

# RHONDDA CYNON TAF

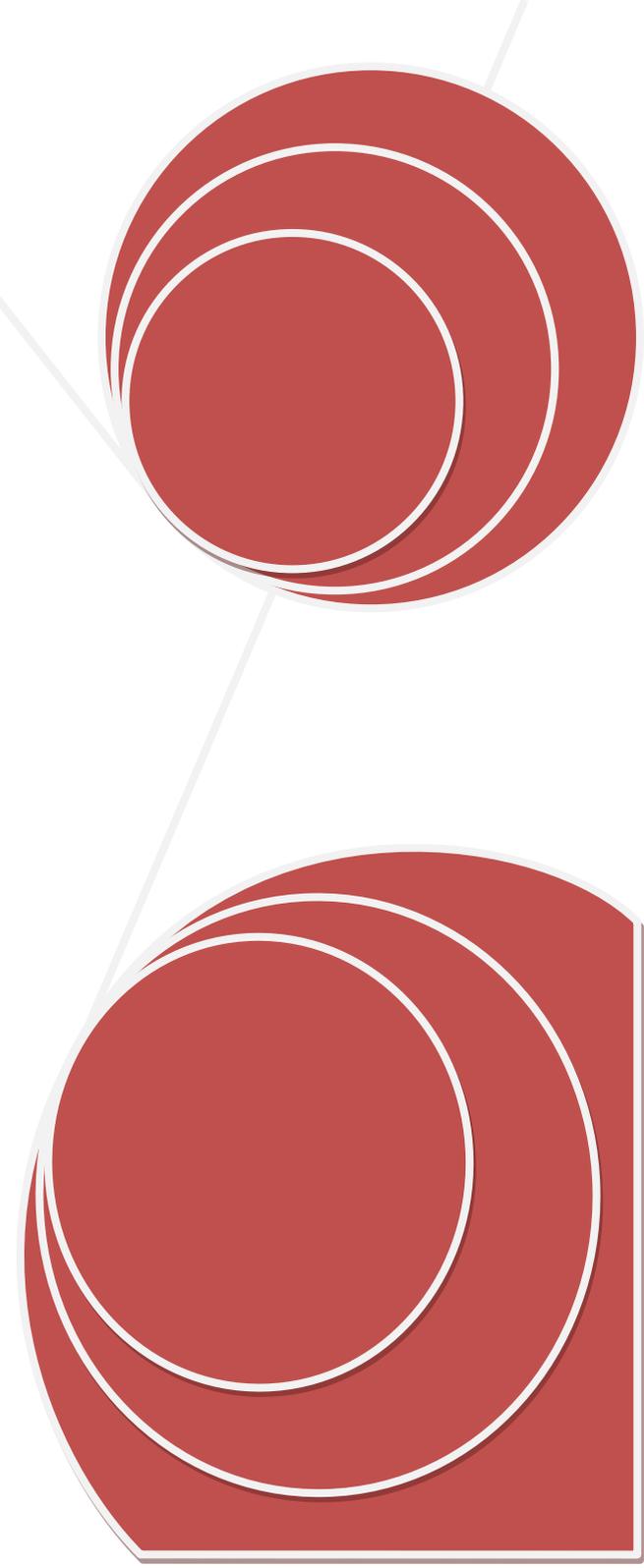
**Access and Inclusion Service**



**Revised Statutory Assessment**

**Guidance Criteria for SEN**

**September 2019**



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## Glossary of Acronyms

Acronyms	Terms
ALN	Additional Learning Needs
ALNAS	Additional Learning Needs Administrative Service
ANF	Additional Needs Funding
ASD	Autistic Spectrum Disorder
BST	Behaviour Support Team
EPS	Educational Psychologist Service
EY	Early Years
EY+	Early Years Plus
HI	Hearing Impairment
IBP	Individual Behaviour Plan
ICT	Information Communication Technology
IEP	Individual Education Plan
LA	Local Authority
LSA	Learning Support Assistant
LSS	Learning Support Service
PEP	Personal Education Plan
PRU	Pupil Referral Unit
SA	School Action
SA+	School Action Plus
SALT	Speech and Language Therapist
SEN	Special Educational Needs
SENCo	Special Educational Needs Coordinator
SENTW	Special Educational Needs Tribunal for Wales
SIP	Specialist Intervention Programme
SPLD	Specific Learning Difficulties
QTHI	Qualified Teacher Hearing Impaired
QTVI	Qualified Teacher Visually Impaired
VI	Visual Impairment

## Introduction

This document has been devised to inform parents/carers, schools and other partners as to when it might be appropriate to request a statutory assessment of special educational needs (SEN). It sets out Rhondda Cynon Taf's expectations for the graduated response which must be adopted prior to a request for a statutory assessment being made. The need for schools to adopt a graduated response to SEN is clearly outlined in the SEN Code of Practice for Wales (2002).

For the majority of children with SEN, appropriate support at School Action or Early Years Action (SA/EY) or School Action Plus or Early Years Action Plus (SA+/EY+) will enable them to make expected progress as early intervention can result in the prevention of longer term SEN. The provision and additional support provided by the school or educational setting might be sufficient to move the child or young person from SA+/EYA+ to SA/EY, and in some cases can result in special educational provision ceasing altogether. Guidance for schools on an appropriate Graduated Response can be found in RCT's guidance document 'Graduated Response Meeting the need of all Learnings'<sup>1</sup>. A very small minority of children will have SEN of a severity or complexity that requires the Local Authority (LA) to determine and arrange the special educational provision their learning difficulties call for and to provide a statement of SEN.

Equality Act 2010 - Anticipatory Duty: All policies and practices need to show due regard for the Equality Act 2010, including the anticipatory duties. Section 20 of the Equality Act 2010 highlights the need for the Council and schools to anticipate the needs of disabled service users and to take reasonable steps to remove barriers to accessing services. The duty is anticipatory in the sense that it requires consideration of, and action in relation to, barriers that impede people with disabilities seeking to use services and participation in experiences prior to them accessing it.

