or after the end of the summer term!
- d) The 26-week date for a statement to be finalised is another 2 months later than the 18-week date.

Primary, Junior and Middle schools should normally have identified pupils who may require an assessment before their last year in the school.

Requests for pupils in their last year in Primary, Junior or Middle Schools should only be submitted in exceptional circumstances after February.

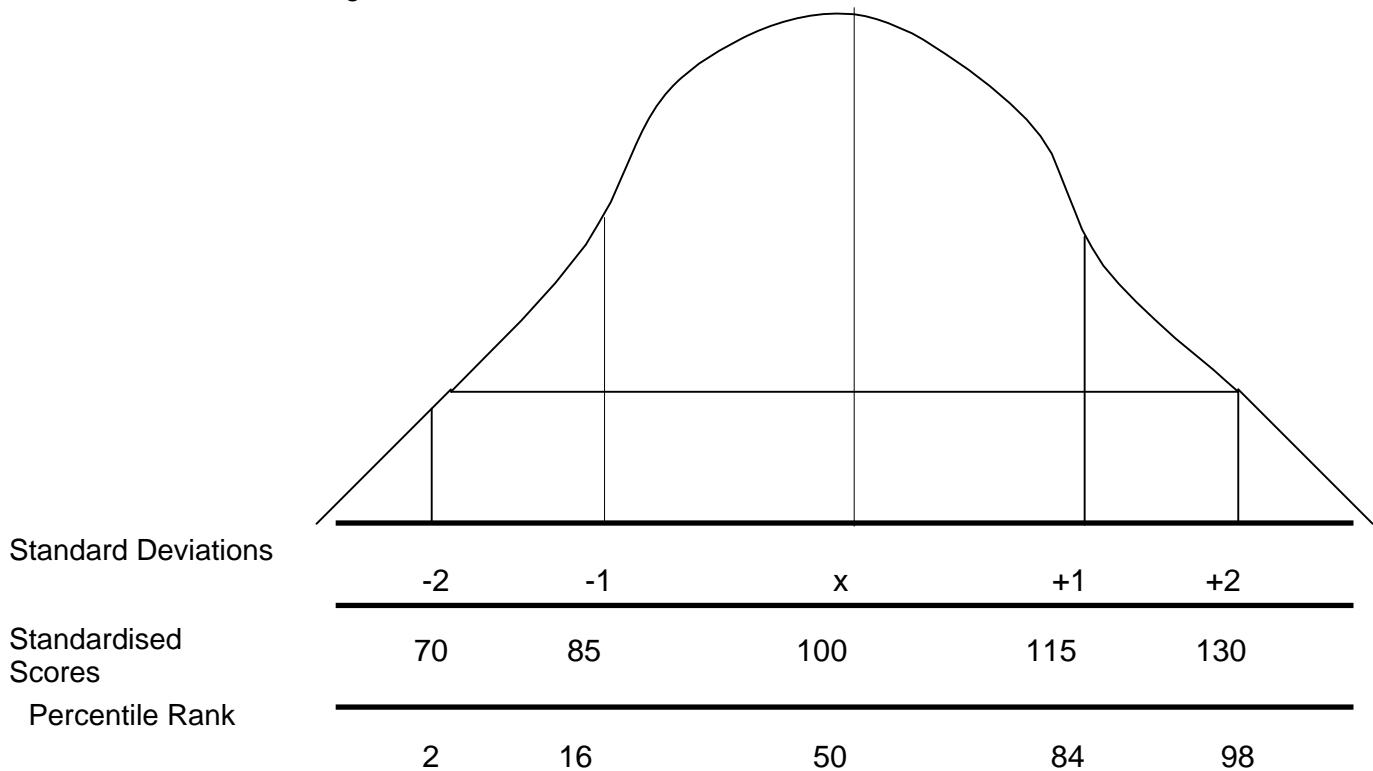
The exceptional circumstances should be clearly explained in a letter.

