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1. INTRODUCTION

“The special educational needs of the great majority of children* should be met effectively within mainstream settings through Early Years Action and Early Years Action Plus or School Action and School Action Plus.”

Section 7.1 Special Educational Needs Code of Practice

The SEN Code of Practice 2002 is clear that the majority of pupils with special educational needs will have their needs met by schools through the funding given to schools for this purpose and advice from a range of support services.

In Swindon such support and advice can be provided by the Educational Psychology Service, Education Support Service, Behaviour Support Service, special schools and resourced provision and our partner agencies in Health and Children & Families Services.

For a very few pupils with significant and long lasting difficulties, a multi-disciplinary statutory assessment may be necessary. A statutory assessment will only be carried out where there is convincing evidence that:

- the school has taken relevant and purposeful action to meet the pupil’s learning difficulties,
- the school has sought and acted upon advice from external specialists,
- the difficulties remain or have not improved significantly,
- the LEA may need to determine the special educational provision to be made for the pupil.

(Code of Practice 7:33-7:34)

Please note:
*that for the rest of this document “children” will be used to refer to both children and young people.
A statement will only be issued if:

- the LEA concludes that a school could not reasonably be expected to make the necessary provision for the pupil from within the resources available to them;
- the LEA needs to identify formally the provision necessary to meet the child’s needs;
- the pupil might need a day or residential special school placement or placement in a specialist resourced provision.

(Code of Practice 8:12-8:13)

It is important to note that a significant proportion of the funding previously allocated through statements for pupils and through SENRAP is delegated directly to schools. Schools will be able to make arrangements to meet the needs of most pupils without recourse to statutory assessments.

The criteria for statutory assessment set out in this document should be read in conjunction with the document ‘The Entitlement of Pupils in Mainstream Schools’ issued in Autumn 2002, amended September 2003. It is expected that pupils being put forward for statutory assessment would have been at School Action Plus for at least two Individual Education Plans or Individual Play Plans and review periods. For pupils approaching Key Stage 4, it is generally not appropriate to initiate a statutory assessment. Schools should instead consider developing an individualised Key Stage 4 programme.

A multi-disciplinary statutory assessment may be initiated for children and young people who have very marked special educational needs arising from:

- **Cognition and Learning:**
  - Moderate learning difficulties
  - Severe learning difficulties
  - Profound and multiple learning difficulties
  - Specific learning difficulties

- **Communication and Interaction:**
  - Speech, language and communication difficulties
  - Autistic spectrum disorders
- Sensory and/or Physical Needs:
  - Physical impairment
  - Visual impairment
  - Hearing impairment
  - Multi-Sensory Impairment

- Behavioural, Emotional and Social Difficulties

- Other Factors

To qualify for a statutory assessment a child or young person must have special educational needs that meet the published criteria described in Sections 3 & 4 of this document. In line with the SEN Code of Practice judgements will also be made on whether the child is making ‘adequate progress’. See sections 4.14, 5.41, 6.48, and 7.35 of the SEN Code of Practice.

Details of how statutory assessments are carried out can be found in the SEN Code of Practice and Swindon LA SEN Handbook. Advice and guidance for parents are available in the DfES Parents’ Guide, Swindon LA Parent and Carers’ Guide and from Swindon Parent Partnership Service.
2. THE PROCESS OF STATUTORY ASSESSMENT

2.1 Making a request

A child is brought to the LA’s attention as possibly requiring a statutory assessment through:

- a request for an assessment by the child’s school or setting;
- a request for an assessment from a parent;
  or
- a referral by another agency.

Schools and relevant nursery education providers have the right to ask the LA to conduct a statutory assessment or reassessment of a child’s educational needs. They must consult parents before requesting an assessment and should provide parents with the “Swindon Guide for Parents and Carers” and information about Swindon Parent Partnership Service.

If a parent makes a request for an assessment the LA will seek advice and evidence from relevant professionals including those in the child’s school or setting. After consideration of this evidence the LA will decide whether it is appropriate to initiate a statutory assessment.