### *National Context*

The Code of Practice 2002 sets out guidance on policies and procedures aimed at enabling pupils with SEN to reach their full potential, to be included fully in their school communities and make a successful transition to adulthood. For the vast majority of children, their mainstream setting will meet all of their SEN. Some children will require additional help from SEN services or other agencies external to the school to ensure that their needs are met.

<sup>1</sup><https://www.rctcbc.gov.uk/EN/Resident/SchoolsandLearning/AccessandInclusionintoEducation/relateddocs/AGraduatedResponseSchoolActionandSchoolActionPlus.pdf>

An assessment under section 323 of the Education Act 1996 should **only** be undertaken if the LA considers that a child probably has SEN and that the LA needs, or probably needs, to determine what special educational provision is needed by issuing a statement. It may be that in considering whether the assessment is necessary the LA will conclude that intervention at SA+/EY+ is appropriate; or the LA might be able to identify different ways in which the school could help the child through such intervention. If so, the LA would conclude that a statement of SEN is not necessary and a note in lieu may be issued. Statutory assessments should be reserved for a very small number of cases as RCT ensures that very many resources and enhanced provision are accessible without the need for a statement of SEN.

The SEN Code of Practice 2002 places a responsibility on LAs to undertake a rigorous process when considering individual requests for a statutory assessment. Statutory assessment criteria therefore needs to consider a combination of factors including the severity and complexity of the individual child's needs (measures), the relevant and purposeful action taken to address the needs (graduated response), the resources already deployed to support the child, and the progress made.

#### *Local Context*

The LA has a long established tradition of providing enhanced support for pupils with severe and persistent SEN without recourse for a statement of SEN. The LA is committed to ensuring that learners with the most complex and severe needs can access appropriate support promptly. A wide range of resources can be accessed to support children with severe and persistent SEN without a statement of SEN. These include:

- Additional funding secured through the use of delegated language support funding and ANF
- Access to packages of support from the Learner Support Service
- Access to a placement in a Learning Support Class or PRU placement

Packages of support within the Learner Support Service can include both teaching and non-teaching support for children with: Autistic Spectrum Disorder; emotional, behavioural and social difficulties; speech and language difficulties; specific learning difficulties; hearing impairment; visual impairment; and medical difficulties. It is the LA's view that a request for a statutory assessment would not be appropriate until all avenues have been explored for meeting children's needs at SA/EYA and SA+/EYA+. There will however be some exceptions (see 'exceptional requests for statutory assessments' section). For those children who continue to not make expected progress even with enhanced support in mainstream settings at SA+/EYA+, or in small learning support class or PRU placements, the LA has a statutory duty to determine whether it is necessary to consider a more specialist placement and/or to carry out a statutory assessment of the child's SEN. Statutory Assessments are always undertaken when the children's needs are such that they require a special school placement. Decisions regarding Statutory Assessments are made at the weekly LA SEN Panel.

### **Process Criteria (Graduated Response)**

A school or early years setting must demonstrate that the actions they have implemented have been purposeful, relevant and sustained at SA+/EYA+. Children eligible for a statutory assessment will have been supported at SA+/EYA+ and will have received additional resources for a significant period of time. The following evidence will be taken into account when a request for statutory assessment is considered:

- Involvement of parents/carers and child
- Implementation of Person Centred approaches
- Relevant and purposeful school funded intervention at SA/EYA and SA+/EYA+
- The implementation of at least two IEPs or IBPs at SA/EYA and SA+/EYA+
- Enhanced SA+/EYA+ interventions implemented over a period of at least two terms (including packages of support from Learner Support Service teams, or if appropriate, placement in a learning support class or PRU)
- Involvement of a specialist service, including evidence of any changes in strategies and programmes as a result of specialist advice and input
- Identification of need over a period of time and recording of detailed assessment information at regular intervals
- Monitoring of the child's progress over a period of time (covering at least two **reviewed** IEPs/IBPs at SA/EYA and SA+/EYA+)
- Clear indication of the impact of the strategies in place on the child's learning and/or behaviour.

The SEN Panel has to be satisfied that the child's difficulties are severe, complex and long-standing and have not been resolved despite a range of well planned interventions. The resources normally available to a school or pre-school setting, and the school's use of them with the particular child for whom statutory assessment is being sought, will be considered through:

- Reference to the school's delegated budget and access to additional resources (e.g. notional 5% of overall budget allocation, delegated language support funding and delegated ANF)
- Prioritisation of the school's resources for the child under consideration
- Evidence of appropriate use of internal expertise and support (e.g. SENCo, SNSA, key workers etc.).

### **Exceptional Requests for Statutory Assessments**

Requests for statutory assessments will not be considered unless there is clear evidence to suggest that a graduated response to SEN has been adopted. Clearly, there will be exceptional cases where it would not be in the child's best interests to delay the initiation of a statutory assessment and these cases will be considered accordingly. Some cases can be fast tracked for a statutory assessment and would not be required to meet the criteria for the full range of interventions normally required at SA/EYA or SA+/EYA+. These

cases could potentially include children for whom there is clear evidence of severe, complex and long term needs. Exceptional arrangements and prompt initiation of a statutory assessment may be considered for:

- Children who have significant, long-lasting and urgent needs arising from a sudden deterioration or onset of a medical condition or accident
- Children whose families or carers have chosen not to access the relevant services and have missed out on early identification
- Very young children with profound, multiple and complex needs.

### **Criteria for Statutory Assessment**

This guidance provides a detailed description of the difficulties, measures, assessments, interventions, monitoring and review criteria which have to be met before a statutory assessment can be agreed. The guidance criteria for initiating a statutory assessment are based on four dimensions of need. These include

1. Cognition and Learning
  - Specific Learning Difficulties
  - Moderate Learning Difficulties
2. Social, Emotional and Behavioural Difficulties
3. Communication and Interaction Difficulties
  - Speech and Language Difficulties
  - Autistic Spectrum Disorders/Communication Disorders
4. Sensory and Physical Difficulties
  - Hearing Impairment
  - Visual Impairment
  - Physical and Medical Difficulties

Statutory assessment is appropriate for children and young people who have long term SEN arising from a major disability in one or more of the four dimensions. The child or young person's SEN indicates a need for the LA to take responsibility and to become more actively involved. There should be prolonged multi-agency involvement and evidence of systematic cycle of planning, action and review within the school/setting at SA/EYA and SA+/EYA+ prior to the initiation of a statutory assessment.