## Section 3

### The rationale underpinning the use of the second percentile

The normal distribution curve below shows the relationships of standard scores and percentile ranks.

X = Mean Average Score



This provides graphical data, which gives visual comparisons of percentiles and standard scores.

Percentile scores (or centile scores for short) range from the 1<sup>st</sup> centile (lowest) to 99<sup>th</sup> centile (highest) with the 50<sup>th</sup> representing an average score (nationally). Put another way, a centile score gives the percentage of children of the same age as a particular child who are likely to score at or below his/her level for the particular ability concerned.

On the distribution curve of ability there is a relatively sudden change in steepness at the 2<sup>nd</sup> and 98<sup>th</sup> percentiles. Because of this, the 2<sup>nd</sup> percentile and below has been chosen as the likely ability range where Statements of Special Educational Needs would be issued.

The standard average range extends from scores of 85 to 115 (16<sup>th</sup> centile to 84<sup>th</sup> centile). Thus, based on terminology recommended by the British Psychological Society.

85 – 94	=	Low Average
95 – 105	=	Mid Average
106 – 115	=	High Average

The recommended tests allow conversion of raw scores to standard scores. These then need to be converted to percentile scores for the purposes of requests for statutory assessment.

**[Note: Percentile Rank = Percentile Score = Centile Score = Cumulative Percentile]**

## Section 4

### Criteria for the categories of:

Communication and Interaction

Cognition and Learning

Behaviour, Emotional and Social Development

Sensory and/or Physical

**(The bullet points under each of the following sections have been included – with appropriate spaces – as part of the Form to be completed by schools when statutory assessment is being requested)**

## 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. Educational Psychologist, Integrated Services - Specialist Support (ISSS), Learning Support Team, Behaviour Support Team or Worcestershire Specialist Children's Services, with respect to the educational implications of any communication or interaction difficulties;
- 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;
- evidence that the recommendations from the above agencies have been fully implemented but adequate progress (**Section 2 page 5**) still has not been made;
- 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;

- there is clear and substantial evidence that the child's communication and interaction difficulties give rise to other emotional and behavioural difficulties;
- there is clear and substantial 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 or non-curricular areas;
- the child's expressive and/or receptive language development is significantly below that of the majority of children of his or her age;
- 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;
- evidence of the views of the child;
- evidence that appropriate equipment on loan has been trialled and evaluated;
- evidence of the use of information and communication technology with relevant training for pupil and staff where appropriate;
- evidence of modifications to the school timetable in order to maximise access for the pupil;
- evidence that any hearing loss contributing to the communication and interaction difficulty has been dealt with appropriately;
- evidence of full parental involvement throughout the process.

### **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, Educational Psychologist, a member of the Learning Support Team, or Integrated Services – Specialist Support team.
- 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.
- A significant difficulty in using language to communicate and to interact in a social context and/or to access the curriculum.
- Evidence that substantial adaptation of curriculum content and delivery is required.

# 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 that advice has been sought from the appropriate agency e.g. Educational Psychologist, Integrated Services – Specialist Support team (ISSS), Learning Support Team, Behaviour Support Team or Worcestershire Specialist Children's Services, with respect to the educational implications of any communication or interaction difficulties;
- 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;
- evidence that the school has responded appropriately to the requirements of the National Curriculum, especially the section entitled "Inclusion: Providing effective Learning opportunities for all children";
- evidence that the child's progress, measured by criterion referenced or standardised tests, shows that there are significant discrepancies between:
- a 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;
- a 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;
- a child's attainment within one core subject of the National Curriculum or between one core subject and another;
- a child's 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;
- 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;
- 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;
  - evidence for children aged 11 to 14 years: Key Stage 3 of attainment or below the 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;

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;
- evidence of the views of the child;
- evidence of parental involvement throughout School Action and School Action Plus;
- 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;
- 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;
- 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;
- evidence that the school has used its own resources at School Action Plus.