Health or Children & Families Services Departments may draw children to the LA’s attention, particularly with regard to children under five with complex needs. The LA will collect evidence before considering whether it is necessary to assess the child.

Where specialist equipment is needed for a child to have full access to the school’s curriculum there are alternative ways of providing this support. One way that this can be done is through the Access Initiative Fund, which is designed to promote inclusion in mainstream schools. Further details can be found in the section on Swindon’s Accessibility Strategy in the SEN Handbook.
2.2 Deciding whether a statutory assessment is needed

Pupils eligible for a statutory assessment of special educational needs will have been registered at Action Plus and supported from resources available to the school/setting. During this time the school/setting will have implemented the advice of external professionals and have completed and reviewed at least two Action Plus Individual Education Plans/Individual Play Plans (IEPs/IPPs). Parents and pupils will have been appropriately involved in supporting and reviewing the child’s learning targets.

At a subsequent Action Plus review meeting, school staff and parents, with the support of the external professional(s) involved, will consider if the child meets the threshold criteria for a statutory assessment. Where appropriate they will complete and submit a request form.

Requests for a statutory assessment must be submitted to the Special Educational Needs Assessment Team (SENAT) for consideration by the Special Educational Needs Assessment and Resourcing Panel (SENRAP) accompanied by the following evidence:

- clear evidence of the views of the parent/carer and any ascertainable views of the child;
- a statutory assessment request form, fully completed and signed by the headteacher or head of setting;
- two IEPs/IPPs at Action Plus, which conform to DfES guidance in the Code of Practice (Sections 5.50-5.52 and 6.58-6.60). In the case of a pupil having recently entered a school/setting, one of these IEPs/IPPs may have been drawn up in the previous school/setting;
- two IEP/IPP Reviews at Action Plus, which give evidence of parental involvement and pupil involvement (as appropriate);
- copy of Educational Psychologist Joint Problem-solving Review and/or written evidence of involvement of external professionals in the last six months and their advice implemented in the Action Plus IEPs/IPPs;
- other evidence where appropriate, eg reports from Health or Children & Families Services professionals written in the last six months.

In the case of requests with regard to emotional, behavioural or social difficulties, planned intervention should have taken place for at least a term. Written evidence of an analysis of the pupil’s observed behaviours over time, a description of the strategies used to address these behaviours and an evaluation of the outcomes must be provided.

A school may also submit additional evidence from their records that they feel is particularly relevant eg, assessment profiles, Pastoral Support Programmes.
The moderation of statutory assessment requests is conducted by SENRAP, which is a Panel comprising:

- the Principal or Senior Educational Psychologist;
- Principal Education Officer (SEN) or Senior Education Officer (SEN Officer);
- the Headteachers or representatives of a Secondary and a Primary School.
- the Headteacher of a Special School
- Senior Community Paediatrician
- Early Years Advisor;
- Early Years Practitioners

The Panel meets weekly to consider requests. All requests for statutory assessment are scrutinised carefully by the Panel members who reach a corporate decision as to whether or not it meets all aspects of the published criteria. The Panel will evaluate the level of pupil need and whether it is reasonable to expect the school to meet it within the range of differentiated provision within the school. The Panel looks for evidence in the IEP/IPP Reviews that the school/setting has done everything it can to meet the pupil’s needs within the resources available to it. This includes evidence that schools have actively attempted to involve parents in supporting their child’s special educational needs. Evidence of good practice at Action Plus (SEN Code of Practice) is expected from schools/settings. Further details on the SEN Resourcing and Assessment Panel can be found in Swindon’s SEN Handbook.

### 2.3 Possible outcomes of a statutory assessment

Following the multi-disciplinary assessment the LA will decide whether a pupil’s needs are sufficiently complex and severe to justify making a statement.

- If the LA decides a statement is not necessary it may issue a ‘note in lieu’ which summarises the advice collated and outlines the provision that should be made to meet the child’s needs.
- The LA may decide that it is appropriate to issue a ‘monitoring statement’ if it is reasonable to expect the school/setting to meet all of the child’s needs from within their delegated resources.
- The LA may decide to issue a statement, which specifies how much support should be provided for the pupil from school and LA resources.

