



SUPPORTING PUPILS WITH ADDITIONAL NEEDS

**Guidance for Schools
and Settings**

C O N T E N T S

INTRODUCTION	How to use this file
Chapter 1:	Roles and responsibilities
Chapter 2:	Working with pupils and parents
Chapter 3:	Areas of need
Chapter 4:	Early Years Action / School Action
Chapter 5:	Early Years Action Plus / School Action Plus
Chapter 6:	School-based Identification System
Chapter 7:	Statutory Assessment
Chapter 8:	Criteria for Statutory Assessment including Audits for Self-Assessment
Chapter 9:	Referral for Statutory Assessment
Chapter 10:	Annual Reviews
Chapter 11:	Criteria for ceasing to maintain Statements

APPENDICES

Appendix 1	Parent Partnership Service
Appendix 2	Individual Education Plans
Appendix 3	SIS Summary Form
Appendix 4	SIS Individual Pupil Records
Appendix 5	Information on P Scales / NC Levels
Appendix 6	A Graduated Response to SpLD / Dyslexia (Literacy) and Phonological Processing Targets
Appendix 7	Overview of Procedures for the Allocation of Additional Resources in the Foundation Stage 7a Early Years Maintained Sector 7b Early Years Private and Voluntary Sector 7c Early Years Maintained / Private and Voluntary Sectors
Appendix 8	Request for Statutory Assessment (Forms EY/RSA1 and RSA1)
Appendix 9	Timescale for Making Assessments and Issuing Statements
Appendix 10	Key Questions to be Considered by SEN Panels
Appendix 11	Appendix B - Educational Advice on a Child / Young Person for Statutory Assessment
Appendix 12	Timescale for Annual Review Meetings
Appendix 13	Annual Review Meeting Action Plan
Appendix 14	Annual Review Meeting - Advice Forms <ul style="list-style-type: none">• Pupil's Comments (Form AR1)• Parents'/Carers' Comments (Form AR2)• Professional Advice (Form AR3)• Medical Advice (Form AR4)
Appendix 15	Guidance for Completion of Annual Review Documentation
Appendix 16	Annual Review of Statement - School Advice Form for Pupils at Foundation Stage and Key Stages 1 and 2 (Form PAR1)
Appendix 17	Annual Review of Statement – School Advice Form for Pupils at Key Stages 3, 4 and 5 (SAR1)
Appendix 18	Summary Report Form – (for pupils across all Key Stages) (Form P/SAR2)
Appendix 19	Year 9 Transition Plan

INTRODUCTION: How to use this file

This file is meant to be a quick-reference resource to use alongside the Special Educational Needs (SEN) Code of Practice (2001). It brings together information on a range of topics from the Code but also includes locally based information, for example, the Local Authority's (LA) Criteria for Statutory Assessment, Exit Criteria and information around the School-based Identification System (SIS). Some of the chapters will have updates produced when there are changes made, for example, to arrangements for SIS. When updates are provided, it will be made clear which sections they are to replace. It is for this reason that this information is in ringbinder form.

The new criteria were developed by a representative group of LA officers, mainstream and special school teachers, SENCOs, headteachers and medical professionals in 2004/05. The criteria will be reviewed on a regular basis.

In each chapter that deals with the Code of Practice we have tried to summarise the main points and then provide references to the relevant section of the Code. These references are shown in the shaded boxes.

The appendices are made up of guidance and standard forms for your use. The forms are also available electronically on the website www.wiganschoolsonline.net under the headings Inclusive Education/LEA Documentation.

CHAPTER 1: Roles and responsibilities

This chapter sets out the specific roles and responsibilities of each party involved in the process of ensuring that the needs of pupils are met.

The Code of Practice sets out the underlying fundamental principles which inform the implementation of these guidelines.

Para 1:5

Critical Success Factors described in the Code are that:

- The culture, practice, management and deployment of resources in a school or setting are designed to ensure **all pupils' needs are met**;
- LEAs, schools and settings work together to ensure that any pupil's special educational needs are **identified early**;
- LEAs, schools and settings exploit **best practice** when devising interventions;
- Those responsible for special educational provision take into account **the wishes of the child** concerned, in the light of their age and understanding;
- Special education professionals and **parents** work in **partnership**;
- Special education professionals take into account the **views of individual parents** in respect of **their child's particular needs**;
- Interventions for each pupil are **reviewed regularly** to assess their impact, the pupil's progress and the views of the pupil, their teachers and their parents;
- There is close co-operation between all the agencies concerned and a **multi-disciplinary approach** to the resolution of issues;
- LEAs make assessments in accordance with the **prescribed time limits**;
- Where a LEA determines a child's special educational needs, Statements are **clear and detailed**, made within **prescribed time limits**, **specify monitoring arrangements** and are **reviewed annually**.

Para 1:6

THE ROLE OF THE LA

The LA has a general responsibility to promote high standards for all pupils, including those who have additional needs. An essential function of the LA is to ensure that:

- needs are identified;
- high quality support is provided to educational settings;
- children and young people benefit from co-ordinated provision;
- consultation on strategic planning takes place;
- arrangements for SEN provision are regularly reviewed.

Detailed information can be found in the Code of Practice.

Paras 1:10 - 1:15

THE ROLE AND DUTIES OF GOVERNING BODIES

Governors have statutory duties towards pupils who have additional needs and it is their responsibility to ensure that the necessary provision is made for pupils (with and without Statements) who have such needs. It is their responsibility to ensure that staffing and funding arrangements are in place and to monitor those arrangements.

In doing so they must have regard to the Code of Practice, and ensure that parents are consulted when additional provision is being made for their child.

Paras 1:16 - 1:22

THE ROLE AND RESPONSIBILITIES OF STAFF IN EARLY EDUCATION SETTINGS AND SCHOOLS

The Code of Practice makes it very clear that provision for children and pupils who have special educational needs is **a matter for everyone** in the setting or school.

In other words, every practitioner or teacher has a responsibility for pupils who have additional needs. This is important since the Education Act 1996 makes it clear that the LA has a duty to consider, and parents have a right to expect, more pupils having their needs met within mainstream schools. The LA offers clear guidance of pupil admissions.

THE ROLE OF THE SENCO

The Code of Practice clearly sets out that, whilst the SENCO is co-ordinator and point of reference for all staff, they do not remove or take on the practitioner's/teacher's responsibility for teaching and differentiating the curriculum for pupils with special educational needs.

Details of what may be included in the role of SENCO are specific to the phase in which the SENCO is operating. The Code makes direct reference to the fact that these roles **cannot** be adequately undertaken without appropriate time being provided for the SENCO.

Paras 4:15 - 4:17 Early Years Settings

Paras 5:30 - 5:36 Primary Schools

Paras 6:32 - 6:40 Secondary Schools

TABLE OF ROLES AND RESPONSIBILITIES

In Maintained Mainstream Schools	In Maintained Special Schools	In Early Education Settings
<ul style="list-style-type: none"> ◆ the governing body should, in co-operation with the head teacher, determine the school's general policy and approach to provision for children with additional needs, establish the appropriate staffing and funding arrangements and maintain a general oversight of the school's work. 	<ul style="list-style-type: none"> ◆ the governing body should, in co-operation with the head teacher, determine the school's general policy and approach to provision for all pupils, establish the appropriate staffing and funding arrangements and maintain a general oversight of the school's work. 	<ul style="list-style-type: none"> ◆ the setting's management group should work with practitioners to determine the setting's general policy and approach to provision for children with SEN.
<ul style="list-style-type: none"> ◆ the governing body may appoint a committee to take a particular interest in and closely monitor the school's work on behalf of children with additional needs. 		
<ul style="list-style-type: none"> ◆ the head teacher has responsibility for the day-to-day management of all aspects of the school's work, including provision for children with additional needs. The head teacher should keep the governing body fully informed and also work closely with the school's SEN co-ordinator or team. 	<ul style="list-style-type: none"> ◆ the head teacher has responsibility for the day-to-day management of all aspects of the school's work, and will keep the governing body informed . 	<ul style="list-style-type: none"> ◆ the manager of the setting has responsibility for the day-to-day management of all aspects of the setting's work, including provision for children with SEN. The manager of the setting should keep the voluntary management group fully informed where appropriate and also work closely with the SENCO.
<ul style="list-style-type: none"> ◆ all teaching and non teaching staff should be involved in the development of the school's SEN policy and be fully aware of the school's procedures for identifying, assessing and making provision for pupils with additional needs. 	<ul style="list-style-type: none"> ◆ all teaching and non teaching staff should be involved in the development of the school's policy and be fully aware of the school's procedures for making SEN provision, and monitoring and reviewing that provision in line with the guidance in the Code. 	<ul style="list-style-type: none"> ◆ all practitioners should be involved in the development of the SEN policy and be fully aware of the procedures for identifying, assessing and making provision for children with special educational needs.
<ul style="list-style-type: none"> ◆ the SENCO (or team), working closely with the head teacher, senior management and fellow teachers, should be closely involved in the strategic development of the SEN policy and provision. The SENCO has responsibility for day-to-day operation of the school's SEN policy and for co-ordinating provision for pupils with additional needs, particularly through School Action and School Action Plus. 		<ul style="list-style-type: none"> ◆ the SENCO working closely with the head of the setting and colleagues, has responsibility for the day-to-day operation of the setting's SEN policy and for co-ordinating provision for children with additional needs, particularly through Early Years Action and Early Years Action Plus.

CHAPTER 2: *Working with pupils and parents*

Good settings/schools have always involved pupils and their parents as partners. Effective work with parents is emphasised in the Code of Practice. A definition of who has parental responsibility can be found in the Glossary, on page 205 of the Code. If there are any specific concerns, eg around court orders, please contact your named SEN Officer/Inclusion Worker (for Early Years Settings) for advice.

A significant emphasis in the Code is that given to working with pupils and encouraging their active participation in all aspects of decision making and the Code considers that this works best:

- when begun early in a child's school life;
- when schools have established explicit structures for involving pupils;
- when parents are supported to see their children as active participants in discussions about their education;
- when the balance of listening to pupils and helping them make informed choices, without over-burdening them, is maintained.

Paras 3:1 - 3:27

Effective communication with parents is a key feature of the Code. Professionals should:

- acknowledge and draw on parental knowledge and expertise in relation to their child;
- focus on the children's strengths as well as areas of additional need;
- recognise the personal and emotional investment of parents and be aware of their feelings;
- ensure that parents understand procedures, are aware of how to access support in preparing their contributions, and are given documents to be discussed well before meetings;
- respect the validity of differing perspectives and seek constructive ways of reconciling different viewpoints;
- respect the differing needs parents themselves may have, such as a disability, or communication and linguistic barriers;
- recognise the need for flexibility in the timing and structure of meetings.

It goes without saying, therefore, that parental consent must be sought before referring pupils to others. If, however, you have a specific problem in this area you should contact either your named SEN Officer/Inclusion Worker or, in the case of school age children, the Parent Partnership Officer.

Paras 2:1 - 2:14

PARENT PARTNERSHIP

Parent Partnership can offer a valuable service to schools by supporting parents in a range of situations. There are minimum standards set down for this service and this can be helpful as a reference to the core activities, which fall under five main headings:

- Working with parents;
- Information and publicity;
- Training, guidance and support;
- Networking and collaboration;
- Helping to inform and influence local SEN policy and practice.

The overall aim is to provide a menu of flexible services for parents whose children have additional needs in order to empower them to play an active and informed role in their child's education. Additional information is attached at Appendix 1.

Para 2:21

DISAGREEMENT RESOLUTION SERVICE

LAs are now required to provide a Disagreement Resolution Service which can help across a whole range of difficulties that may arise. The rights of appeal to the SEN Tribunal are not affected by using the Service.

For schools and parents, the first point of reference is through a LA officer or the Parent Partnership Officer. Most disputes will be resolved through intervention by one of these agencies. If this does not happen then, with permission, the LA will refer to the Disagreement Resolution Service.

More information can be found on the NW Regional SEN Partnership's web site at www.sen-northwest.org.uk

Para 2:21

CHAPTER 3: Areas of need

The Code of Practice states that there is a wide spectrum of special educational needs that are frequently inter-related, although there are also specific needs that usually relate directly to particular areas of difficulty. Children/young people will have needs which may fall into at least one of four areas; many will have inter-related needs. The impact of these combinations on their ability to function, learn and succeed should be taken into account.

Although areas of need are important, the teaching environment and process of help and support, and effects, are central to the assessment process.

The areas of need are:

- cognition and learning - including specific learning difficulties/dyslexia (literacy);
- emotional, behavioural and social;
- sensory/physical and/or medical;
- communication and interaction.

All of these areas are covered in more detail in Chapter 8. In addition, Chapter 8 also contains a section on Early Years.

Para 7:52

Although needs and requirements can usefully be organised into areas, individual pupils may well have needs which span two or more areas. For example, a pupil with learning difficulties may also have behavioural difficulties or a sensory impairment. Where needs are complex, in this sense, it is important to carry out a detailed assessment of individual pupils, and their situation, over time. In some cases, pupils will have needs that are not only complex but also severe. However, the accumulation of low-level difficulties may not, in itself, equate with a school being unable to meet the pupil's needs through school-based provision.

CHAPTER 4: Early Years Action/School Action

Within the model outlined in Chapter 8, conditions for learning should be considered initially before any individual programme is tried.