The Statutory Assessment Criteria focus on key actions to meet a child's SEN, which includes detailed information relating to the difficulties displayed, measures, assessment and planning, intervention, and motoring and review arrangements. Whatever the level of a child's difficulties, inadequate progress should be the key test of whether *additional* or *different* action should be taken. However, it cannot be assumed that all learners progress at the same rate and there needs to be a judgement in each case about what is reasonable to expect a child or young person to achieve. 'Adequate' progress is defined as the progress which:

- Closes the attainment gap between the child and their peers
- Prevents the attainment gap growing wider
- Is similar to that of peers starting from the same attainment baseline, but less than the majority of peers
- Matches or betters the child's previous rate of progress
- Ensures access to the full curriculum
- Demonstrates an improvement in self-help, social or personal skills
- Demonstrates improvements in the child's behaviour

Although the four broad categories of need will form the basis for decision-making, the LA recognises that there is a wide spectrum of SEN which are frequently interrelated. While threshold criteria have been set for each category of need, reference may be made by the panel to more than one category of need. The cumulative effect across the eight main presenting needs will be taken into consideration. A statutory assessment will be considered if the cumulative effect may call for special provision which cannot reasonably be provided within the resources normally available to a mainstream setting in the area.

### **SEN Panel**

A school or pre-school setting, parent or other agency can ask the LA to carry out a statutory assessment of a child's SEN. The LA must decide whether a statutory assessment is necessary using evidence provided by the school or setting, and by taking account of the parent or carer's views. The evidence is considered by the SEN Panel, which will consist of:

- Senior managers from the Access and Inclusion Service, including the Educational Psychology Service, Learner Support Service, and the Children Looked After Education Team
- ALNAS administrator for the relevant area (Rhondda, Cynon or Taf)
- Head Teacher representative (where possible).

The Panel meets weekly and any requests for statutory assessment are considered and discussed during the meeting. Panel discussions will be kept confidential and panel members are requested not to discuss individual cases outside the Panel context.

Evidence provided on each individual case is considered by the Panel and a collective decision made about whether or not the case should proceed to a statutory assessment. The decision is based upon the evidence provided to the Panel using both the measures and Graduated Response Criteria.

The panel outcome is recorded by the ALNAS team member and written confirmation of the Panel's decision is sent to the school or pre-school setting and parents/carers within a few days of the Panel meeting. Where the decision is not to proceed to a statutory assessment detailed reasons for the decision will be provided in the letter sent to the parents and the school or educational setting. In many cases where a decision is made not to proceed with Statutory Assessment the Family Liaison Officer is asked to contact the family to discuss the outcomes and ensure a plan is in place to support the learner's additional needs.

### **Evidence Required to Inform a Statutory Assessment**

In providing evidence for statutory assessment requests, schools and educational settings should have due regard for the statutory assessment guidance criteria detailed in this document. Evidence provided should include

- The child's presenting needs, difficulties and any diagnosis if relevant
- Child's level of attainment and functioning
- A detailed overview of progress made over a 2-3 year period, with supporting assessment data and IEPs/IBPs
- A detailed chronology of school based support, strategies and interventions
- Evidence of engagement with external agencies and evidence that advice has been acted on

If a request for statutory assessment is received from a parent or carer, then contact will be made with the school or educational provider in order to request additional advice. Schools will be required to complete an Appendix B and to submit supporting evidence to the panel for consideration. A decision is then made as to whether a statutory assessment should be initiated or not.

### **Statutory Assessment Process**

Once a statutory assessment is agreed, advice is sought from a range of the professionals involved with the child. This includes advice from: parents/carers; education (Appendix 2); medical staff (e.g. Clinical Medical Officer; Speech and Language Therapist; Occupational Therapist; Physiotherapist; Educational Psychologist; Social Services); and other relevant agencies.

Following receipt of all the advice for the statutory assessment, the authority via SEN Panel will consider the level of the child's learning difficulties and the special educational provision required. If the assessment confirms the provision being made is appropriate but the child is not progressing sufficiently well, then the authority will consider what further provision is needed and whether this can be made within the school's resources or whether a statement of SEN should be issued. If it is felt that the child's needs can be met with a level of advice, support and resources available through SA+/EYA+, a statement may not be necessary and a note in lieu may

be issued. If a decision is taken to issue a note in lieu, the LA will notify the parents within two weeks of that decision. This is a document that, whilst not statutory, describes the child's needs and arrangements for meeting those needs and helps clarify for parents and carers and those who work with the child, his/her needs and how they should be met.

The authority's conclusion will depend on the precise circumstances of each case in the context of local resourcing and provision arrangements. If the panel agrees the child requires a statement of SEN this will outline the child or young person's needs and the additional and different provision required to meet those needs beyond that which a school could be expected to provide from its own resources. The LA must then send a proposed statement to the parent/carer who has a right to make representations about the content of the statement and to express a preference for a maintained school where the child has reached statutory school age. When appropriate representations have been made and considered, the final statement, with any necessary changes, is issued to the parent/carer, school or educational provider, and also to all professionals who provided advice.

If parents express a wish for their child to be educated in a mainstream school, the LA must comply with that wish unless it would not be compatible with the efficient education of other children with whom the child would be educated. Where parents express a wish for their child to be educated in a specific maintained school, the LA must comply unless the preference is unsuitable in terms of the child's age, ability or aptitude, or special needs, or it is incompatible with the efficient use of resources or the provision of efficient education for other children with whom the child would be educated.