*See Chapter 8 Special Educational Needs Code of Practice for further details.*

Schools and parents are informed by letter of the outcomes of their requests as soon as possible after the Panel has met. In the case of unsuccessful requests schools/settings and parents are informed why the Panel has reached this decision. Requests are not returned to schools/settings.
3. CRITERIA AND PROCEDURES FOR CEASING A STATEMENT

Issuing a statement for a pupil is designed to provide structured teaching and support with a view to helping the pupil make progress. It is not always necessary for a pupil to have a statement for their entire school career. When the correct strategies and support have been put in place, it is expected that some pupils will make progress and return to School Action Plus. This is most likely to happen in a mainstream school.

In order to help schools/settings, parents and LA staff understand when it would be appropriate to cease a statement, the criteria and process are set out below.

School Recommendation

The school and parents will be in agreement that a statement is no longer necessary and the Annual Review report will make the recommendation that the statement should be ceased.

The LA will then issue formal notice to parents that the statement will cease. Parents will have the right of appeal to the SEN and Disability Tribunal if they disagree with this decision.

If parents agree with the decision, the statement will cease eight weeks after formal notice. If the parents appeal to the Tribunal, the statement will stay in place until the Tribunal decision is given.

LA Recommendation

The LA will recommend that a statement be ceased when:

(i) The pupil is achieving at the levels indicated for Action Plus as recorded on the Annual Review report, and these levels have been sustained for two IEP/IPP and review periods.

OR

(ii) The provision to meet the pupil's needs can be made without the need for a statement.
The LA will recommend that the statement becomes a monitoring statement (ie no additional resources allocated) for a further period of six months when an interim review should be carried out.

As long as progress is maintained, the LA will issue formal notice to parents that the statement will cease.

Parents will have the right of appeal to the SEN Tribunal if they disagree with this decision.

If parents agree with the decision, the statement will cease eight weeks after formal notice. If the parents appeal to the Tribunal, the statement will stay in place until the Tribunal decision is given.
4. THRESHOLD CRITERIA FOR A STATUTORY ASSESSMENT

The needs of most pupils will be met within the resources generally available to mainstream schools. A small number of pupils who have more complex and severe difficulties significantly impeding their progress in the curriculum will be the subject of a statutory assessment. Any subsequent funding provided as a consequence of a statement of special educational needs should be seen as part of a continuum of resources to support schools in meeting pupils’ special educational needs.

There are two broad criteria that must be met before a pupil in a mainstream school is accepted for statutory assessment.

Where the balance of evidence presented to, and assessed by, the LA suggests that the child’s learning difficulties:

- have not responded to relevant and purposeful measures taken by the school/setting and external specialists

  and

- may call for additional educational provision which cannot reasonably be provided within the resources normally available to mainstream maintained schools.

Section 7.50 Special Educational Needs Code of Practice

The LA recognises 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 types of difficulty. Children who are eligible for a statutory assessment will have needs and requirements which may fall into at least one of four areas:

- cognition and learning;
- communication and learning;
- sensory and/or physical;
- behaviour, emotional and social development.

Criteria related to each of these areas are detailed in the next sections.
4.1 Cognition and Learning Difficulties

4.1a Profound and Multiple Learning Difficulties

A child with this level and complexity of learning difficulties would meet the criteria for a statutory assessment and would usually be assessed well before school age. For a small percentage of pupils the learning difficulties may be acquired through illness or accident. These difficulties are, by their nature, likely to be lifelong. The attainments of these pupils are likely to remain in the early P scale range (P1-P4) throughout their school careers – that is below Level 1 of the National Curriculum.

4.1b Severe Learning Difficulties

Some pupils have attainments lower than those in the table on page 13 which are indicative of Moderate Learning Difficulties. These pupils should usually have their cognitive abilities assessed by an Educational Psychologist. The attainments of pupils with severe learning difficulties may be within the upper P scale range (P4-P8) for much of their school careers – that is below Level 1 of the National Curriculum.