When a class teacher, or the SENCO, identifies a pupil with additional needs the class teacher should provide interventions that are **additional to** or **different from** those provided as part of the usual differentiated curriculum. That is to say, Early Years Action or School Action support will be implemented.

Paras 4:20 - 4:25 and 5:43 - 5:48

INDICATORS OF NEED FOR EARLY YEARS ACTION AND SCHOOL ACTION SUPPORT

Before implementing Early Years/School Action support the setting or school should consider the following indicators, which **must** be present:

- All conditions for learning, as outlined in Chapter 8, have been considered.
- The pupil is experiencing significant difficulties within the given category of special educational need.
- The setting/school has provided differentiated input over time but the pupil continues to make little or no progress.
- Assessment data collected over a period of time provides evidence of the pupil's low levels of attainment.

It is also possible that the following triggers may indicate the need to implement School Action support:

- An Early Years Action Plus or School Action Plus review has taken place which recommends Early Years Action or School Action support as now appropriate.
- The LA has made a decision, following Statutory Assessment, that a Note-in-Lieu be issued recommending that Early Years Action or School Action support would be appropriate.

THE NATURE OF THE INTERVENTION IN THE EARLY EDUCATION SETTINGS AND THE PRIMARY PHASE

The SENCO and the key worker/class teacher, in consultation with the parent, should decide on the Early Years/School Action needed to help the pupil make progress. Such additional or different support may involve the use of different learning materials or special equipment. It is possible that LA support staff may also offer advice on strategies and teaching materials.

Paras 4:26 and 5:49

The strategies employed to enable the pupil to make progress should be recorded on an Individual Education Plan (IEP) or, if small numbers of pupils are experiencing similar difficulties, a Group Education Plan. The IEP should be written by the class teacher, in consultation with the SENCO where necessary, and should be shared with all adults working with the pupil.

The IEP should include information about:

- short term targets, where possible in consultation with the pupil, and in some cases set by the pupil;
- success and/or exit criteria;
- teaching strategies to be used;
- the provision to be put in place;
- when the plan is to be reviewed;
- outcomes (recorded when the IEP is reviewed).

The IEP should only record that which is **additional to**, or **different from**, the normal differentiated curriculum, which is available for all pupils. The targets should be realistic and manageable, for both practitioner/teacher and pupil. Three or four crisply written, attainable targets are more likely to result in progress than five or six targets which are unmanageable for practitioners/teachers in busy settings/classrooms. The IEP should be discussed with the pupil and the parents where possible. Ideally, IEPs should be reviewed at least termly, or more frequently for some pupils. Some schools dedicate a staff meeting to the review of IEPs every half term. IEP advice is attached at Appendix 2.

Paras 4:27 - 4:28 and 5:50 - 5:53

THE NATURE OF THE INTERVENTION IN THE SECONDARY SECTOR

The SENCO and the pupil's subject teachers should decide on the action needed to help the pupil to make progress in the light of earlier assessments. The school SENCO should facilitate this assessment and plan future support in discussion with colleagues. In many secondary schools, each faculty, or department, will have a nominated member of staff who acts as a link with the SENCO in order to co-ordinate SEN provision in their faculty or department.

Co-ordinating the planning of the pupil's IEP, and setting appropriate targets, should be the responsibility of the SENCO and/or the faculty/department link teacher. Devising strategies and identifying appropriate methods of access to the curriculum should lie within the area of expertise and responsibility of individual subject teachers. All staff should, therefore, be involved in providing help for pupils through School Action support. Arrangements for devising and recording IEPs should be planned and agreed with all staff, and endorsed by senior management. Parents should always be consulted and kept fully informed of the action taken to help the pupil, and of the outcomes of such action.

Paras 6:50 - 6:61

CHAPTER 5: Early Years Action Plus/School Action Plus

Once again, the model in Chapter 8 should be referred to in relation to considering the progress of the child/young person and conditions for learning at each stage.

The decision to provide Early Years Action Plus or School Action Plus support for a pupil is likely to follow an IEP Review meeting. The SENCO, and teaching colleagues, in consultation with parents/carers, will make this decision. The most common reason for implementing Early Years/School Action Plus support will be that the pupil has failed to make the desired progress and the school now feels the need to request the involvement of an external agency. This is not to say that external agencies would not be involved in working with pupils receiving less intensive levels of support, as part of the early intervention process.

INDICATORS OF THE NEED FOR EARLY YEARS ACTION PLUS AND SCHOOL ACTION PLUS SUPPORT

Before implementing Early Years Action Plus or School Action Plus support the setting/school should consider the following indicators, which **must** be present:

- The pupil is experiencing significant difficulties within the given category of SEN which have been persistent over a period of time.
- The implementation of IEPs within School Action support has not resulted in adequate progress towards the set learning targets.
- Assessments undertaken, over time, provide evidence of little or no progress by the pupil, despite the provision of appropriate learning opportunities and appropriate learning conditions.
- External support services have been involved in:
 - advising on IEPs;
and/or
 - providing specialist assessments;
and/or
 - providing advice on the use of new or specialist strategies or materials.

It is also possible that the following triggers may indicate the need to implement Early Years Action Plus or School Action Plus support:

- The LA has made a decision based on the Annual Review of a Statement, that the pupil's progress now makes it appropriate that the Statement be discontinued.
- The LA makes a decision, following Statutory Assessment, that a Note-in-Lieu be issued recommending that School Action Plus support would be appropriate.
- The pupil continues to work at National Curriculum Levels substantially below those expected of pupils of a similar age.

The decision to provide Early Years Action Plus or School Action Plus support will result in a new IEP setting out fresh strategies. Such strategies will usually be implemented, at least in part and as far as possible, in the normal classroom setting. The delivery of the interventions recorded in the IEP continues to be the responsibility of the class or subject teacher.

Paras 4:29 - 4:32, 5:54 - 5:61 and 6:62 - 6:69

Within Key Stages 1 and 2, Wave 3 approaches should be used wherever appropriate. In Key Stages 3 and 4, similar methods of enabling access to, and differentiating, the curriculum should occur. Please refer to the National Primary Strategy for details of Wave 3 approaches which are regularly up-dated. (See www.standards.dfes.gov.uk)

CHAPTER 6: School-based Identification System (SIS)

BACKGROUND

The School-based Identification System (SIS) was introduced in January 2001. It formed part of a range of strategies designed to assist schools in the early identification of pupils' needs and to provide support for those pupils without the need for a Statutory Assessment.

Since 2001, the SIS process has been reviewed by the SIS Development Group. The remit of the group is to refine the SIS process whilst ensuring that the general principles and positive elements of SIS are maintained.

The major difficulties with SIS in previous years have been:

- fluctuations in year-on-year funding for individual schools;
- the time required by SENCOs and LA staff to administer the system;
- difficulties in applying for SIS funding for pupils with low-incidence additional needs;
- concerns about the use of a checklist to measure the severity of emotional and behavioural difficulties.

The current process has taken these difficulties into account.

GENERAL PRINCIPLES

- The system is as simple as possible and the allocation of funding transparent.
- The process involves the collation of evidence.
- The system is managed by schools and the LA.

ALLOCATION OF FUNDING

SIS funding currently operates on a formula basis whereby every school receives:

- a lump sum of £1,500;
- a sum based upon the number of pupils eligible to free school meals (FSM).

A weighting is applied to the FSM population of 2:1 in respect of Foundation Stage and Key Stages 1-4.

IDENTIFICATION OF PUPILS

Schools identify the pupils they wish to be supported through SIS funding. There are no formal LA criteria or application forms. Pupils with all categories of additional need may be supported through SIS. Identified pupils should have been receiving intervention at School Action Plus. However, not all pupils at School Action Plus need to be considered as appropriate for SIS. Pupils will not be considered for Statutory Assessment unless they have been supported through SIS, or similar funding streams.

Schools need to complete a SIS Summary Form (Appendix 3), containing the names of pupils to be supported, and this is forwarded to the LA in June of each year.

LEVELS OF ATTAINMENT AND PROGRAMMES OF INTERVENTION

Throughout the Summer Term, schools should consider pupils' current levels of attainment and possible intervention programmes to be implemented from the beginning of the Autumn Term. Educational psychologists and link teachers have an important role to play in this aspect of the process. They support schools in considering this evidence, which is taken from existing school/pupil records. Advice may also be provided on types and quantity of support needed, as well as guidance on suitable programmes and appropriate strategies. They will continue to support schools with the writing of Individual Education/Behaviour Plans and, through this process, will help to identify realistic targets and expected outcomes.

MONITORING AND EVALUATION

There is a need to monitor the support provided for pupils through SIS funding. SIS Individual Pupil Records (Appendix 4) should be completed and retained in school. The SIS Development Group will moderate samples of Individual Pupil Records during the Autumn and Spring Terms. This will assist in the development of another key feature of SIS, ie the identification and dissemination of good practice.

CHAPTER 7: Statutory Assessment

LAs must identify and make a Statutory Assessment of those pupils for whom they are responsible, who have severe and complex special educational needs and who are not making adequate progress.

The special educational needs of the great majority of pupils 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 LA needing to make a Statutory Assessment. It is only in a very small number of cases that the LA will need to make a Statutory Assessment of the pupil's special educational needs and then consider whether or not to issue a Statement. It is widely recognised that the most effective use of resources occurs where they are targeted at early intervention strategies, without the bureaucratic need for a Statutory Assessment.

Statutory Assessment involves:

- consideration by the LA, working co-operatively with parents, the pupil's school and, as appropriate, other agencies, as to whether a Statutory Assessment of the pupil's special educational needs is necessary;

and, if so:

- conducting the Assessment, in close collaboration with parents, schools and other agencies.

The principles underpinning the assessment of SEN should be broadly similar to those adopted by the Department of Health for assessing pupils in need.

An assessment under section 323 of the Education Act 1996 should **only** be undertaken if the LA believes that the pupil probably has special educational needs and that the LA needs or probably needs to determine the pupil's special educational provision itself by issuing a Statement.

It may be that, in considering whether the assessment is necessary, the LA will conclude that intervention at Early Years Action Plus or School Action Plus is appropriate; or the LA might be able to identify different ways in which the school could help the pupil through such intervention. If so, the LA would conclude that a Statutory Assessment was not necessary.

Statutory Assessment itself **will not always lead to a Statement**. The information gathered during an assessment may indicate ways in which the school can meet the pupil's needs without the need for any special educational provision to be determined by the LA through a Statement. It may be, that the provision of a particular piece of equipment would allow the setting/school, guided as appropriate by expert help, to meet the pupil's needs or that alternative strategies, as advised by LA support services, would enable the pupil to make progress.

Paras 7.1 - 7.6

EVIDENCE TO BE PROVIDED BY THE SCHOOL

When making a request for Statutory Assessment, the school or setting should state clearly the reasons for the request and submit the following evidence:

- the views of parents recorded at Early Years Action and Early Years Action Plus or School Action and School Action Plus;
- the ascertainable views of the pupil;
- copies of IEPs, or comparable documents, at Early Years Action and Early Years Action Plus or School Action and School Action Plus;
- evidence of progress over time;
- copies of advice, where provided, from the Health Authority and social service teams;
- evidence of the involvement and views of professionals with relevant specialist knowledge and expertise;
- evidence of the extent to which the school or setting has followed the advice provided by professionals with relevant specialist knowledge.

Para 7:13

REQUEST BY A PARENT

Parents may ask the LA to conduct a Statutory Assessment, under Section 328 or 329 of the Education Act 1996. The LA must comply with such a request unless they have made a Statutory Assessment within six months of the date of the request, or unless they conclude, upon examining all the evidence provided to them, that a Statutory Assessment is not necessary.

If the information provided by the parents is insufficient to form the basis of a decision as to whether to assess, the LA will seek additional information from the young person's school and relevant support services. These will include the Educational Psychology Service and, possibly, medical and/or educational support.

Para 7:21

NOTICE THAT A LA IS CONSIDERING WHETHER TO MAKE A STATUTORY ASSESSMENT

Before deciding to make an assessment, the LA must issue a notice under Section 323(1) or 329A(3) of the Education Act 1996. The LA:

- **must** write to the parents to give them notice that the LA is considering Statutory Assessment;
- **must** set out for parents the procedures that will be followed if a Statutory Assessment is considered necessary and the procedures for subsequently drawing up a Statement if it is considered necessary;

- should explain the precise timing of each of the stages of the assessment within the six-month time limit, indicate ways in which the parents can assist the LA in meeting the time limits, and explain the exceptions to the time limits;
- **must** tell parents the name of an officer of the LA from whom further information may be obtained; (This person is known as the 'named LA officer'.)
- **must** tell parents of their right to submit written evidence and make oral representations as to why they believe their child should or should not be assessed. The LA **must** set a time limit for receipt of parental views, which must not be less than 29 days;
- should encourage parents to respond and submit evidence pointing out the importance of their contribution. When parents make oral representations, the LA should agree a written summary with the parents. The LA may invite parents to indicate formally if they do not wish to make, or add to previous, representations. The LA can then immediately start to consider whether a Statutory Assessment is necessary;
- **must** give parents information about the local Parent Partnership Service which should provide information about other sources of independent advice, such as local or national voluntary organisations and any local support group that may be able to help them consider what they feel about their child's needs;
- should ask parents whether they would like the LA to consult anyone, in addition to those whom the LA must approach for educational, medical, psychological and social service advice - if the LA decides to proceed with the Statutory Assessment;
- should tell parents that they may also provide any private advice or opinions, which they have or can obtain, and that this advice will be taken into account.