## **Specific Criteria**

The LA will need to consider on an individual basis, whether the following programmes can be provided through intervention at School 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 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;
- helping 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 LA would expect these programmes to have been implemented at School Action Plus. The essential evidence will enable the LA 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**

### **Introduction**

This category may include children who will be later described as having emotional and behavioural difficulties (EBD), Severe Communication Disorder (SCD), Attention Deficit Hyperactivity Disorder (ADHD), disruptive, inappropriate physical behaviour to staff and children, inappropriate language (swearing etc.) inattentive, self-harm, withdrawn, acting out, refusal to work, challenging routines/structures, having a short fuse, inappropriate learning styles resulting in disruptive behaviour, emotional trauma.

Interactions between school and other factors are complex, so decisions will need to be based on professional judgement. In arriving at a professional judgement, evidence is needed about the nature, severity, frequency and duration of social and interactional difficulties.

Environmental factors, including particular school organisational features or procedures and issues relating to classroom organisation and management, will need particular attention. The Disability Discrimination Act requires schools to make 'reasonable adjustments' to ensure that all children with disabilities, including needs relating to behaviour, can be accommodated. However, the following descriptors are given as an example of pupils for whom a request may be relevant when appropriate concerns, interventions and adjustments have been tried.

**At Class/Subject Teacher Action** it is expected that the class/subject teacher will:

- implement the whole school policy for behaviour management;
- check if the curriculum is appropriate for the pupil concerned;
- ensure differentiation by style/resources/content;
- use a recognised behaviour management system with emphasis on the positive (e.g. cards/stickers);
- involve parents positively and realistically;
- implement the school's Bullying policy.

**At School Action** the SENCo/Headteacher should ensure that staff:

- obtain training in de-escalation and constructive management of challenging situations; (this should include all staff including Teaching Assistants and lunch time supervisors);
- explore peer mentoring for the individual;
- prepare IEPs;
- collaborate concerning Personal Education Plans where appropriate;
- use fix term exclusion to enhance planning;

It is essential that schools provide evidence that the child is not engaging in LArning in class for a significantly greater amount of time than others. This evidence will come from:

1. Behaviour log using SIMS Midas log (see **Appendix D** for examples);
2. a minimum of 2 terms of IEPs and review;
3. a completed Risk Assessment document.

**At School Action Plus** see Section 6 for provision available. This is designed to enrich the context and locate the skills in schools. It is envisaged that School Action Plus should equip schools after School Action has finished. At School Action Plus it may be necessary to make formal links with other agencies. School Action Plus should run for a minimum of 2 terms with supporting documentation.

### **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;
- 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.

### Specific Criteria

- Evidence that the school has considered the full implications of **DfES Circular 10/99 'Social Inclusion: Child Support'**, which makes explicit the actions a school should take for children who are disaffected.
- Copies of the child's Pastoral Support Programme, as specified in Circular 10/99.
- Incident record/behaviour diary.
- Holistic evidence of the differences observed in a child's social and interactional skills (behaviour) in different teaching or social environments e.g. in literacy based and non literacy based subjects (English and Physical Education) structured and unstructured activities (classroom and playground).
- Medical diagnosis and action taken by Health workers.

## Sensory and/or Physical Needs

### Introduction

Provision for children with physical disabilities and sensory impairments can usually be met from resources available to mainstream schools from the LA Support Services.

Although the majority of children with physical disabilities and sensory impairments will have been recognised during the pre-school period, some children will present with a significant disability or medical condition during their school years, which will have implications for their learning.

Most children with a disability will have their needs met at School Action or School Action Plus of the SEN Code of Practice.

Children with the most severe difficulties are characterised by limitations accessing the full curriculum. They need support to ensure that they are provided with appropriate access to the curriculum.

Medical conditions, with longer-term implications for accessing the curriculum and making satisfactory progress in learning in school, also need to be considered. The condition must significantly disrupt access to a broad and balanced curriculum and participation in school life.

Pupils with other additional difficulties may have a substantially greater level of need.