Parents have the right of appeal to the SEN Tribunal for Wales (SENTW) when a request for a statutory assessment is not agreed, when a statement is not issued, or when a statement is issued and the parent(s)/carer(s) don't agree with the content or the school named. In any cases where there are disagreements with the LA about the decisions taken, the LA continues to work to resolve them through conciliation or mediation, involving the school/setting in this process. Throughout the process the LA keeps parents and carers informed and listens to their views. The Access and Inclusion Service has a dedicated Family Liaison Officer who is available to discuss the Statutory Assessment Process. If necessary, disagreements are addressed through a process of disagreement resolution and, if needed through the involvement of SNAP.

The process and timescales for undertaking statutory assessment and issuing a statement are set out in the SEN Code of Practice for Wales 2002. Rhondda Cynon Taf will always endeavour to adhere to statutory timescales. The LA should take no more than 18 weeks from the date of referral to the date of issue of the draft statement (except where there are exceptions as set out in the Code). From referral to the issue of the final statement should take no longer than 26 weeks. The performance of the LA is measured through national and local performance indicators.

## **Reviewing Statements of SEN/Notes in Lieu**

The formal mechanism for reviewing statements is the Annual Review process. The LA expects schools to hold an Annual Review every year on the anniversary the statement was first finalised, irrespective of the date of any amended final statements. It is important that the objectives are thoroughly reviewed at this stage to gauge the degree to which they have been met. Where needs have changed, the school/setting should give careful consideration to any adjustments required to teaching strategies and support. The outcomes of Annual Reviews and any requests for changes in provision are considered by LA Annual Review Panels held every 3 weeks. If a school/setting considers it is no longer able to meet the child's needs, it should call for an early Annual Review. In all cases, where a statement is amended following a review, parents have a right of appeal to SENTW if they disagree with the content of the amended statement. However, the LA always works through conciliation and mediation to try to resolve any disagreements with parents. While the LA is committed to working within the SEN Code of Practice and works hard to improve its performance in meeting statutory timescales, it is also aware of the need to work in partnership with parents and to accommodate parental wishes where appropriate.

If a statutory assessment is agreed and results in a statement being issued, it should not necessarily be regarded as being in place for the rest of the child's time at school. In many cases, intervention using the resources and programmes provided through the statement will be successful in enabling the child to progress to a level at which he or she can access curriculum and learning experiences using the school's existing resources and normal arrangements. At each annual review the child's needs and progress will be reviewed against the objectives laid out in part 3 of the statement and with reference to the statutory assessment criteria. Maintenance of the statement will be justified against these criteria through the LA's normal monitoring procedures. Where it is judged that the child no longer meets the criteria for a statement, the LA will consult with parents and the school about ceasing the statement. When intending to cease a statement, a meeting should be held with the Head Teacher/ SENCo to discuss how the school will continue to provide support at SA+/EYA+.

A note in lieu does not require a formal review in the same way as a statement of SEN. Children with notes in lieu should have their progress reviewed in the same way as pupils at SA+/EYA+. The note in lieu is essentially a description of a child's needs based on the statutory assessment advice and also provides detail as to how the child's needs should be met as SA+/EYA+. A note in lieu does not have the same legal status as a statement of SEN.

## COGNITION AND LEARNING (Specific Learning Difficulties) : Criteria for Initiating a Statutory Assessment

Measures	<ul style="list-style-type: none"> <li>○ No progress in literacy and numeracy at SA+/EYA+ despite appropriate IEPs and interventions implemented with direct input and advice from a Specialist Teacher for SpLD and/or EP.</li> <li>○ Inadequate progress should be evidenced by an analysis of assessment data to highlight degree and range of difficulties relative to the learner's peer group e.g. comparison of normative data such as centile and standard scores over time (SA/EYA and SA+/EYA+) show a deterioration in skills and a widening of the gap between learner and peers.</li> <li>○ At the end of key stage, the following attainments may be indicated in reading, writing or mathematics – FP: P level 4, working within Foundation Phase Outcome 1; KS2: P level 7 and/or working towards level 1; KS3: working at Level 2.</li> <li>○ Average or above average levels of reasoning and/or verbal ability with clear discrepancies between attainments in different core subjects or within one core subject of the NC (e.g. oracy in English/Welsh is average or above average; reading, writing and/or mathematics are well below average).</li> <li>○ Performance on measures on standardised assessments at or below the 1<sup>st</sup> centile</li> </ul>
Graduated Response	<ul style="list-style-type: none"> <li>○ Ongoing and in-depth assessments undertaken using standardised measures and diagnostic tools e.g. phonological awareness and skills, knowledge of high frequency words etc.</li> <li>○ Analysis of other contributory factors (e.g. home, environmental) taken into consideration and relevant interventions planned.</li> <li>○ Historical and current access to regular group or individual school based support to implement IEP targets at SA+/EYA+.</li> <li>○ School has made appropriate referrals to external agencies at SA+/EYA+ and reports from EPS and LSS are provided</li> <li>○ IEPs devised in close consultation with external agencies (e.g. LSS or EPS) and IEPs reflect actions agreed during consultations and/or advice given by other professionals. IEPs should consist of 3-4 carefully considered targets and detail relating to teaching strategies, support provided, success criteria and outcomes are included.</li> <li>○ LSS Specialist Teacher has undertaken detailed diagnostic assessment, devised an action plan or Specialist Intervention Programme (SIP) and provided support over an agreed period.</li> <li>○ Person centred approaches have been used to support planning of interventions.</li> <li>○ Teaching and support staff have attended recommended training and can demonstrate impact.</li> </ul>