Para 7:16

EVIDENCE FOR DECIDING WHETHER TO MAKE A STATUTORY ASSESSMENT

In considering whether a Statutory Assessment is necessary, LAs should pay particular attention to:

- evidence that the setting/school has responded appropriately to the requirements of the Foundation Stage or National Curriculum, especially the section entitled 'Inclusion: Providing effective learning opportunities for all children'.
(See www.nc.uk.net/nc_resources/html/inclusion.shtml)
- evidence provided by the child's school, parents and other professionals, where involved with the child, as to the nature, extent and cause of the child's learning difficulties;
- evidence of action already taken by the child's setting/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 Action Plus.

Para 7:35

Some of this evidence will be provided by accurate recording of interventions and actions taken in regard to the assessment model in Chapter 8.

If the LA decides to proceed with a Statutory Assessment they **must** seek written:

- parental advice;
- educational advice;
- medical advice;
- psychological advice;
- social service advice;
- other advice (such as the ascertainable wishes of the child) which the LA, or any other body from whom advice is sought, considers desirable. In particular, advice from Service Children's Education (SCE) must be sought where the child's parent is a serving member of the armed forces.

Para 7:82

CHAPTER 8: Criteria for Statutory Assessment

INTRODUCTION

Most children/young people with additional needs will have those needs met from within the resources of their educational setting. These resources relate to both those identified as part of a setting's budget, and extra resources such as support services' advice and the delegated SIS budget.

For a very few children/young people, a Statutory Assessment of Special Educational Needs (SEN), under the 1996 Education Act, leading possibly to a Statement of Special Educational Needs, may be necessary. The need for this assessment should be rare, due to the early identification of need and early use of resources.

In order for settings to request a Statutory Assessment, the following **key questions** will have been asked:

1. Are the needs of the child/young person severe and complex?

The complex nature of needs will be explained further under the following categories:

- cognition and learning - including specific learning difficulties/dyslexia (literacy);
- emotional, behavioural and social;
- sensory/physical and/or medical;
- communication and interaction;
- early years.

However, it must be recognised that many pupils' needs do not neatly fall into one category and reference to more than one area may be required.

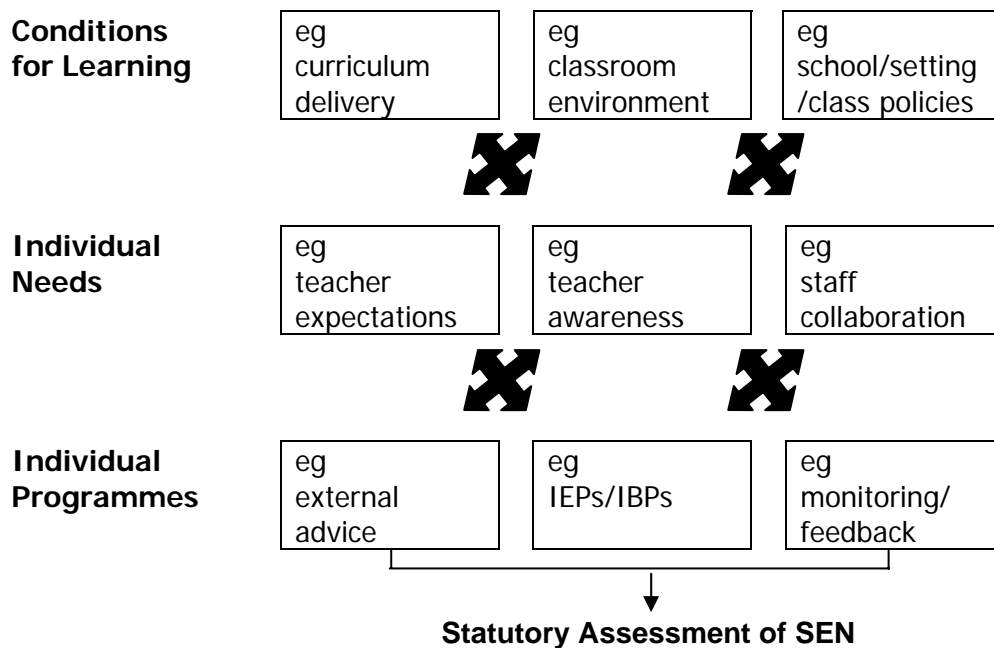
It is only those children/young people with the most severe and complex needs who will require a Statement. The severity and complexity of need by itself will not lead to a Statutory Assessment without a process of intervention over time. This will be the case for most situations other than sudden onset, such as a road traffic accident or illness.

2. What are the barriers to learning?

The model on page 8.2 demonstrates areas which may include potential barriers to learning.

Conditions for learning should be addressed before any individual needs are investigated. The key questions to be asked under each of the headings (Conditions for Learning, Individual Needs, Individual Programmes) are shown on pages 8.5-8.24, in terms of a whole school response and individual category areas.

BARRIERS TO LEARNING



The number of boxes indicates that there may be more than one area of need or interventions required. The arrows are multi-directional to indicate the fluidity of the process.

Within this document there is a whole-school response audit/self-assessment guide for generic additional needs along with individual flowcharts (one for each of the four distinct areas of need) which outline the elements of identifying barriers to learning.

3. What extra support has already been tried and for how long?

The process elements of assessment are at the core of the Statutory Assessment. For all areas of need there is a clear structure, over time, that should be followed. For instance, in a school setting, it is expected that SIS (or comparable funding streams) would have been utilised for at least 12 months (or two terms for behaviour). Support services should be involved at School Action Plus/Early Years Action Plus. Educational psychologist involvement for a least one IEP, or its equivalent, and its review will normally be required.

4. Have the views of the young person and parents/carers been taken into account?

The extent of the involvement of the child/young person will be dependent upon their age and level of maturity.

At all stages, parents/carers should be encouraged to be partners in supporting the child/young person to learn.

Parents/carers must always be consulted before a request for Statutory Assessment is made.

If a child/young person cannot verbally express their views, this does not mean that their views are unimportant. These views may be gained by other means, such as the choice of activity they make.

5. Have cultural and religious factors been taken into account?

The ways in which young people relate to adults and school is dependent upon many factors, including their culture and religious beliefs. These must be taken into account when assessing if a child/young person should be considered for a Statutory Assessment.

No Statutory Assessment should be requested solely because English is an additional language.

6. Has the efficient education of other children been considered?

The Code of Practice on SEN makes it clear that the main considerations for commencing a Statutory Assessment of SEN are individual needs, how they are being met, and if adequate progress is being made.

However, later in the process the question of the efficient education of other pupils may arise in relation to the consideration of a placement in mainstream education. Statutory Guidance (Inclusive Schooling DfES 0774/2001) defines 'other children'. It does not mean those that the pupil occasionally comes into contact with. In a primary school, it usually means a class or literacy/numeracy group and, in a secondary school, the classes that the pupil is educated in and their form group (occasionally the whole year group).

The Statutory Guidance states that the 'efficient education' term must not be abused and will be monitored by Ofsted in regard to following parental wishes for a mainstream education.

Within the Statutory Guidance, examples of 'reasonable steps' are given which must be followed to try to ensure that the efficient education of others is not affected:

- an individual/differentiated curriculum;
- specialised ICT access;
- peer support;
- arrangements for a key member of staff to be involved wherever required;
- staff briefings on how to avoid triggers for temper outbursts;
- contingency plans for time out;
- positive handling plans;
- monitoring of the use of the language of instruction;
- flexible teaching groups;
- tapping into student interests;
- staff training on de-escalation;
- distraction free classroom space;
- individual workstations.

It will be assumed that if the process criteria on the following pages are followed then reasonable steps will have been taken.

7. What educational progress is being made at the current time?

In order to track educational progress, ongoing monitoring and evaluation of learning should be made. If a young person is making adequate progress a Statement of SEN should not be required.

Within the Code, adequate progress can be defined as that which:

- closes the attainment gap, or prevents the gap growing;
- is similar to the progress of peers from the same baseline (but less than the majority of peers);
- matches, or betters, previous progress;
- ensures access to a full curriculum;
- demonstrates improvements in self-help, social or personal skills;
- demonstrates improvements in behaviour.

The word 'adequate' is dependent upon a young person's general skills, attitude towards learning, self-esteem and the environment within which they are educated.

8. What difference will a Statutory Assessment of SEN make?

Those children/young people who are making adequate progress, with extra support from within a setting, should not require a Statutory Assessment under the 1996 Education Act. If a Statutory Assessment will make no difference to pupil performance and/or provision, then there is little point in carrying it out. An assessment of SEN should only be for those young people whose additional needs cannot be met by either the setting or central LA support services.

AUDITS

The following audits are tools to help you carry out a self-assessment and further improve conditions for learning. If you already have audits that are similar, the enclosed are not meant to replace these. Although the audits cover most areas, some questions may need to be adapted to school circumstances and some questions may need prioritising within the individual needs areas. You will not be asked to submit these as part of an application for Statutory Assessment but if work on conditions for learning is not clear from an application you may be asked to provide further information in this area.

A Whole-School Response - Additional Needs

	Comments
Curriculum delivery	
1. Curriculum planning and evaluation ensures that the needs of all pupils are addressed with regard to content and mode of delivery.	
2. There are assessment procedures in place which emphasise the early identification of difficulties and highlight individual abilities.	
3. The school uses assessment procedures, which are culturally fair and take into account other possible barriers to learning at all stages, as recommended in the guidance of the Code of Practice for the identification and assessment of SEN.	
4. Delegated SEN resources are fully and creatively used to support and improve pupil performance.	
5. Wave 3, or similar strategies, are utilised to enable targeted learning approaches.	
6. Thinking skills are used where appropriate.	
7. The curriculum is accessible for all pupils.	
Classroom environment	
5. The school has a resource bank of materials, including ICT, which are suitable for pupils with additional needs and which is accessible to all staff, pupils and parents.	
6. All teachers and support staff use suitable resources including structured programmes, flexible teaching approaches and appropriate ICT to enhance their work with pupils with additional needs.	

	Comments
7. The school has established inter-agency links to co-ordinate action between school staff and other agencies e.g. health staff, therapists, Wigan Education Support Services, Educational Psychological Service.	
8. There is a regular review of the access audit, taking into account the Special Educational Needs and Disability Act, in providing for both pupil and adult carer needs.	
School/setting/class policies	
9. The school's governors and senior managers have discussed the needs of pupils with additional needs across the whole curriculum.	
10. The needs of all pupils, including those with additional needs, are an integral part of whole school policies.	
11. The school translates policy into practice through its development plans.	
12. It is school policy that teaching pupils with additional needs is seen as the responsibility of all teachers and an audit of the class/subject teacher's response to additional needs is obtained.	
13. Senior managers ensure that all staff have a clear understanding of the school's processes for involvement of outside agencies, eg Link Teacher, Speech and Language Service, Educational Psychology Service, Behaviour Support, etc.	
Teacher expectations	
14. The school staff are aware of the implications for pupils' self-esteem and confidence and employ strategies to promote positive attitudes to additional needs amongst pupils, parents, teachers and governors.	
Involvement of young people and carers	
15. There are clear procedures in place for responding to parental concerns promptly and constructively.	
16. Parents/pupils are encouraged to take an active role in their child's/their own learning.	
17. The school actively seeks out pupils' views regarding their learning environment and needs within it and takes action accordingly.	

	Comments
Staff awareness	
18. All adults working in the school are given regular access to training opportunities, which will broaden and update their knowledge and understanding of additional needs and their impact on learning and life-chances.	
Staff collaboration	
19. A 'responsible person' is identified who ensures that staff and governors are made aware of the importance of identifying and providing for all pupils with additional needs.	
20. The school provides guidelines for staff and support for pupils with dyslexia, ensuring continuity of approach throughout the school. These guidelines also apply to new members of staff and supply staff.	
21. Where a school has access to a specialist teacher, that teacher is given opportunities to provide advice and guidance to colleagues on appropriate strategies to support pupils with additional needs.	
IEPs/IBPs (or their equivalent)	
22. IEPs, or their equivalent, are relevant, followed and reviewed.	
23. There are assessment procedures in place which emphasise the early identification of difficulties and highlight individual abilities.	
24. Progress has been monitored over time.	
25. The IEP, or its equivalent, takes account of where the young person learns best.	
26. The school uses assessment procedures, which are culture fair and take account of other possible barriers to learning at all stages as recommended in the guidance of the Code of Practice for the identification and assessment of SEN.	
26. The IEP, or its equivalent, takes into account any health/medical factors.	
27. The implications of any diagnosed conditions have been taken into account.	
Monitoring and feedback	
28. All pupils, including those with additional needs, are given prompt, constructive feedback on their performance and deskwork is actively monitored.	

	Comments
External advice	
29. The setting makes appropriate provision for all young people, including those receiving specialist support.	
30. Senior managers ensure that all staff have a clear understanding of the school's processes for involvement of outside agencies, eg Link Teacher, Speech and Language Service, Education Psychology Service, Behaviour Support, Sensory Support.	