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, School Action Plus will be appropriate. (CoP) 7:63

## Guidance for Children with Physical Disabilities

Evidence of action taken by the school must be recorded. It is suggested that the following considerations may be useful as evidence at School Action:

- seek general advice from relevant agencies;
- optimal organisation of classroom for disabled pupils;
- availability of written material 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.

### Triggers for School Action Plus

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

If following at least 2 school terms at School Action Plus and full reviews involving the external specialists, parents and staff, there is significant cause for concern regarding the child's progress and access to the curriculum, the Headteacher may consider requesting a statutory assessment of the child's Special Educational Needs.

### Essential Evidence for Statutory Assessment

All of these factors must be presented.

- evidence that the child is unable to fully participate in particular aspects of the curriculum without significant adult support and/or substantial adaptation of teaching materials or the learning environment;
- evidence of significant self-help and/or mobility difficulties;
- evidence of the views of the child;
- evidence that the loan of appropriate equipment to enable access to the curriculum has been tried and evaluated and that advice relating to its use has been provided;
- evidence that advice from school health and therapists, with respect to the implications of any medical or physical difficulty has been sought at school based stages and acted upon accordingly;
- evidence that the use of Information and Communication Technology with relevant training for the pupil and staff, if appropriate, at School Action Plus has been implemented and evaluated;

- evidence that the provision of at least 2 Individual Education Plans have been fully reviewed in school and show that advice from the support services have been incorporated and acted upon;
- evidence that full consideration has been given to the use of external educational support services, e.g. PD Outreach Teams, Educational Psychology;
- evidence of parental involvement throughout School Action and School Action Plus.

### **Specific Criteria**

- 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 can be determined. Examples would include practical curriculum support and self help areas and physical support for access in and around the school environment.
- 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 school at School Action Plus.
- Substantial adaptation of the environment – evidence would be required that certain specialist equipment or furniture is required.
- Evidence that simple adaptations and minor building works have been provided by the school such as the provision of handrails in the toilet facilities.
- Evidence that modification to the school timetable in order to maximise opportunities for access for the pupil and of changes in the use of the building have been implemented.
- Evidence that the implications of side effects of any medical treatment (and/or medication) and/or prolonged school absence have been fully considered before identifying the child's special educational needs.
- Evidence of joint planning with teachers involved in home tuition and/or hospital based tuition if appropriate.

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

## Introduction

Although the majority of children with a sensory impairment will have been identified during the pre-school period, there will be some children who will present with significant sensory impairment during their school years. This will have implications for the child's Learning and social and emotional development if not dealt with appropriately.

For most children their needs will be met at School Action Plus.

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

## 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. Integrated Services - Specialist Support (ISSS), Educational Psychology, Learning Support Team, Behaviour Support Team and Worcestershire Specialist Children's Services;
- evidence that the recommendations from the above agencies have been fully implemented but that adequate progress still has not been made;
- 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;
- 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;
- evidence that specialist equipment has been trialled at School Action;
- 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);
- there is clear substantial evidence that the child's sensory impairment impedes the development of purposeful relationships with adults and/or peer group;
- there is clear substantial evidence that the child's sensory impairment gives rise to other emotional and behavioural difficulties;
- there is clear substantial evidence that the child is unable to access the curriculum without substantial adaptation of lesson content and curricular material;

- evidence of the views of the child;
- evidence of full parental involvement throughout the process;
- 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.
- The child is blind or has a significant visual impairment and cannot be supported at School Action Plus.
- The child is deaf/blind.
- The child, school and parents require significant support from a Teacher of the Deaf, Teacher of the Visually Impaired or Teacher for MSI children.
- The child requires significant, long-term support from an Intervenor, Communicator or Teaching Assistant.
- The child requires weekly support from a Communication Skills Adviser or Mobility Officer.
- The child needs access to a deaf or visually impaired peer group.
- The child has other special educational needs in addition to their sensory impairment.