## COGNITION AND LEARNING (Severe and Complex Learning Difficulties) : Criteria for Initiating a Statutory Assessment

<p>Measures</p>	<ul style="list-style-type: none"> <li>○ Inadequate progress in literacy and numeracy at SA+/EYA+ despite appropriate IEPs and interventions implemented with input and/or advice from a Specialist Teacher for LD and/or EP</li> <li>○ Inadequate progress should be evidenced by an analysis of assessment data to highlight degree and range of difficulties relative to the learner's peer group e.g. comparison of normative data such as centile and standard scores over time (SA/EYA and SA+/EYA+) show a deterioration in skills and a widening of the gap between learner and peers over time</li> <li>○ At the end of key stage, the following levels may be indicated across all curriculum areas: FP: P level 4, working within Foundation Phase Outcome 1; KS2: P level 7 and/or working towards level 1; KS3: working at Level 2</li> <li>○ Early years baseline assessment results in "the well below average" range with 60% development delay</li> <li>○ All aspects of cognitive ability in the "well below average range" (e.g. standard scores of 62 or less, or at or below the 1<sup>st</sup> centile)</li> <li>○ Performance measures on standardised assessments at or below the 1<sup>st</sup> centile</li> </ul>
<p>Graduated Response</p>	<ul style="list-style-type: none"> <li>○ Analysis of a wide range of learning needs to be taken in to consideration (e.g. communication, social interaction, emotional, behavioural, physical and sensory needs) and relevant interventions devised in consultation with the EPS, LSS and/or Health staff</li> <li>○ Analysis of other contributory factors (e.g. home, environmental) taken into consideration and relevant interventions planned</li> <li>○ Historical and current access to group and individual support to implement IEP targets at SA+/EYA+</li> <li>○ Evidence that class teachers/subject teachers are responsible for delivering the IEP in conjunction with the SENCo</li> <li>○ School has made appropriate referrals to external agencies at SA+/EYA+ and have reports recording the involvement of EPS /LSS</li> <li>○ Person Centered approaches have been used to support planning of interventions</li> <li>○ Teaching and support staff have attended recommended training and can demonstrate impact</li> <li>○ IEP/Play plans devised in close consultation with external agencies (e.g. LSS, EPS, health) and reflect actions agreed during consultations and/or advice given by other professionals. IEPs should consist of 3-4 carefully considered targets and detail relating to teaching strategies, support provided, success criteria and outcomes included.</li> </ul>

## SOCIAL, EMOTIONAL AND BEHAVIOURAL DIFFICULTIES: Criteria for Initiating a Statutory Assessment

Measures	<ul style="list-style-type: none"> <li>○ Clearly documented evidence and behavioural observations show that intense behaviour, emotional and/or social difficulties are severely impeding and disrupting learning which has made engagement and curriculum access extremely difficult or impossible on a daily basis and is often repeated throughout the day in most situations.</li> <li>○ Increasing disaffection and/or deteriorating attendance levels (e.g. increase in referrals to senior staff; increase in non-attendance)</li> <li>○ Inadequate progress is evidenced by an analysis of assessment data to highlight degree and range of difficulties relative to the learner's peer group.</li> <li>○ Despite differentiated learning opportunities, individualised programmes, enhanced support at SA+/EYA+ and regular access to specialist staff, the learner's difficulties severely interfere with their own and others' learning on a daily basis evidenced by analysis of behaviour tracking</li> </ul>
Graduated Response	<ul style="list-style-type: none"> <li>○ Communication systems have been established for sharing information between parents, school and other agencies (e.g. CAMHS, Primary Mental Health Team, Eye to Eye) who have been actively involved</li> <li>○ Multi-agency meetings have taken place, actions have been agreed, actioned and evidence of review can be provided</li> <li>○ Analysis of other contributory factors (e.g. home, environmental and attachment needs) have been taken into consideration and relevant interventions planned and implemented</li> <li>○ Person centred approaches have been used to support planning of interventions for both structured and unstructured times</li> <li>○ Systematic observation &amp; analysis of the learner's behaviour is undertaken using structured behavioural observations and/or checklists. Analysis should identify information relating to the frequency, intensity and duration of incidents. Analysis should also establish the antecedents to behavioural incidents, behaviour causing concern and the learner's response to the management strategies deployed.</li> <li>○ Interventions are based on the findings of assessments e.g. Boxall and Beyond the Boxall profile, Thrive, SDQ</li> <li>○ IEP/IBP/Play plans devised in close consultation with external agencies and reflect actions agreed during consultations and/or advice given by other professionals. IEPs should consist of 3-4 carefully considered targets and detail relating to teaching strategies, support provided, success criteria and outcomes included.</li> <li>○ Behaviour Specialist Teacher or EP has undertaken detailed diagnostic assessment, devised an action plan or Specialist Intervention Programme (SIP) and provided support over an agreed period.</li> <li>○ A Pastoral Support Plan evidences a reduced, modified or alternative curriculum.</li> <li>○ A risk assessment is in place and provides information of how the pupils' risk assessment has informed a change of approach by staff</li> <li>○ School has received whole school training and training to deliver specific interventions to meet learners needs e.g. ELSA and can demonstrate impact</li> <li>○ A Positive Handling plan is in place and logs of all incidents of restrictive physical intervention have been submitted to LA</li> </ul>

## COMMUNICATION & INTERACTION (Speech & Language Difficulties): Criteria for Initiating a Statutory Assessment

Measures	<ul style="list-style-type: none"> <li>○ Confirmation from a Speech and Language Therapist, Educational Psychologist or Specialist Teacher of a severe speech and language difficulty (centile score at or below the 1<sup>st</sup> centile or with a standard score of 62 or less in key areas) which has persisted over time</li> <li>○ Broadly average non-verbal abilities</li> <li>○ Evidence that the speech and language difficulty has impacted significantly on progress across key areas of the curriculum. At the end of key stage, the following attainments may be indicated in specific areas (e.g. oracy, reading or spelling): Foundation Phase: P level 4, working within Foundation Phase Outcome 1; KS2: P level 7 and/or working toward level 1; KS3: working at Level 2. Early years baseline assessment results in the well below average range in key areas (e.g. speech, language and communication; social interaction 60% developmental delay)</li> <li>○ Performance on measures of reading accuracy, reading comprehension, spelling and numeracy at or below the 1<sup>st</sup> centile</li> <li>○ Inadequate progress in speech, language, communication, literacy and/or numeracy at SA+/EYA+ despite appropriate IEPs and school based support and interventions implemented with regular input and/or advice from a Specialist Teacher, Educational Psychologist and/or Speech and Language Therapist</li> <li>○ Inadequate progress should be evidenced by an analysis of assessment data to highlight degree and range of difficulties relative to the learner's peer group e.g. comparison of normative data such as centile and standard scores over time (SA/EYA and SA+/EYA+) show a deterioration in skills</li> </ul>
Graduated Response	<ul style="list-style-type: none"> <li>○ Teaching and support staff have attended recommended training and can demonstrate impact</li> <li>○ Evidence of interventions which includes specialist strategies, materials and resources</li> <li>○ Regular access to ICT and specialist ICT suitable for learners with speech and language difficulties</li> <li>○ School has made appropriate referrals to external agencies at SA+/EYA+ and have reports recording the involvement of EPS &amp; LSS</li> <li>○ IEPs devised in close consultation with external agencies (e.g. LSS, EPS and/or SALT) and IEPs reflect actions agreed during consultations and/or advice given by other professionals. IEPs should consist of 3-4 carefully considered targets and detail relating to teaching strategies, support provided, success criteria and outcomes included. Plans complement and augment any SIP</li> <li>○ LSS Specialist Teacher has undertaken detailed diagnostic assessment, devised an Action Plan or Specialist Intervention Programme (SIP) and provided support over an agreed period.</li> <li>○ Evidence that class teachers/subject teachers are responsible for delivering the IEP in conjunction with the SENCo</li> <li>○ Person centred approaches have been used to support planning and recognise progress.</li> </ul>