**COGNITION AND LEARNING/SPECIFIC LEARNING DIFFICULTIES/DYSLEXIA
(LITERACY)**

Conditions for Learning

Having addressed all conditions for learning, is the young person making adequate progress?		
<i>Curriculum delivery.</i>	<i>Classroom environment.</i>	<i>School/setting/class policies.</i>



Individual Needs

Having addressed any individual need factors which may impact on the young person's cognition and learning, is adequate progress being made?			
<i>Teacher expectations.</i>	<i>Involvement of young people and carers.</i>	<i>Teacher awareness.</i>	<i>Staff collaboration.</i>



Individualised Programmes

Having implemented interventions recommended by outside agencies, is the young person making adequate progress?		
<i>External advice.</i>	<i>IEPs (or their equivalent).</i>	<i>Monitoring and feedback.</i>

**Teacher's Response to Cognition and Learning/Specific Learning Difficulties/
Dyslexia (Literacy)**

	Comments
CONDITIONS FOR LEARNING	
Curriculum delivery	
1. When delivering instruction, how do I include demonstration, prompts and opportunities for practice?	
2. In what ways do my teaching approaches increase pupils' independence by differentiating the presentation, pace and outcome of the curriculum to take into account pupils' specific needs where they exist?	
3. In what ways do I allow pupils with specific needs sufficient time for tasks/practice?	
4. In what ways do I provide opportunities for pupils with specific needs to work independently?	
5. In what ways does ongoing assessment of learning inform teaching and learning objectives?	
6. In what ways do I differentiate homework in response to pupils' specific needs, and use oral opportunities and alternatives where possible and appropriate?	
Classroom environment	
7. In what ways are my classroom procedures and rules clear, explicit and displayed in an appropriate manner for all pupils?	
8. When using the blackboard/whiteboard, in what ways do I consider the requirements of pupils with specific needs?	
9. In what ways have I created an ethos in my classroom in which all pupils, including those with specific needs, know that they are valued as learners?	
10. In what ways do I provide opportunities for pupils with specific needs to work collaboratively in mixed ability groups?	
11. In what ways do I regularly review the support I give to pupils with specific needs?	

	Comments
Classroom environment (continued)	
12. In what ways do I take advantage of the specialist resources available in school for teaching dyslexic pupils?	
13. In what ways do I consider my classroom to be dyslexia friendly?	
14. How have I taken into account any social or emotional factors?	
School/setting/class policies	
15. Is my practice consistent with the school/LA policies for dyslexia and SEN?	
INDIVIDUAL NEEDS	
Involvement of young people and carers	
16. In what way do I continually seek the views of pupils and parents and involve them in the development of all programmes?	
Teacher expectations	
17. Are my expectations of pupils' performance high but realistic?	
Teacher awareness	
18. In what way does learning vary across a variety of settings?	
19. Does the young person have any medical needs that affect learning, eg, hearing/vision?	
20. In what way have I created an ethos in my classroom in which all pupils including those with specific needs know that they are valued as learners?	
21. Am I aware of all pupils with specific needs in my class/sets?	
22. Am I aware of all pupils' strengths and abilities, and do they know I am?	
23. Do I need to develop my knowledge and understanding of issues relating to specific needs?	
24. In Key Stages 1 and 2, I use Wave 3 approaches appropriately.	

	Comments
Teacher awareness (continued)	
25. When working with children with challenging behaviour, or those who are quiet and withdrawn, how do I consider their specific needs to be a contributory factor?	
Staff collaboration	
26. Do I consult other staff when pupils are not making the progress I would expect?	
INDIVIDUALISED PROGRAMMES	
External advice	
27. Have I sought external advice and implemented recommendations?	
IEPs (or their equivalent)	
28. Do I have a copy of all IEPs, or their equivalent?	
29. Do I regularly review the support I give to pupils with specific needs?	
30. In what way does ongoing assessment of learning inform teaching and learning objectives.	
Monitoring and feedback	
31. In what way do I give pupils with specific needs prompt, constructive feedback on their performance and actively monitor deskwork?	
32. Do I regularly review the support I give to pupils with specific needs?	

EMOTIONAL/BEHAVIOURAL AND SOCIAL DIFFICULTIES

Conditions for Learning

Having addressed all conditions for learning, which may impact on emotional, behavioural and social difficulties, is the young person making adequate progress?

<i>School/setting/class policies.</i>	<i>Setting/ethos and classroom environment.</i>	<i>Effective use of rewards and negative consequences.</i>	<i>Use of resources.</i>
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Individual Needs

Having addressed any individual need factors which may impact on the young person's emotional, behavioural and social difficulties, is adequate progress being made?

<i>Involvement of young people and carers.</i>	<i>Effective recording of behaviour.</i>	<i>Assessment of learning needs.</i>	<i>Assessment of the impact of all factors.</i>
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Individualised Programmes

Having implemented interventions recommended by outside agencies, is the young person making adequate progress?

<i>Trial of specific interventions.</i>	<i>Recording of behaviour.</i>	<i>Monitoring of effects of interventions, via IBPs/PSPs.</i>	<i>Advice of support services.</i>
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Teacher's Response to Emotional, Behavioural and Social Difficulties

	Comments
CONDITIONS FOR LEARNING	
School/setting/class policies	
1. In what way does the setting have a succinct, explicit code of conduct known by all?	
Setting ethos and classroom environment	
2. In what way is the atmosphere within the setting a positive one, encouraging success?	
Effective use of rewards and negative consequences	
3. In what ways are pupils reinforced positively for behaving appropriately?	
4. In what ways are negative consequences applied fairly, consistently and appropriately?	
5. Do positive consequences outweigh negative ones by at least a ratio of 3:1?	
INDIVIDUAL NEEDS	
Use of resources	
6. In what ways has the school utilised the SEN element of the devolved school budget or SIS funding to implement specific interventions as suggested within the SIS funding EBSD Guidelines?	
Involvement of young people and carers	
7. In what way has the young person's views been sought and acted upon?	
8. What evidence is there to show that parental involvement has been sought and encouraged?	
9. In what way has there been collaborative working with parents/carers/relevant outside agencies at an early stage, eg BST/EPS, in planning any interventions including Pastoral Support Plan (PSP)/IBP?	
Effective recording of behaviour	
10. In what ways have the child's responses to Action and Action Plus interventions been monitored through systematic measurement, and have these interventions failed to significantly modify the behaviour?	

	Comments
Effective recording of behaviour (continued)	
11. In what way has the history, frequency, duration, persistence, abnormality and severity of the child's behaviour been recorded in order to make informed judgements regarding the degree of difficulty?	
12. Are there concerns across a significant number of teachers and are these recorded? Does behaviour vary according to the setting and are successful settings built upon?	
Assessment of learning needs	
13. In what ways have appropriate support services been involved in assessing any underlying learning difficulties, or other disabilities/medical conditions, which may be affecting the pupil's access to the curriculum?	
Assessment of the impact of all factors	
14. What are the effects of the social, emotional, behavioural and/or mental health difficulties on the child's educational progress, or the progress of other children and are they specifically described?	
INDIVIDUALISED PROGRAMMES	
Trial of specific interventions	
15. In what way has the EP been involved in, at least, the most recent PSP/IBP and its review?	
Recording of behaviour	
16. How have descriptions of behaviour been documented, including the context and conditions in which they occur, eg in which subjects is success most frequently achieved? There are indications of the context and conditions within which the pupil displays positive and appropriate behaviour (including out-of-school contexts).	
Monitoring of the effects of intervention via IBPs/PSPs	
17. How have the effects of the intervention been recorded and measured, taking account of the children's strengths as well as their needs?	
18. Are the difficulties long-standing, existing usually at least six months or two terms, and have been supported through SIS/additional resources?	
19. In what way does the IBP/PSP submitted with the application indicate that the advice from BST/EPs has been incorporated, implemented and evaluated, and that ongoing support is still required?	

	Comments
Monitoring of the effects of intervention via IBPs/PSPs (continued)	
20. What is the evidence to show that the BSP/PSP is implemented by all staff?	
21. If self-esteem/social factors are issues, in what way does the IBP/IEP, or its equivalent, address these?	
Advice of support services	
22. In what way has the school used within-school facilities, eg counselling, LSU, mentoring, and to what extent have these been successful?	

SENSORY/PHYSICAL AND/OR MEDICAL DIFFICULTIES

Conditions for Learning

Having addressed all conditions for learning, which may impact upon the young person's sensory/physical and/or medical difficulties, is adequate progress being made?

Curriculum delivery.

Classroom environment.

School/setting/class policies.



Individual Needs

Having addressed any individual need factors which may impact upon the young person's sensory/physical and/or medical difficulties, is adequate progress being made?

Health and safety.

Involvement of young people and carers.

Emotional support.

Personal care arrangements.



Individualised Programmes

Having implemented interventions recommended by outside agencies, is the young person making adequate progress?

Specialist advice.

IEPs (or their equivalent).

External agency support.

Teacher's Response to Sensory/Physical and/or Medical Difficulties

	Comments
CONDITIONS FOR LEARNING	
Curriculum delivery	
1. When delivering instruction, do I include demonstration, prompts and opportunities for practice?	
2. In what ways do my teaching approaches increase pupils' independence by differentiating the presentation, pace and outcome of the curriculum to take account of pupils' additional needs?	
3. In what way do I allow pupils with additional needs sufficient time for tasks/practice?	
4. In what way do I provide opportunities for pupils with additional needs to work independently?	
5. In what way does ongoing assessment of learning inform teaching and learning objectives?	
6. In what ways do I differentiate homework in response to pupils' additional needs, and use oral opportunities and alternatives where possible and appropriate?	
Classroom environment	
7. In what ways is the physical setting appropriate, with regard to: <ul style="list-style-type: none"> • specialist lighting, following specialist advice? • blinds on windows? • appropriate flooring? • soundfield systems? • appropriate furniture? 	
8. How has advice been sought and acted upon regarding appropriate seating position: <ul style="list-style-type: none"> • in front of class? • in regard to lighting? 	
School/setting/class policies	
9. In what way is an awareness around individual disability issues demonstrated? <ul style="list-style-type: none"> • Disability awareness • Inclusive atmosphere 	

	Comments
School/setting/class policies (continued)	
10. In what way is there an awareness around Health and Safety issues? <ul style="list-style-type: none"> • Risk assessment linked to access issues, eg policy/room to store equipment and move around the setting safely • Policy on school trips meet the SENDA • Individual packages to access trips • Movement around the setting, eg the use of ICT/ CDT in laboratories and whilst doing PE 	
11. In what ways has the school/setting been made as accessible as possible? <ul style="list-style-type: none"> • Adaptations as required, eg white lines on steps • Mobility training has been sought, where appropriate 	
12. What personal care arrangements are in place? <ul style="list-style-type: none"> • Medical • Toileting 	
13. In what ways are pupils' emotional needs met? <ul style="list-style-type: none"> • Peer support systems • Disability awareness training for staff • Anti-bullying policies 	
INDIVIDUAL NEEDS	
Involvement of young people and carers	
14. In what way is there collaborative working with parents?	
15. In what ways are pupils involved in developing their own programmes?	
Personal Care Programmes / Health and Safety	
16. Have all Health and Safety issues been addressed?	
17. If needed, has a personal care plan been sought?	
Emotional Support	
18. Have emotional issues, eg self-esteem / confidence been considered and addressed?	

	Comments
INDIVIDUALISED PROGRAMMES	
Specialist / external advice	
19. Has advice been sought from support agencies? <ul style="list-style-type: none"> Eg, Speech and Language Therapist/ Occupational Therapist/Physiotherapist/School Doctor/ Educational Psychologist/Learning Support Team/Behaviour Support Team/English as an Additional Language Team/Traveller Service/ Education Welfare Officer/Sensory Support Service/Connexions/Child Support Service/Child Adolescent and Mental Health Service/Other. 	
20. Have recommendations been implemented?	
IEPs (or their equivalent)	
21. Are materials presented in an appropriate way? <ul style="list-style-type: none"> Good contrast of print (on displays/signs/text) Clear and appropriately sized print, eg Arial 12 Sub-titled videos Assistive listening devices Visual clues around the school Adaptations to fire alarms (eg visual) 	
22. Is specialist equipment made available where appropriate, eg magnifying glasses/hearing aids/ laptops?	
23. Do we have a differentiated curriculum? <ul style="list-style-type: none"> All the school is aware of needs Key person in the school Trained TAs Awareness raising of individual issues 	
24. Is the IEP, or its equivalent, appropriate/known by all staff and regularly reviewed?	
25. Are exam/test concessions sought and applied?	
26. Are emotional needs addressed through access to counselling? This, at times, could be for those young people with sudden sensory loss.	
27. If self-esteem is an issue, has this been addressed?	
28. How has the effect of the primary need, or other areas, been addressed?	
29. In what way has learning across a variety of settings been investigated?	

COMMUNICATION AND INTERACTION DIFFICULTIES

Conditions for Learning

Having addressed all conditions for learning, which may impact upon the young person's communication and interaction, is adequate progress being made?

In what way does the organisation of your classroom facilitate good teaching and learning with regard to communication and interaction?

What approaches are employed in your classroom environment to support the learning of young people who may experience language and interaction difficulties?

How many social and cultural factors influence the young person's communication and interaction?



Individual Needs

Having addressed any individual need factors which may impact upon the young person's communication and interaction, is adequate progress being made?

Are there any health issues which may affect the child?

Does the child have a recognised condition which may affect their speech and language development?

In what way do the young person's speech and language difficulties impact on their access to a broad and balanced curriculum?

What interactions have you employed to facilitate the young person's communication and interaction skills?



Individualised Programmes

Having implemented interventions, is the young person making adequate progress?

Has advice been sought from outside agencies?

If so, how has this advice been implemented?

How has this implementation been resourced?

In what ways has the advice and its implementation led to a better understanding of the young person's needs?

Teacher's Response to Communication and Interaction Difficulties

	Comments
CONDITIONS FOR LEARNING	
<p>1. In what way does the organisation of the classroom environment facilitate good teaching and learning with regard to communication and interaction?</p> <ul style="list-style-type: none"> • Groupings • Opportunities for paired and small group work • Placement (where the young person sits) • Background noise, auditory environment • Lighting • Position in relation to teacher • Use of display • Labelling • Position of equipment • Excessive visual stimuli • Behaviour management • Opportunities to develop imaginative play, abstract through and flexible thinking • Other 	
<p>2. What approaches are employed in the classroom environment to support the learning of young persons who may experience language and interaction difficulties?</p> <ul style="list-style-type: none"> • Supportive communication strategies - eg visual support/multi-sensory techniques • Consideration of pace • Check for comprehension • individualised instructions • Minimal speech approach (Potter & Whittaker 2001) • Sympathetic peer support • Disabilities within the home • Other 	
<p>3. How may social and cultural factors influence the young person's communication and interaction?</p> <ul style="list-style-type: none"> • Position in family • Support from extended family • Employment • Ethnic background • First language models • EAL • Are the young person's basic needs being met? • Attendance pattern and punctuality • Parental liaison • Other 	

	Comments
INDIVIDUAL NEEDS	
4. How does the young person perform across a variety of settings?	
5. Are there any health issues that may affect the young person? <ul style="list-style-type: none"> • Hearing or other sensory impairment • Hospital admissions • Sickness record • Other 	
6. Does the young person have a recognised condition, which may affect their speech and language development? <ul style="list-style-type: none"> • Eg, development delay/sensory impairment 	
7. In what way does the young person's speech and language difficulties impact on their access to a broad and balanced curriculum? <ul style="list-style-type: none"> • Ability to follow instructions, isolation, peer relationships • Effect on self-esteem 	
8. What interventions have you employed to facilitate the young person's language and communication skills? <ul style="list-style-type: none"> • Eg, environmental/additional support/buddying/range of groupings <i>Refer to:</i> <ul style="list-style-type: none"> - <i>Supporting Children with Speech and Language Problems (David Fulton)</i> - <i>Speaking, Listening and Learning (PNS)</i> - <i>Curriculum Guidance for the Foundation Stage</i> 	
9. In what way does the young person's speech and language difficulty impact on learning and social and emotional development? <ul style="list-style-type: none"> • Anxiety issues • Friendship groupings • Behavioural issues, sanctions • Other 	
INDIVIDUALISED PROGRAMMES	
10. Has advice been sought from support agencies? <ul style="list-style-type: none"> • Eg, Speech and Language Therapist/Physiotherapist/Occupational Therapist/School Doctor/ Educational Psychologist/Learning Support Team/Behaviour Support Team/English as an Additional Language Team/Traveller Service/ Education Welfare Officer/Sensory Support Service/Connexions/Child Support Service/Child Adolescent and Mental Health Service/Other 	

Comments	
INDIVIDUALISED PROGRAMMES (continued)	
11. How has this advice been implemented? <ul style="list-style-type: none"> • Programmes • Opportunities • Attendance at clinic • Alternative classroom strategies • Additional support • Other 	
12. How has this implementation been resourced? <ul style="list-style-type: none"> • SIS funding for at least 12 months • SEN budget • Outside agencies • Other 	
13. In what ways has the advice and its implementation led to a better understanding of the child's needs? <ul style="list-style-type: none"> • Eg, follow instructions/isolation/peer relationships 	

COGNITION AND LEARNING

For the process element of assessment please refer to pages 8.9-8.12.

A General Overview

Cognition refers to the thinking skills and thought processes that a young person has acquired through their prior experience.

Learning needs are on a continuum and can vary across subjects and situations. However, the categories below can be useful in discussing broad need.

Mild and Moderate Learning Difficulties

Pupils with general difficulties experience significant problems across the majority of the curriculum. Their general level of development and academic attainment is significantly below that of their peers. They may also experience difficulties with speech and language, have poor social skills and may show signs of emotional and behavioural difficulties.

Severe or Profound Learning Difficulties

Pupils with severe, profound or multiple learning difficulties are often identified before they reach statutory school age. Evidence of their difficulties will already exist, as child health and social service teams will probably already know them.

Children/young people who demonstrate features of moderate, severe or profound learning difficulties require specific programmes to aid progress in cognition and learning.

Specific Learning Difficulties/Dyslexia (Literacy)

Specific learning difficulties represent a barrier to learning and achievement and are regarded as a special educational need. Some LAs have chosen to use the term 'dyslexia' rather than specific learning difficulties. Historically, the two terms are not synonymous but adopting the working definition, as outlined below, allows the use of either term. Wigan LA has adopted the British Psychological Society Report (BPS 1999) working definition of dyslexia. This states that:

'Dyslexia is evident when accurate or fluent word reading and/or spelling develops very incompletely or with great difficulty. This focuses on literacy learning at the word level and implies that the problem is severe and persistent despite appropriate learning opportunities. It provides the basis for a staged process of assessment through teaching.'

Difficulties with literacy can lie along a continuum ranging from mild to severe.

There is no evidence to suggest that specific learning difficulties have a different presentation or causation in children who are at different levels of cognitive ability.

Pupils experiencing mild and moderate specific learning difficulties should have their needs identified and met within the resources normally available to schools - having taken advice from LA personnel - whilst those pupils with severe or complex specific learning difficulties may need additional or different provision within a mainstream school.

Only a small minority of those pupils experiencing specific learning difficulties will have problems of sufficient severity to meet LA criteria for receiving a Statement of SEN.

As noted in the definition, it would be anticipated that pupils may experience difficulties in:

- reading accuracy/fluency;
- spelling.

There may also be evidence of difficulties in:

- the development of phonological skills;
- reading comprehension;
- reading rate;
- writing rate;
- working memory;
- sequencing;
- word recall;
- motor difficulties.

Specific learning difficulties may coexist with other barriers to learning. It is recognised that an individual may have more than one difficulty. So, for example, pupils presenting behavioural or emotional difficulties may also experience specific learning difficulties.

Provision

Most pupils with learning difficulties will be educated within mainstream schools without the need for a Statement. Often they will function below the level of other pupils but to the best of their ability throughout their school career. Provision for these pupils in mainstream school will range from normal differentiated curriculum in the classroom to detailed programmes following the advice of support services and supported by additional staff where necessary.

Severity Criteria - MLD/SLD/PMLD

A child/young person will be working across core curriculum subjects of Mathematics, English and Science at or below the levels as indicated in the following table:

Year	Level
1	5 - P Scales
2	6 - P Scales
3	7 - P Scales
4	8 - P Scales
5	1b National Curriculum
6	1a National Curriculum
7	2c National Curriculum
8 +	2b National Curriculum

These levels will need to have been moderated both within school and by an external agency.

The levels, however, will only indicate a need for a request for Statutory Assessment to be made following appropriate support and programmes which have been tried and have not led to significant progress. Information on relevant P-Scale/NC Level descriptions is attached at Appendix 5.

Severity Criteria - SpLD/Dyslexia (Literacy)

Most pupils will have already received support under SIS funding for at least one year. This support will follow the process criteria described in the attached Graduated Response to SPLD/Dyslexia (Literacy) and related Phonological Processing Targets (Appendix 6).

Information supplied by schools will provide results which show evidence of attainment levels, in literacy, well below those normally expected for the pupil's age, ie equivalent to the P Scale and National Curriculum Levels that apply to the criteria for MLD/SLD/PMLD (see page 8.26). These pupils would usually be experiencing significant difficulties in reading/spelling, for instance at or below the first percentile, on standardised assessments.

It will be expected that pupils below Y2 who are displaying signs of specific learning difficulties will be supported from school-based resources taking account of the process criteria.

EMOTIONAL, BEHAVIOURAL AND SOCIAL DIFFICULTIES (EBSO)

For the process elements of assessment please refer to pages 8.13-8.16.

A General Overview

Children with emotional, behavioural and/or social difficulties within educational settings are those who frequently exhibit a pattern of inappropriate behaviour of such significant duration and severity that it impedes their access to learning and/or, in some, but not all cases, the access of other pupils.

Emotional, behavioural and/or social difficulties may result, for example, from a reaction to a learning difficulty, from out-of-school factors, physical or mental illness, sensory or physical impairment, from psychological trauma or circumstances within educational settings.

Children with such difficulties may show inappropriate ways of coping with a range of emotional, social, environmental and personal situations. They may put barriers between themselves and their learning through inappropriate, aggressive or withdrawn behaviour. Such children often have poor social skills' development, low self-esteem, little experience of consistent guidelines on how to behave and show limited skill in coping with frustration, anger and fear.

They may show behaviours which include serious or persistent physical or verbal threats to other children or staff, persistent withdrawn or irrational behaviour, extreme tantrum episodes, self-injury, difficulty joining in group/class-based learning or social activities, severe social and emotional immaturity, long-standing fear of attending school, acute distress and/or high levels of anxiety, etc.

The continuum of provision in Wigan LA is shown on page 8.29.

Most pupils with emotional, behavioural and/or social difficulties will have their needs met from within school resources. Many such difficulties are situation specific and of a short duration.

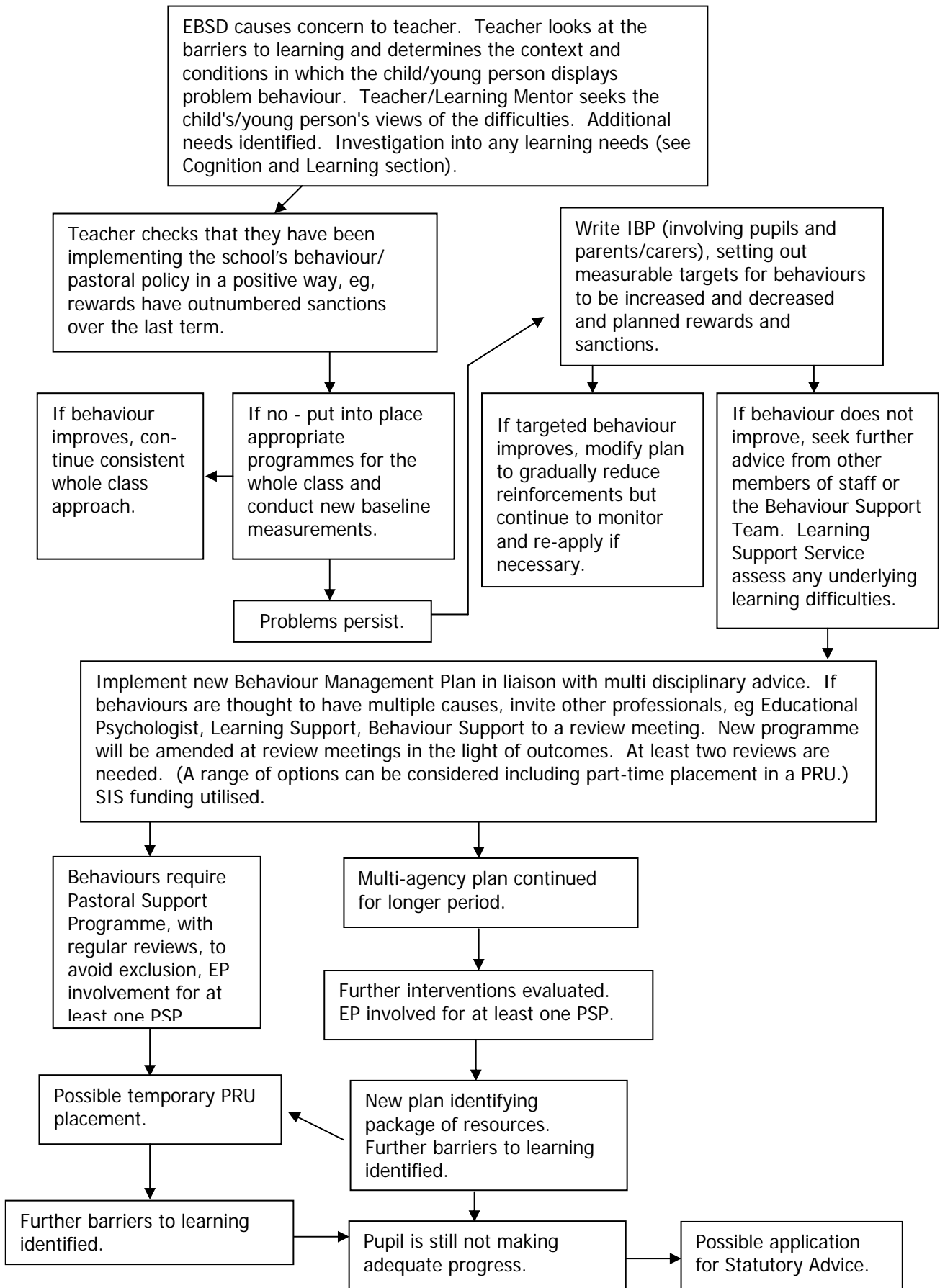
It is only those young people with long term significant problems that will require a Statutory Assessment based on:

- persistence over time;
- intensity/severity;
- duration;
- frequency;
- perceptions of degree of inappropriateness.