## COMMUNICATION & INTERACTION (Autistic Spectrum Disorder/Communication Disorder): Criteria for Initiating a Statutory Assessment

Measures	<ul style="list-style-type: none"> <li>○ Medical confirmation of ASD/Communication Disorder or imminent diagnosis</li> <li>○ Outcomes in assessment of adaptive functioning demonstrate score within the severe range &lt;1 centile.</li> <li>○ Evidence of severe social, emotional and/or behavioural difficulties from observational data and specialist teacher assessment which equates to scores of between 45 and 60 on the Childhood Autism Rating Scale (CARS) or scores of between 10.5 and 12 on the three domains of adaptation to change, sensory response and emotional response.</li> <li>○ Early year's baseline assessment results in the well below average range in key areas (developmental delays of 60%)</li> <li>○ Evidence that the ASD/Communication Disorder has impacted severely on progress across the curriculum.</li> <li>○ Inadequate progress should be evidenced by an analysis of assessment and observational data to highlight degree and range of difficulties relative to the learner's peer group and learners general cognitive ability e.g. comparison of normative data such as centile and standard scores over time (SA/EYA and SA+/EYA+) show a deterioration in skills</li> <li>○ Inadequate progress in social interaction and communication, literacy and/or numeracy at SA+/EYA+ despite appropriate IEPs and school based support and interventions implemented with regular input and/or advice from a Specialist Teacher, Educational Psychologist and/or Speech and Language Therapist. However, there may be some specific areas of relative strength.</li> </ul>
Graduated Response	<ul style="list-style-type: none"> <li>○ Teaching and support staff have attended recommended training and can demonstrate impact</li> <li>○ School has made appropriate referrals to external agencies at SA+/EYA+ and have reports recording the involvement of EPS, LSS and BST where behaviour is a significant concern</li> <li>○ IEPs/IBPs devised in close consultation with external agencies (e.g. LSS, EPS and/or relevant Health staff) and IEPs reflect actions agreed during consultations and/or advice/reports given by other professionals. IEPs should consist of 3-4 carefully considered targets and detail relating to teaching strategies, support provided, success criteria and outcomes included. Plans complement and augment any SIP</li> <li>○ Person centred approaches have been used to support planning and recognise progress.</li> <li>○ Evidence that class teachers/subject teachers are responsible for delivering the IEP in conjunction with the SENCo</li> <li>○ Historical and current access to regular group or individual support to implement IEP targets at SA+/EYA+</li> <li>○ LSS Specialist Teacher has undertaken detailed diagnostic assessment, devised an action plan or a Specialist Intervention Programme (SIP) and provided support over an agreed period</li> <li>○ Strategies are implemented to ensure that the learner has appropriate access to the whole curriculum</li> <li>○ Regular access to ICT and specialist ICT suitable for learners with ASD</li> <li>○ Augmentative and alternative means of communication provided for the most severely impaired</li> </ul>

## SENSORY AND PHYSICAL NEEDS (Hearing Impairment): Criteria for Initiating a Statutory Assessment

Measures	<ul style="list-style-type: none"> <li>○ Medical confirmation that the learner has a diagnosis of severe to profound sensorineural and/or bi-lateral hearing loss that warrants the use of hearing aids and/or radio aid system</li> <li>○ Inability to make progress within the curriculum (or to develop expected and predicted milestones in younger children) without extensive amplification of hearing and the support of visual means of communication (e.g. lip-reading; signed support)</li> <li>○ Significant speech and language difficulties which restricts communication with others and inhibits language use in the curriculum</li> <li>○ Experiences difficulties in hearing in noisy and/or reverberant environments or where a speaker is at a distance, has difficulties in localising sound</li> <li>○ Difficulties in making and sustaining peer relationships leading to concerns in social isolation, the risk of bullying and growing emotional, social and/or behavioural difficulties</li> <li>○ Inadequate progress is evidenced by an analysis of assessment data to highlight degree and range of difficulties relative to the learner's peer group e.g. comparison of normative data such as centile and standard scores over time (SA/EYA and SA+/EYA+) show a widening of the gap between learner and peers over time.</li> <li>○ Placed in A category of RCT's eligibility criteria as assessed by Qualified Teacher of Hearing Impaired (QTHI)</li> <li>○ In exceptional circumstances such as an accident, illness or rapid onset of a degenerative condition it might not be appropriate to wait a period of two IEP reviews at SA+/EYA+</li> </ul>
Graduated Response	<ul style="list-style-type: none"> <li>○ Placement in mainstream class with flexible teaching arrangements, grouping, and appropriate seating and learning environments</li> <li>○ Clear evidence of curriculum differentiation, adaptation and/or modification</li> <li>○ Access to an appropriate acoustic environment, amplification aids and alternative forms of communication such as BSL and total communication where necessary</li> <li>○ Evidence of interventions which involves individualised programmes, specialist strategies, materials, resources and use of audio logical equipment</li> <li>○ Analysis of other contributory factors (e.g. home, environmental) taken into consideration and relevant interventions planned</li> <li>○ IEP/Play plans devised in close consultation with external agencies (e.g. LSS, EPS, health) and reflect actions agreed during consultations and/or advice given by other professionals. IEPs should consist of 3-4 carefully considered targets and detail relating to teaching strategies, support provided, success criteria and outcomes included. Plans complement and augment any SIP.</li> <li>○ Evidence that class teachers/subject teachers are responsible for delivering the IEP in conjunction with the SENCo</li> <li>○ Evidence that input from a Qualified Teacher of Hearing Impaired (QTHI) has been provided in line with RCT's Eligibility Criteria for Support (and/or input from a Specialist Communicator of LSA (HI)) and advice implemented by school</li> <li>○ Regular hearing and radio aid checks have been undertaken by the Qualified Teacher of Hearing Impaired and specialist Communicator</li> <li>○ Regular access to pastoral support to address the learner's social, emotional and behavioural needs</li> <li>○ Person centred approaches have been used to support planning and interventions</li> <li>○ Teaching and support staff have attended recommended training and can demonstrate impact</li> </ul>