Specific Criteria for Additional Resources/Statutory Assessment

When their difficulties are to be defined as a special educational need, children often present particular problems of assessment in the absence of well-standardised, norm-referenced assessment procedures. It is essential therefore that there are common pathways for the assessment of emotional and behavioural difficulties so that the appropriate interventions and resources are identified and used effectively. The process is outlined below and should run in parallel to the model already outlined on page 8.13, in regard to the conditions for learning and individual programmes.

PROCESSES FOR ADDRESSING EMOTIONAL, BEHAVIOURAL AND SOCIAL DIFFICULTIES



SENSORY, PHYSICAL AND/OR MEDICAL DIFFICULTIES

For the process elements of assessment please refer to pages 8.17-8.20.

Hearing Difficulties

A General Overview

Hearing losses may be temporary or permanent. Intermittent and temporary losses are usually caused by 'glue ear' and occur mostly in the early years. Such hearing losses fluctuate and are generally mild or moderate in degree although the effects may be exacerbated in poor acoustic environments.

The extent to which a mild loss is significant will depend not only on acoustic factors but also on the child's coping skills and abilities and the learning environment in which the child finds him/herself. This is also true of losses affecting one ear only. If the child/young person can access the curriculum with an appropriate acoustic environment within the classroom then Statutory Assessment should not be necessary.

Severity Criteria

Permanent losses are usually sensori-neural and may vary in severity. In Wigan LA, children/young people with a hearing impairment are banded according to their theoretical access to speech sounds, in ideal listening conditions, with appropriately fitted hearing aids:

H1 - children with access to less than 31% of speech sounds;

H2 - children with access to between 31% and 63% of speech sounds;

H3 - children with access to between 63% and 92% of speech sounds;

H4 - children with access to between 93% and 97% of speech sounds.

Children/young people in categories H1 and H2 may have severe or complex communication difficulties. For younger pupils, Statutory Assessment will usually be requested through the Early Years process. Reports will demonstrate that the pupil has access to 63%, or less, of speech sounds in ideal conditions with appropriately fitted hearing aids and meets the criteria as laid down in the key questions in the Introduction to this Chapter on page 8.1. However, some pupils with this level of hearing loss may be able to function effectively within the learning environment without the need for Statutory Assessment.

Visual Difficulties

A General Overview

Visual impairment is usually defined with reference to normal visual acuity (expressed as 6/6). A child with visual acuity of 6/18 or less (ie the child who would see clearly at 6 metres what a normally sighted person would see at 18 metres) would usually be defined as visually impaired.

Vision loss is recognised within the criteria where this occurs when spectacles and/or contact lenses are not able to fully correct the impairment.

Loss can be caused by congenital reasons, accidents and other factors. The type of loss can vary from condition to condition, for instance, tunnel vision, blurred vision or gaps in the vision field.

Some pupils with a visual acuity better than 6/18 may have a visual field loss that would also cause them to be recognised as visually impaired.

The levels, however, will only indicate a need for a request for Statutory Assessment to be made following appropriate support and adaptations which have been tried and have not led to significant progress.

For youngsters with sudden loss it may be appropriate to request Statutory Assessment at an earlier stage.

Severity Criteria

There must be clear recorded evidence that:

- the pupil's visual impairment does or could significantly impair his/her access to the curriculum, mobility, emotional or social development, ability to take part in particular classroom activities or participation in aspects of school life;
- the key questions in the Introduction to this Chapter, on page 8.1, have been met.

For younger pupils, Statutory Assessment will usually be requested through the Early Years process. Evidence will be provided that an Ophthalmologist has assessed the child's visual acuity, with correction as 6/18 or less in both eyes. In some cases visual acuity may be better than 6/18 if they have severely restricted visual fields or deteriorating conditions. However, some pupils with this level of visual impairment may be able to function effectively within the learning environment without the need for Statutory Assessment.

Indicators may also include:

- evidence of a marked discrepancy between the pupil's attainment in core subjects of the National Curriculum and the attainments of the majority of pupils of the same age;
- evidence that an otherwise well co-ordinated child is experiencing difficulty with PE tasks involving distance vision, such as throwing and catching;
- evidence of unusual mannerisms, such as frequent blinking or poking their eyes and complaints of frequent headaches;
- clear and substantiated evidence based on specific examples, that the pupil's visual impairment places the pupil under stress, with associated withdrawn or frustrated behaviour.

Physical and/or Medical Difficulties

A General Overview

Physical/medical difficulties can be for a variety of reasons, eg congenital conditions (some progressive), injury, or disease.

Children/young people may be classified as disabled but not all disabled children/young people will have SEN, and not all children/young people classified as having SEN will be disabled. However, there is a significant overlap between the two categories. Short-term medical and physical needs may be met by provision other than Statutory Assessment. Others, caused for instance by sudden onset, may require provision whilst the young person is being assessed.

Severity Criteria for Physical Difficulties

There must be clear recorded evidence that the pupil's physical disability does or could significantly impair access to the curriculum, ability to take part in particular classroom activities or participation in aspects of school life. Indicators of this may include:

- clear and substantiated evidence based on specific examples, that the pupil's physical disability has given rise to significant emotional and or behavioural difficulties;
- evidence of a marked discrepancy between the pupil's attainment in core subjects of the National Curriculum and the attainments of the majority of pupils of the same age;
- a marked discrepancy between the pupil's attainment in core subjects of the National Curriculum and the expectations of the pupil as assessed by his/her teachers, and external specialists who have closely observed the pupil.

In some cases health and safety reasons may necessitate additional adult support for physically impaired pupils to access the National Curriculum.

Severity Criteria for Medical Difficulties

There must be clear recorded evidence that the pupil's medical condition does or could significantly impair access to the curriculum, ability to take part in particular classroom activities or participation in aspects of school life. Indicators of this may include:

- evidence of a marked discrepancy between the pupil's attainment in core subjects of the National Curriculum and the attainments of the majority of pupils of the same age;
- a marked discrepancy between the pupil's attainment in core subjects of the National Curriculum and the expectations of the as assessed by his/her teachers, and external specialists who have closely observed the pupil;
- clear and substantiated evidence, based on specific examples, that the pupil's medical condition has given rise to significant emotional or behavioural difficulties.

In some cases health and safety reasons may necessitate additional adult support for physically impaired pupils to access the National Curriculum.

The medical condition should be long-term (normally exceeding 12 months), affect access to the curriculum in a significant way and lead to complex difficulties.

Process Based Criteria for Physical and/or Medical Difficulties

Statutory Assessment will often be requested at an early years level through the Early Years process. There may also be reports from a physiotherapist and/or an occupational therapist. In order for Statutory Assessment to be considered, a high level of adult support and significant modifications to the curriculum and/or physical environment will be necessary to enable the child to learn effectively.

Fast tracking in the process-based system can occur in rare circumstances, for instance, if an accident has led to a long lasting physical disability. Note must be taken of the appropriate time to discuss this with parents, due to the emotional anguish that they will be undergoing and possible uncertainties around prognosis.

If the life expectancy of a pupil is affected by the medical condition any emotional trauma must be considered in relation to the appropriateness of seeking support through an assessment of SEN.

COMMUNICATION AND INTERACTION

For the process elements of assessment please refer to pages 8.21-8.24.

A General Overview

Communication and Interaction Delay, Impairments or Disorders

Communication and Interaction Difficulties

Children with communication and interaction difficulties will often be identified through the Early Years process. The Code of Practice stresses the importance of early identification, assessment and intervention. Early language difficulties often lead to difficulties with literacy skills, social communication and emotional development.

The needs of children with severe communication and interaction difficulties can only be identified by a detailed assessment of their speech, language and overall communication, cognitive processing and emotional functioning.

This section sets out thresholds and criteria in respect of children who have a communication and interaction impairment. Communication and interaction difficulties are often a feature of other learning needs and may be considered in other sections of this document.

The term communication and interaction impairment covers a wide range of difficulties. The definitions below are for broad guidance to practitioners in their compiling requests for Statutory Assessments and for reference in deciding whether Statutory Assessment is appropriate.

When describing the child's functioning reference should be made to:

- Birth-3 Framework
- Curriculum Guidance for the Foundation Stage
- 'P' Levels
- National Curriculum Levels

Developmental Language Delay

This describes a delay in one or more aspects of a child's language development; once language has developed, it does so in the normal pattern and sequence.

Developmental Language Disorder

This refers to language development, which is delayed, unusual or interferes with the child's ability to communicate and to learn. It is a general term; there are different elements to language learning and, therefore, different areas of potential impairment.

Phonological/Severe Pronunciation Problems

Impaired intelligibility is one of the most common communication and interaction difficulties. Although most phonological difficulties appear to be resolved by the end of the first year in school, impaired phonological awareness underlies problems with the acquisition of literacy skills. For some pupils, dyspraxia may be a feature.

Expressive Language

Expressive language means the language children use to express themselves and includes their ability to use an appropriate vocabulary, find word labels for objects, structure sentences grammatically and convey meanings to others.

Receptive Language/Language Comprehension

Language comprehension means the child's understanding of the language he or she hears and includes his or her ability to understand vocabulary, obtain meaning from the way that sentences are structured (the grammar of the language) and understand the messages that are being conveyed.

Social Communication/Semantics and Pragmatics

Semantics refers to interpreting the meaning of ideas and the communication context in which the child is functioning. It is about 'knowing what is being talked about'.

Pragmatics refers to understanding the social uses to which language is put, being able to use language in different ways on different occasions and having an appropriate sense of audience.

Apparent semantic-pragmatic disorder may result from specific difficulties with development of language, or be an indication of a more pervasive disorder.

Autistic Spectrum Disorder (ASD)

The autistic spectrum is seen to consist of a range of conditions such as classical autism and Asperger's syndrome

Children/young people with an ASD are often identified by the time they are 3 years old and a diagnosis of autism is likely to be made before the age of 5. The SEN Code of Practice stresses the importance of early identification, assessment and early intervention. It is considered good practice for children/young people to undergo a multi-agency assessment leading to a diagnosis.

This section sets out processes for addressing the needs of children/young people with an ASD. It must be recognised that many children/young people with an ASD have these needs compounded by other learning difficulties.

Autism

ASDs represent a wide range of learning needs, many of which can be addressed without the need for Statutory Assessment. The main features of an ASD are:

- impairments in social understanding
- impairments in social communication
- impairments in flexibility of thought
- difficulties in sensory integration

- and other associated psychological operations.

EARLY YEARS

Procedure for the Allocation of Additional Resources to Support the Development of Children in the Foundation Stage

Rationale

Statements are most appropriate for children who are deemed to be experiencing long term severe, complex and persistent additional needs. In order to judge the persistence of the need, the child's response to intervention, over time, will be taken into account. This also allows for judgements to be made about the kind of interventions that are likely to be most helpful. The severity of need is a measure of lack of response to appropriate intervention and persisting at such a level that the child would be unable to make adequate progress without additional resourcing.

Principles

The system acknowledges that a child's additional needs, at any time, relate to the quality of the context and interventions or approaches tried. Therefore, consideration of additional resourcing is based on evidence of intervention and the child's response. It is acknowledged that children who have similar needs will require varying amounts of support depending on the relevance and appropriateness of the curriculum they are offered.

The procedure for accessing resources requires evidence of the quality of the provision and intervention for individual need. The information collected relies heavily on documentary evidence of a staged approach to intervention, and is underpinned by the following principles:

- Children should have access to additional resources wherever they are educated in their pre-school years. Any system should be equitable and transparent.
- Children's needs will usually be met ahead of Statutory Assessment.
- Lack of response to intervention, documented in process evidence, will be used as evidence of the need for additional resources.
- Additional resources will be allocated in a timely and flexible way and be responsive to changing needs.
- Transition to statutory schooling should be as seamless as possible. The system used in the Nursery year dovetails into school-based systems. Children in receipt of early years additional resources will be discussed at a transition meeting, in the summer of their Nursery year, which will be arranged by their current setting.

Targeted Individual Support 1 (TIS 1)

Where a child has been identified as having additional needs, and their early years setting has involved an outside agency in removing barriers to learning, but progress remains a concern, consideration may be given to applying Targeted Individual Support (TIS 1).

This may begin at any time from the September of the formal Nursery year.

In the Maintained Sector, this may take the form of support through one or more of the following:

- SIS funding
- the Sensory Service
- an observation and assessment place in a resourced school
- an assessment place in a special school
- specific support as a result of complex physical/medical needs

In the Private and Voluntary Sector, the support will be provided by one or more of the following:

- an Inclusion Assistant, through EYQIT, following appropriate intervention and in liaison with the Educational Psychologist
- the Sensory Service
- specific support as a result of complex physical/medical needs

In all cases, the setting will have notified EYQIT of the child's details and that they are receiving TIS 1 support in whatever format.

The setting should arrange regular reviews involving other professionals as appropriate with the child, eg Support Teacher, external agencies, Area SENCO, etc. Reviews should consider the progress made towards set targets and decide upon the next course of action, ie:

- to cease TIS 1 support
- to continue TIS 1 support
- to refer for TIS 2 support.

Targeted Individual Support 2 (TIS 2)

There must be a minimum of 2 terms TIS 1 support committed to the child prior to consideration of a TIS 2 application. TIS 2 support will be considered in readiness for the child moving into formal statutory education, ie, Reception class. There should be no assumption that TIS 2 funding will be agreed in all cases where TIS 1 has been provided. The severity of the child's needs, their responses to previous appropriate intervention, and the progress made, will also be taken into consideration.

Where agreed, TIS 2 support may be provided until the Summer Term of the Reception year. Referrals for TIS 2 support will only be accepted until the 31st December, with any funding agreed in place for the remainder of child's Reception year.

Process

The Request for Targeted Individual Support 2 (Form TIS 2) should be completed and this, with supporting evidence, will be considered by the Early Years Moderation Panel. When considering TIS 2 referrals, the Panel will use the same principles and methodology used when considering requests for Statutory Assessment for older pupils, ie, that the severity of the needs of the child and their responses to intervention overtime would be at a similar level to an older pupil with a statement of SEN.

For those children known to the EYQIT, who present with the most complex and long term needs, the system will allow for the Area SENCO to lead the completion and submission of applications as early as the Spring Term of the Nursery year. These children will be identified at the Local Authority Early Years Planning Meeting, and in the most complex cases the LA may initiate a Statutory Assessment. Area SENCOs will co-ordinate transition meetings for these and all other children who have been known to them prior to 31st May.

In cases where Area SENCOs are not leading the application, settings will need to discuss the child's needs with appropriate professionals and, should TIS 2 be considered necessary, they will be responsible for completing and submitting an application. Area SENCOs will support settings in this process.

In order to access TIS 2 support, settings will provide the evidence listed on forms SS7 and SS8. The following criteria will apply:

- There is evidence of parental agreement, except in exceptional circumstances, when the child is deemed to be at risk.
- All process evidence is available (using form SS7 - Individual Child Record of Evidence) and the child has been in receipt of TIS 1 support for at least two terms.
- There is evidence that advice from an outside agency (an educational psychologist and other relevant professionals depending on the child's needs) has been given, an action plan drawn up, implemented and its impact reviewed. Evidence of EP advice, intervention and implementation of recommendations must be submitted with ALL applications and where appropriate relevant medical/therapy reports.
- There is evidence to demonstrate that, despite appropriate intervention, inadequate progress has been made, or that the present difficulty is likely to remain long term and persistent. This will be measured using the Stepping Stones and Early Learning Goals described within the Foundation Stage Curriculum Guidance or Foundation Stage Profile scale points.
- There is evidence to suggest that more support than is usually provided by the school's SEN resources is needed to help the child make adequate progress, or that their safety might be at risk without such support.
- There is a clearly defined purpose for additional support, ie, specific, measurable, achievable, relevant targets and success criteria.
- For some children there may be evidence that the child needs specialist equipment.

If agreed, TIS 2 support may be put in place for up to the three terms of the child's Reception year. A 'Provision Agreement' will be drawn up detailing the level of support and how this should be deployed.

Prior to the child moving into Key Stage 1, a formal review should take place with key professionals involved, eg, SENCO, class teacher, support staff, external agencies, etc.

An Overview of the Procedures for Allocation of Additional Resources in the Foundation Stage is attached at Appendix 7.

Documentation relating to the Maintained Sector only is attached at Appendix 7a.

Documentation relating to the Private and Voluntary Sector only is attached at Appendix 7b.

Documentation relating to both sectors is attached at Appendix 7c.

CHAPTER 9: Referral for Statutory Assessment

CONSIDERING STATUTORY ASSESSMENT

If little or no progress is shown, alternatives should be tried and it is only after this that Statutory Assessment should be considered.

The referral should contain evidence that the following process has been adopted.

1. The setting has provided support that meets the young person's individual needs. This support will include:
 - adaptations to the teaching environment;
 - an identified programme of support;
 - appropriate targets;
 - outcomes that have been monitored and reviewed.

(Sources may include audits (with back-up information)/tracking and monitoring systems/ IEPs, or their equivalent/planning documents. **Please note:** the audits (see page 8.5-8.24) or an equivalent, will not normally be required as part of the original paperwork. However, further information may be requested if the initial application has not made it clear that conditions for learning have been addressed.)

2. The setting has sought the views of and involved the young person and his/her parents/carers who should have the opportunity to be actively involved in supporting staff in the implementation and evaluation of any intervention programme.

(Sources may include Form EY/RSA1 or RSA1 (Appendix 8) with attached evidence, eg minutes of meetings.)

3. The setting has taken action to make the curriculum accessible to the young person through differentiation, resources, teaching and pastoral support.

(Sources may include Form EY/RSA1 or RSA1 (Appendix 8) with attached planning documents, eg IEPs, or their equivalent.)

4. The setting has taken advice from appropriate external agencies and acted upon advice given. Usually, there is evidence that an educational psychologist has been involved for at least one IEP/IBP, or its equivalent, and its review.

5. If at school, the pupil has been supported through their allocated SIS funding for at least one year (or two terms for EBSD).

(Source: SIS Individual Pupil Records.)

6. There is evidence that the barriers to learning have been addressed.

(Sources may include SIS Individual Pupil Records/tracking and monitoring systems.)

Parental Requests

If a parental request occurs, enough evidence should be supplied with the application to enable the Local Authority to determine if a Statutory Assessment is initiated. However, if sufficient evidence is not supplied, information from schools, as listed on page 9.1, and further information from support services (including the Educational Psychology Service), will be gathered. Parents will be informed of a decision within six weeks of the initial request being received, as to whether the Local Authority is to carry out a Statutory Assessment.

If a Statutory Assessment is carried out, the setting's time allocation will be used for the necessary EP assessment.

Attached as appendices to this document are:

- Timescale for Making Assessments and Issuing Statements (Appendix 9)
- Key Questions to be Considered by SEN Panels (Appendix 10)
- Educational Advice on a Child / Young Person for Statutory Assessment - Appendix B (Appendix 11)

CHAPTER 10: Annual Reviews

ANNUAL REVIEWS ~ Why do we have them?

- The Code of Practice states that all Statements must be reviewed at least annually.
- The Annual Review ensures that, once a year, the parents, the pupil, the LA, the school, and all the professionals involved considers both the progress the pupil has made over the previous 12 months and whether any amendments need to be made to the Statement.
- It is a way of monitoring and evaluating the continued effectiveness and appropriateness of the Statement.
- LAs **must** ensure that an Annual Review is carried out, by the setting, within 12 months of a new Statement or since the previous review.

PURPOSE OF THE ANNUAL REVIEW

The Annual Review should aim:

- to assess the pupil's progress towards meeting the objectives specified in the Statement and to collate and record information that the school and other professionals can use in planning their support;
- in the case of the first Annual Review, to assess the pupil's progress towards meeting targets agreed and recorded in the IEP, or its equivalent, following the issuing of the Statement; and in the case of all other reviews to assess progress towards the targets in the IEP, or its equivalent, set at the previous review;
- to review the special provision made, including appropriateness of special equipment provided, in the context of the National Curriculum and assessment and reporting arrangements. Where appropriate, school should provide a profile of current levels of attainment in basic literacy, numeracy and life skills, and a summary of progress achieved in other curriculum areas, including National Curriculum;
- to ensure that, where the Statement involves a modification or disapplication of the National Curriculum, the school should indicate what special arrangements have been made for the pupil;
- to consider the continuing appropriateness of the Statement in the light of the pupil's performance during the previous year, and any additional special educational needs which may have become apparent in that time, and thus to consider whether to cease to maintain the Statement or whether to make any amendments, including any further modifications or disapplication of the National Curriculum;
- to set new targets for the coming year, if the Statement is to be maintained. Progress towards those targets can be considered at the next review meeting.

Para 9:17

THE LA's ROLE

The LA must:

- write to all headteachers, no less than 2 weeks before the start of each term, with a list of all pupils who will require an Annual Review;
- be provided, by the headteacher, with a report following each Annual Review meeting before the end of the term in which it was held or 10 school days after the meeting, whichever is the earlier;
- provide lists to the Health Authority and social service teams of the dates of all Annual Reviews;
- consider sending copies of these lists to the appropriate support teams.

THE SCHOOL'S ROLE

Requesting Advice

The school **must**:

- request advice from:
 - the pupil's parents;
 - anyone specified by the LA;
 - anyone the headteacher considers appropriate;
- circulate a copy of all advice received to all those invited to the review meeting **at least 2 weeks before the date of the meeting**;
- invite additional comments including those from anyone unable to attend the meeting.

The Annual Review Meeting

Para 9:12

The headteacher **must** invite:

- the pupil's parents;
- a relevant teacher;
- a representative of the placing LA;
- any person the LA considers appropriate and specifies in a notice;
- any other person that the headteacher considers appropriate.

Para 9:16

Involvement of Pupils

Children and young people, who are capable of forming views, have a right to receive and make known information, to express an opinion, and to have that opinion taken into account in any matters affecting them. Their views should be given due weight according to their age, maturity and capability.

Wherever possible pupils should:

- be actively involved in the review process;
- attend all or part of the review meeting;
- be encouraged to give their view on their progress;
- discuss any difficulties encountered;
- share their hopes and aspirations for the future.

Chapter 3

Conduct of the Review Meeting

The meeting will normally take place in school and should be chaired by the headteacher or the teacher to whom responsibility for the school-based elements of the review has been delegated. Further advice is included in the SEN Toolkit.

Those present at the meeting should, in the light of the issues raised in the reports, and set out in the Code of Practice, Paragraph 9:14, consider:

- does the Statement remain appropriate?
- are any amendments to the Statement required?
- should the LA continue to maintain the Statement, or should the LA be recommended to cease to maintain the Statement, and the pupil's needs be met appropriately through School Action Plus?
- any new targets to be set to meet the objectives set out in the Statement.
- whether any additions or amendments should be made to an existing Transition Plan.

Para 9:28 - 9:31

RECOMMENDATIONS

A review meeting may make recommendations on any of the matters listed above. Amendments to a Statement are likely to be recommended if:

- significant new evidence has emerged which is not recorded on the Statement;
- significant needs recorded on the Statement are no longer present;
- the provision should be amended to meet the child's changing needs and the targets specified at the review meeting;
- the pupil should change schools, either at the point of transfer between school phases, eg infant to junior or primary to secondary, or when a pupil's needs would be more appropriately met in a different school, eg mainstream.

The review meeting and the review report may also recommend that the LA should cease to maintain the Statement. If all those present cannot agree to the recommendations, the headteacher should ensure that this disagreement is recorded, together with the reasons for it.

CONCLUSION OF THE ANNUAL REVIEW PROCESS

The headteacher submits the Annual Review summary report to the LA no later than 10 school days after the Annual Review meeting, or at the end of the school term (whichever is the earlier). The LA will then consider the report, and the recommendations it contains, and a decision will be issued.

THE ANNUAL REVIEW IN YEAR 9

The aim of the Annual Review in year 9 and subsequent years is to:

- review the young person's Statement;
- draw up and subsequently review the Year 9 Transition Plan (Appendix 19).

The Annual Review of the Statement held in Year 9, should involve the agencies that may play a major role in the young person's life during the post-school years and must involve the Connexions Service.

The Annual Review of the Statement must consider all the same issues as at all other reviews, and the report to the LA should be in the same format. LAs must also complete the review process in the same way as for all other Annual Reviews and within the same timescale.

The LA must send to the Connexions Service a list of all pupils in their area who will require a Year 9 review. The list, which must be sent no later than two weeks before the start of the school year, must include all pupils, whether or not they are educated in a school. This list must indicate any schools that the young persons specified attend. This information will help Connexions Services to plan attendance at Year 9 reviews.

The headteacher, together with the Connexions Service, should facilitate the transfer of relevant information to ensure that young people receive any necessary specialist help or support during their continuing education and vocational or occupational training after leaving school. For young people with specific disabilities, the role of social service teams will be of particular importance and LAs have specific duties relating to other legislation. Further detailed information can be found in the SEN Toolkit.

The Annual Review procedure described above applies with the following additions:

- the headteacher must invite the Connexions Service to provide written advice and invite them to the review meeting, to enable all options for continuing education, careers and occupational training to be given serious consideration;
- a representative of the Connexions Service is obliged, by the conditions of grant, to attend the review;
- the headteacher should ensure that other providers, such as Health Authorities and Trusts, are aware of the particular procedures to be followed in Year 9;

- the headteacher must invite a social service representative to attend the review so that any parallel assessments under the Disabled Persons (Services, Consultation and Representations) Act 1986; the NHS and Community Care Act 1990; and the Chronically Sick and Disabled Persons Act 1970 can contribute to and draw information from the review process;
- the headteacher must ensure that a Transition Plan is drawn up. This should be done in consultation with the Connexions Service.

THE TRANSITION PLAN

The Annual Review in Year 9, and any subsequent Annual Reviews until the young person leaves school, **must** include the drawing up and subsequent review of a Transition Plan. The **Transition Plan** should draw together information from a range of individuals within and beyond school in order to plan coherently for the young person's transition to adult life. Transition Plans when first drawn up in Year 9 are not simply about post-school arrangements, they should also plan for on-going school provision, under the Statement of SEN as overseen by the LA.

All those involved in the process should adhere to the principles that underpin the nature of transition and transition planning and the requirements of the young people and their families.

Transition planning should be:

- participative;
- holistic;
- supportive;
- evolving;
- inclusive;
- collaborative.

The Connexions Service is responsible for overseeing the delivery of the Transition Plan and the Connexions Personal Adviser (PA) should co-ordinate its delivery. Further detailed advice on the principles and processes of transition planning are set out in the SEN Toolkit. The Connexions Framework for Assessment Planning, Implementation and Review also contains information on transition planning and is likely to be the first port of call for PAs.