## SENSORY AND PHYSICAL NEEDS (Visual Impairment): Criteria for Initiating a Statutory Assessment

Measures	<ul style="list-style-type: none"> <li>○ Medical confirmation of the cause and degree of vision loss that cannot be corrected by spectacles or lenses</li> <li>○ Detailed functional vision assessment undertaken by a Qualified Teacher for the Visually Impaired (QTVI) confirms that the level of difficulties displayed is such that the learner is unable to access the curriculum without significant modifications (tactile and enlarged print and Braille) and/or needs access to mobility programme</li> <li>○ Little or no progress at SA+/EYA+ despite regular school based learning support and access to support from QTVI for the Visually Impaired and/or Specialist Braille Support Assistant as defined by RCT's Eligibility Criteria for support</li> <li>○ Persistent difficulties and delay in the acquisition of literacy, numeracy, self-help, mobility and/or social skills</li> <li>○ Inadequate progress is evidenced by an analysis of assessment data to highlight degree and range of difficulties relative to the learner's peer group e.g. comparison of normative data such as centile and standard scores over time (SA/EYA and SA+/EYA+) show a widening of the gap between learner and peers over time.</li> <li>○ Difficulties in making and sustaining peer relationships leading to concerns in social isolation, the risk of bullying and growing emotional, social and/or behavioural difficulties: high levels of emotional stress</li> <li>○ Severe problems in sustaining concentration and in completing tasks</li> <li>○ A need for substantial modification to the curriculum and the learning environment to accommodate the learner's visual impairment and to ensure full access. Mobility difficulties have impacted significantly on participation in school and classroom activities</li> <li>○ Close adult supervision to ensure the health and safety of the learner and engagement in all aspects of school life</li> <li>○ Placed in A category of RCTs eligibility criteria as assessed by QTVI</li> <li>○ In exceptional circumstances such as an accident, illness or rapid onset of a degenerative condition it might not be appropriate to wait a period of two IEP reviews at SA+/EYA+</li> </ul>
Graduated Response	<ul style="list-style-type: none"> <li>○ Analysis of a wide range of learning needs to be taken in to consideration (e.g. communication, social interaction, emotional, behavioural, physical and sensory needs) and relevant interventions devised in consultation with the EPS, LSS and/or Health staff</li> <li>○ Analysis of other contributory factors (e.g. home, environmental) taken into consideration and relevant interventions planned</li> <li>○ IEP/Play plans devised in close consultation with external agencies (e.g. LSS, EPS, health) and reflect actions agreed during consultations and/or advice given by other professionals. IEPs should consist of 3-4 carefully considered targets and detail relating to teaching strategies, support provided, success criteria and outcomes included. Plans complement and augment any SIP</li> <li>○ Evidence that class teachers/subject teachers are responsible for delivering the IEP in conjunction with the SENCo</li> <li>○ Evidence of engagement between the QTVI, Mobility Specialist, school staff and parent(s) or carer(s) to resolve issues relating to the visual impairment and mobility</li> <li>○ Person Centred approaches have been used to support planning of interventions</li> <li>○ Teaching and support staff have attended recommended training and can demonstrate impact</li> <li>○ Regular access to specialist ICT suitable for learners with a vision impairment</li> <li>○ Evidence that input from a QTVI has been provided in line with RCT's eligibility criteria for support and advice implemented by school</li> </ul>