In order to ensure coherence for the young person, there should not be a separate Transition Plan and Connexions action plan. Where the young person has been involved with a PA previously and, therefore, already has an action plan, the Transition Plan should build on, update and expand this earlier plan. The action plan could, if the young person agrees, be circulated with the reports prior to the Annual Review meeting in Year 9.

Student Involvement in Decision-Making During Transition

The views of young people themselves should be sought and recorded wherever possible in any assessment, reassessment or review from Year 9 onwards. PAs, student counsellors, advocates or advisers, teachers and other school staff, social workers or peer support may be needed to support the young person in the transition process. Chapter Three of the Code of Practice, and the SEN Toolkit, considers in detail the ways in which young people can be helped to participate fully in this process.

Documentation relating to the Annual Review process is contained within Appendices 12-19.

CHAPTER 11: *Criteria for ceasing to maintain Statements*

There should be no assumption that having awarded a Statement the LA will maintain that Statement until it is no longer responsible for the child/young person. Statements should be maintained only when necessary for the child/young person to make adequate progress. A decision to cease to maintain a Statement should be made only after careful consideration by the LA of all the circumstances and after close consultation with parents.

Para 8:117

The LA may consider whether the following criteria apply when deciding if it is appropriate to cease to maintain a Statement:

- Have the objectives of the Statement been met?
- Can the needs of the child/young person be met in future within the resources of a mainstream setting?
- Do the special educational needs of the child/young person no longer significantly impede access to the National Curriculum?
- Does the child/young person no longer require daily adult supervision or substantial adaptation of teaching materials to access the curriculum fully?
- Can the child/young person cope with everyday social interaction at school?
- Has the child/young person no significant self-help difficulties that require more provision than is normally available within the schools?

Once a decision is made to cease to maintain a Statement, the LA **must** write to the child's parents to give notice of the decision. The parents must be informed of the right of appeal to the SEN Tribunal, along with and the time limits for lodging the appeal, the availability of parent partnership and disagreement resolution services, and the fact that the parents' right of appeal cannot be affected by any disagreement resolution procedure. The LA must always explain the reasons for the decision and also ensure that parents have copies of any evidence that led to that decision. It is good practice to offer a meeting to explain the rationale for the decision and to discuss the provision the child or young person will receive once the Statement has ceased.

Such a meeting should be held before the Statement and its provisions actually cease. Provision **must** be maintained if parents lodge an appeal to the SEN Tribunal until after the Tribunal makes a decision.

Aspects of the Process

When considering whether a Statement may cease to be maintained, it is appropriate not only to take account of specific criteria but also the continued processes of reviewing, monitoring and setting of specific programmes for the pupil.

Published criteria on ceasing to maintain Statements should be provided to parents and schools at the point at which the Statement is finalised. All parties should be made aware from the outset that a Statement is likely to be finite and that the Annual Review will always consider the possible ending of a Statement as part of the agenda. This implies that every review will give explicit consideration to whether the objectives of the Statement have been achieved and whether ceasing to maintain would significantly affect the progress of the child/young person.

It is important that parents should be involved in this process from the outset.

Where there is a real possibility that a 'cease to maintain' recommendation will arise from the review, or where it is flagged up by the joint planning meeting, the views of an educational psychologist or other support service professional should be sought.

The process of ceasing to maintain should be gradual and accompanied by supportive procedures which:

- leave the funds arising from the Statement with the school until the end of a two-month period in which the parents can appeal;
- allow the pupil's needs to be considered through the SIS process.

DETAILED CRITERIA FOR CEASING TO MAINTAIN STATEMENTS

COGNITION AND LEARNING

Learning Difficulties

The LA's criteria for providing a Statement for children and young people with learning difficulties describe severity levels in terms of the degree to which the individual falls behind his/her age peers in general development and academic attainments.

The table below indicates typical attainment levels required across all three core subjects to meet the criteria to cease to maintain for each school year. These levels should be maintained for a period of time (at least two terms) with continued signs of progress.

	NC year group	P Scale / NC level
Early Years	Y1	P7
National Curriculum	Y2	P8
	Y3	1c
	Y4	1b
	Y5	1a
	Y6	2b
	Y7	2a
	Y8	3b
	Y9 plus	3a

Specific Learning Difficulties/Dyslexia (Literacy)

Pupils are given Statements in relation to specific learning difficulties/dyslexia when it has been demonstrated that:

- they show serious, persistent underachievement in one or more aspect of literacy or numeracy compared to their performance in general;
- underachievement has persisted despite appropriate measures having been taken within school to alleviate the problem;
- the extent of a pupil's specific difficulty is sufficiently severe as to prevent access to the curriculum at an appropriate level.

When a pupil progresses to the point where either the underachievement is no longer apparent to the same degree or the extent of his/her difficulties is no longer sufficiently severe as to prevent appropriate access to the curriculum then it should not be necessary to maintain the Statement.

The same P Scale/National Curriculum Levels as are outlined in the table above in relation to learning difficulties, should also apply to specific learning difficulties. In such cases, however, the assessment levels would only apply to the specific area of need, eg SpLD (Lit.), SpLD (Num.).

EMOTIONAL, BEHAVIOURAL AND SOCIAL DEVELOPMENT

A pupil's Statement may cease to be maintained if *the pupil's behaviour has reduced in severity to such an extent that it is no longer significantly impeding his/her ability to access the curriculum, or significantly impeding the access of others to the curriculum.*

Descriptive Features

In order for a decision to be made to cease to maintain a Statement there has to have been a change/improvement in the pupil's behaviour and/or emotional state. This may manifest itself in the following behaviours:

- reduced restlessness/hyperactivity/continual interruption;
- improved concentration and less distractibility;
- greater ability to remain seated for longer periods when appropriate;
- a decrease in shouting or calling out inappropriately;
- greater willingness to work with others in supervised situations;
- increased ability to be with and relate to others in informal situations as demonstrated in the ability to sustain friendships and resolve conflict through discussion rather than verbal or physical aggression;
- increased ability to contribute to class discussions, state an opinion with confidence and respond appropriately to the contributions of others;
- increased capacity to accept direction, to co-operate and to observe rules;
- increased ability to cope with constructive criticism;
- improved respect for appropriate social boundaries in terms of relationships, aggression and sexual behaviour;
- greater respect for property, eg people's possessions and the fabric of school buildings;

- improved emotional stability in terms of a reduction in depressive symptoms/anxiety/mood swings/obsessive behaviour such that the presenting problem no longer forms a barrier to learning;
- reduced instances of self-harming behaviours such as self mutilation, substance abuse, head banging and other habit disorders;
- improved self-esteem.

The child/young person may show evidence of improved attainment and be more attuned to the school environment.

Where previous behaviour difficulties have caused problems in a variety of situations and with a number of different staff, there should be evidence of a general improvement in all areas. Background factors such as bullying at school, neglect, abuse or other major difficulties at home should have been effectively dealt with so as not to present a barrier to learning or to sustained progress.

It is important to note that a degree of misbehaviour is to be an expected part of normal child development and that when considering ceasing to maintain a Statement the pupil's behaviour should be placed in the context of what is normally expected of his/her peers. The pupil does not have to achieve perfection in order to meet criteria for ceasing to maintain.

Severity Criteria

When considering applying for the removal of a Statement the reduced severity of the behaviours described will need to be judged against:

- the degree of inappropriateness taking into account the age of the pupil and the context in which the behaviour occurs;
- the frequency of the behaviour;
- the intensity of the behaviour;
- the duration of the behaviour;
- its persistence over time;
- the degree of predictability;
- the appropriateness of intervention/support programmes.

COMMUNICATION AND INTERACTION

Speech and Language Difficulties

There must be clear and recorded evidence that the pupil's speech or language impairment no longer impairs his/her progress in the curriculum, ability to take part in classroom activities and participation in all aspects of school life. Indicators of this may include evidence that:

- any discrepancy between National Curriculum Levels in Speaking and Listening and those in other aspects of English and other core subjects is no greater than one level (or two levels for key stages 3 and 4);
- there is no longer a major (ie statistically significant) discrepancy between the pupil's general level of non-verbal cognitive functioning and that found in language abilities;

- any remaining or residual speech and language difficulties do not significantly impair social, emotional or behavioural development;
- intervention programmes have been shown to be effective.

Criteria relating to specific types of speech and language problems are included below:

Phonological/Articulatory Difficulties

The pupil's phonological skills are at an adequate level to allow him/her to access all areas of school life. Any remaining or residual difficulties should not significantly impair social, emotional or behavioural development.

Receptive Language Difficulties

The pupil's receptive language skills are at an adequate level to allow him/her to access all areas of school life. There should be evidence that strategies are used, by the pupil, to overcome any residual difficulties in understanding spoken language, for example, difficulties in understanding abstract concepts or ambiguities.

Expressive Language Difficulties

The pupil's expressive language skills are at an adequate level to allow him/her to access all areas of school life. The pupil should be able to express his/her feelings and ideas. Any residual grammatical difficulties should not significantly impair the pupil's ability to communicate. There should be evidence that strategies are being used, by the pupil, to overcome any residual expressive language difficulties such as word finding, word order or restricted vocabulary.

Social Communication Difficulties

The pupil's communication difficulties are at an adequate level to allow him/her to access all areas of school life. The pupil should be able to communicate with other pupils and adults within his/her school environment. Any residual difficulties, such as turn-taking, topic choice and maintenance, and semantic confusions should be well understood and strategies used to maximise the pupil's communication skills.

Autism Spectrum Difficulties

Most children and young people who have Statements for autistic spectrum impairments will have problems at the severe end of the spectrum. Such individuals will generally have serious developmental problems affecting educational and social functioning together with severe communication difficulties and will require a continuing high level of support to function satisfactorily. However, there are groups of high functioning individuals with autism and Asperger's Syndrome whose levels of difficulty may not require a Statement throughout their school life.

In these cases a decision to cease to maintain a Statement will depend in a general sense on the individual *having achieved independence in an accepting and understanding his/her environment.*

Specifically the following criteria should be met:

- the child/young person's ability to make relationships with other people, to behave appropriately in social situations and to understand other points of view falls within acceptable limits in normal contexts;

- the child/young person's use and understanding of complex and inferential language - including that involving metaphor and ambiguity - is not longer so impaired as to interfere with normal social and educational functioning;
- the rigidity and inflexibility typified by obsessional interests, insistence on sameness and intolerance of change is sufficiently under control for the child/young person to cope with the variability of life in school without major upset.

All children/young people who fall within the autistic spectrum, and whose Statements cease to be maintained, may still need support within school in the form of, for example, an IEP, or its equivalent, offering differentiated access to the curriculum, a holistic and informed approach to their continuing idiosyncrasy and social naivety, and specific pastoral support. Periodic review of progress and of the decision to cease to maintain a Statement is particularly relevant in such instances in that any major changes in social and educational context, together with developmental changes as occur in adolescence, for example, may precipitate crises.

SENSORY/PHYSICAL AND/OR MEDICAL DIFFICULTIES

Hearing Difficulties

Criteria for ceasing to maintain a Statement for hearing impairments are:

- that there is no longer any evidence of a marked discrepancy between the attainments of the child/young person in core subjects of the Foundation or National Curriculum and the attainments of the majority of pupils of the same age;
- that any remaining, or residual, hearing impairments do not significantly impair social, emotional or behavioural development;
- that the child/young person has access to more than 63% of speech sounds in ideal listening conditions with appropriately fitted hearing aids where recommended, or to function as if this is the case.

Visual Difficulties

The criteria for ceasing to maintain Statements for visual impairments are:

- that there is no longer any evidence of a marked discrepancy between the attainments of the child/young person in core subjects of the Foundation or National Curriculum and the attainments of the majority of pupils of the same age;
- that any remaining, or residual, visual impairments do not significantly impair social, emotional or behavioural development;
- that the visual acuity of the child/young person is now better than 6/18 and there is no evidence that their field of vision is significantly restricted;
- that review findings indicate that the child/young person is now able to learn effectively through visual methods, or to function as if this is the case.

Physical Difficulties

The Statement may cease to be maintained when physical difficulties are resolved to the extent that:

- the child/young person has no difficulty in accessing the areas of the school/setting necessary for them to participate fully in the curriculum;
- the child/young person no longer requires daily adult supervision and/or substantial adaptation of teaching approaches/materials to participate fully in the curriculum;
- the inability of the child/young person to participate fully in school life is no longer a significant source of emotional and/or physical stress;
- the child/young person has no significant self-help difficulties that require more than normally available adult supervision and support;
- the academic attainment levels of the child/young person, particularly in respect of literacy skills, fall within the normally expected range for age and ability.

Medical Difficulties

The Statement may cease to be maintained when medical difficulties are resolved to the extent that:

- the child/young person has no difficulty in accessing the areas of the school/setting necessary for them to participate fully in the curriculum;
- the child/young person no longer requires daily adult supervision and/or substantial adaptation of teaching approaches/materials to participate fully in the curriculum;
- the inability of the child/young person to participate fully in school life is no longer a significant source of emotional and/or physical stress;
- the child/young person has no significant self-help difficulties that require more than normally available adult supervision and support;
- the academic attainment levels of the child/young person, particularly in respect of literacy skills, fall within the normally expected range for age and ability;
- the medical condition of the child/young person has been managed or has improved to the extent that it no longer operates, in the opinion of relevant medical practitioners and specialists, as a barrier to learning or safety.