## SENSORY AND PHYSICAL NEEDS ( Physical and/or Medical Difficulties): Criteria for Initiating a Statutory Assessment

Measures	<ul style="list-style-type: none"> <li>○ A learner has a permanent, severe and/or complex physical disability or serious medical condition that causes substantial and extensive barriers to learning, access to the curriculum and the development of social relationships.</li> <li>○ Once environmental adjustments have been made the learner continues to have difficulty accessing the full curriculum</li> <li>○ Evidence of considerable self-help difficulties (e.g. dressing, toileting or feeding) in comparison to age group and a need for additional support and assistance</li> <li>○ Despite differentiated learning opportunities, individualised programmes and concentrated support at SA+/EYA+ the learner has continued to work at National Curriculum/Foundation Phase levels substantially below that expected of learners of a similar age and has experienced significant delays in the acquisition of literacy, numeracy, self-help, gross and/or fine motor skills</li> <li>○ Attainment levels in most tasks and curriculum areas may be significantly depressed by irregular attendance brought about by the nature of the physical difficulty and/or need for regular therapy</li> <li>○ Inadequate progress is evidenced by an analysis of assessment data. Data analysis should highlight the degree and range of difficulties relative to the learner's peer group e.g. comparison of normative data such as centile and standard scores over time (SA/EYA and SA+/EYA+) and shows a lack of progress over time.</li> <li>○ In exceptional circumstances such as an accident, illness or rapid onset of a degenerative condition it might not be appropriate to wait a period of two IEP reviews at SA+/EYA+</li> </ul>
Graduated Response	<ul style="list-style-type: none"> <li>○ The school has implemented the advice received from Health Professionals and other external support agencies and IEPs have been devised in close consultation with external agencies and IEPs reflect actions agreed during consultations and/or advice given by other professionals. Evidence of interventions includes specialist strategies, materials, resources, equipment and/or adaptations</li> <li>○ Therapy programmes are in place and implemented in the school context</li> <li>○ School has accessed and implemented appropriate training and advice from Learner Support Services.</li> <li>○ The school has taken all reasonable steps to improve access to independent learning and the physical environment of the school.</li> <li>○ Full risk assessment will have been undertaken by the school including out of school activities</li> <li>○ All staff have been fully informed of the learner's needs and a Health Care Plan is in place to ensure a consistent approach is adopted</li> <li>○ Ongoing multi-agency involvement and support is evident due to overlap of educational, social and health needs</li> <li>○ Evidence that class teachers/subject teachers are responsible for delivering the IEP in conjunction with the SENCo and that strategies are generalised across the curriculum to ensure access</li> <li>○ Regular access to ICT and specialist ICT suitable for learners with physical difficulties.</li> <li>○ School has completed the Accessibility Strategy Self-Assessment Tool.</li> </ul>

## **Ceasing to maintain a statement of SEN**

The issue of a statement of SEN by the local authority (LA) is not indefinite and annual review should be carried out in order to assess the feasibility of amending or ceasing to maintain the statement. In all instances, enabling the pupil to continue to make adequate progress should be the primary objective. Ceasing to maintain a statement of SEN is part of the graduated response to supporting a pupil with SEN and should only be considered after alternatives have been deemed inappropriate.

In some instances, amending a statement of SEN to reflect a reduction in support could benefit the pupil and the school. This option should only be considered where the pupil's progress is not impacted negatively by any amendments.

Pupils should be considered individually and all implications of amending or ceasing to maintain a statement of SEN should be explored against the criteria outlined within this document.

Where criteria are partially met, an amendment to the statement of SEN may be pertinent, providing the decision is taken against the pupil's individual cessation criteria. Additionally, pupils may have more than one area of additional need so different sets of specific cessation criteria may apply.

In all instances, any amendments to a child's statement of SEN should be considered in continuing consultation with parents/carers and the pupil and agreed with the LA before the decision is finalised. A reduction in SEN support or the cessation of a statement of SEN should be celebrated.

### **Cessation criteria**

The Special Educational Needs Code of Practice for Wales (p. 116) addresses the cessation of statements of SEN as follows:

**8:118** *The LEA may cease to maintain a statement for a child only if they believe that it is no longer necessary to maintain it. The LEA should consider the results of the recent annual reviews, whether the objectives of the statement have been achieved, and whether the child's needs could be met in future within the resources of mainstream schools within the area without the need for continuing LEA oversight. The LEA should always, therefore, consider whether, notwithstanding the achievement of some, or even all, of the objectives in the statement, the child's progress will be halted or reversed if the special educational provision specified in the statement or modified provision which justified the maintenance of a statement were not made.*

**8:119** *The LEA may consider whether the following apply when considering if it is necessary to maintain a statement:*

- a. Have the objectives of the statement been met;*

- b. Can the child's needs be met in future within the resources of a mainstream school;*
- c. Do the child's special educational needs no longer significantly impede access to the National Curriculum;*
- d. Does the child no longer require daily adult supervision or substantial adaptation of teaching materials to access the curriculum fully;*
- e. Can the child cope with everyday social interaction at school;*
- f. Has the child no significant self-help difficulties that require more provision than is normally available within the school.*

The above should be considered as broad context when considering the option to amend or cease to maintain a statement of SEN. In general the LA will consider:

- Progress made against the objectives
- Pupil is functioning above the statutory threshold criteria within the educational setting
- The SEN provision necessary to maintain the pupil's adequate progress can be delivered through School Action Plus (SA+) provision or School Action (SA) provision
- Whether any SEN provision is necessary

Once assessment and monitoring have established that the pupil has met the above cessation criteria and demonstrated a continuation of adequate progress, the decision on whether to cease to maintain the statement of SEN should be considered

Essentially, the decision to amend or cease a statement of SEN should be taken on a pupil by pupil basis, with particular attention paid to ensuring the continuation of adequate pupil progress, a graduated response to meeting the need, planning, consultation and ongoing monitoring.

## Appendix 1: Table of Learner Characteristics and Attainment Criteria

Year	Standard Scores	Centile Score	Foundation Phase/National Curriculum
Nursery/Reception	62	1	60% developmental delay (e.g. chronological age/CA of 48 months = developmental delay of 28 months evident; CA of 36 months = developmental delay of 21 months is evident)
Year 1	62	1	≤ P level 3 (i.e. working towards level 1). Working within Foundation Phase 1 following 2 reviews at SA+.
Year 2	62	1	P level 4 or Working within Foundation Phase 1 following 2 reviews at SA+
Year 3	62	1	P level 5 or Foundation Phase Outcome 1/2 Working towards NC level 1 following 2 reviews at SA+
Year 4	62	1	P level 5/6 or Foundation Phase Outcome 2 Working towards Level 1 following 2 reviews at SA+
Year 5	62	1	P level 6 or Foundation Phase Outcome 2/3 Working towards Level 1 following 2 reviews at SA+
Year 6	62	1	P level 7 or Foundation Phase Outcome ¾ Working towards Level 1 following 2 reviews at SA+
Year 7	62	1	P level 8 or Foundation Phase Outcome 4 Working at Level 1 following 2 reviews at SA+
Year 8	62	1	Working at Level 1/2 following 2 reviews at SA+
Year 9	62	1	Working at Level 2 following 2 reviews at SA+
Year 10	62	1	Working at Level 2 following 2 reviews at SA+
Year 11	62	1	Working at Level 2/3 following 2 reviews at SA+
Year 12	62	1	Working at Level 3 following 2 reviews at SA+