4.1c Moderate Learning Difficulties

The majority of pupils with moderate learning difficulties will be identified before they enter formal schooling or early in their school careers. Their general level of academic attainment will be considerably below that of their peers and they will have particular difficulties acquiring basic numeracy and literacy skills. Pupils with learning difficulties may have additional special needs, for example speech and language difficulties or difficulties relating to other pupils or adults.
To meet the criteria for a statutory assessment:

1. The pupil will meet the threshold criteria below:

<table>
<thead>
<tr>
<th>Age of pupil at end of school year</th>
<th>Year group</th>
<th>Criteria for Moderate Learning Difficulties</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 years</td>
<td>-</td>
<td>Level of functioning not above half chronological age</td>
</tr>
<tr>
<td>4 years</td>
<td>FS1 (N)</td>
<td>Level of functioning not above half chronological age</td>
</tr>
<tr>
<td>5 years</td>
<td>FS2 (R)</td>
<td>Level of functioning not above half chronological age</td>
</tr>
<tr>
<td>6 years</td>
<td>Y1</td>
<td>Child functions between 1 – 3 scale points in Foundation Stage Profile in CLL/PSED/MD. Working towards level 1 in all NC core subjects – P level 4-5</td>
</tr>
<tr>
<td>7 years</td>
<td>Y2</td>
<td>Working towards level 1 in all NC core subjects – P level 4-6</td>
</tr>
<tr>
<td>8 years</td>
<td>Y3</td>
<td>Working towards level 1 in all NC core subjects – P level 5-7</td>
</tr>
<tr>
<td>9 years</td>
<td>Y4</td>
<td>Working towards level 1 in all NC core subjects – P level 6-8</td>
</tr>
<tr>
<td>10 years</td>
<td>Y5</td>
<td>Working at P: level 7-8 or level 1c in all NC core subjects</td>
</tr>
<tr>
<td>11 years</td>
<td>Y6</td>
<td>Working at P: level 8, levels 1c or 1b in all NC core subjects.</td>
</tr>
<tr>
<td>12 years</td>
<td>Y7</td>
<td>Level 1c or 1b in all NC core subjects</td>
</tr>
<tr>
<td>13 years</td>
<td>Y8</td>
<td>Working at 1b or 1a in all NC core subjects</td>
</tr>
<tr>
<td>14 years</td>
<td>Y9</td>
<td>Working at 1a or 2c in all NC core subjects</td>
</tr>
<tr>
<td>15* years</td>
<td>Y10</td>
<td>Working at 2c in all NC core subjects</td>
</tr>
</tbody>
</table>

and

2. The pupil will need modification of content, materials or equipment and a differentiated teaching style or setting for substantial parts of the curriculum.

* It would be unlikely that a statutory assessment would be started for a pupil with moderate learning difficulties in Key Stage 4 as schools are able to provide an individualised and flexible post-14 years programme.
4.1d Specific Learning Difficulties

Some pupils may have very marked difficulties in reading and writing, spelling or number which are not typical of their general level of functioning across the curriculum. They may quickly gain some skills in some subjects and demonstrate a higher level or ability orally which does not correspond to the difficulty they experience gaining literacy or numeracy skills. These difficulties are persistent and long term and impact on their performance in some areas of the curriculum. They may be associated with significant difficulties in:

- sequencing;
- visual and auditory perception;
- developmental co-ordination difficulties;
- short-term memory;
- verbal recall;
- language functioning.

Schools are generally expected to address a wide range of specific learning difficulties through a range of provision available to schools without the need for a statement.

To meet the criteria for a statutory assessment:

1. The pupil will meet the threshold criteria below:

<table>
<thead>
<tr>
<th>Age of pupil at end of school year</th>
<th>Year group</th>
<th>Criteria for Specific Learning Difficulties</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 years</td>
<td>Y1</td>
<td>Child functions between 1 – 3 scale points in Foundation Stage Profile in CLL/PSED/MD. Working towards level 1 in English and/or Maths – P level 4-5</td>
</tr>
<tr>
<td>7 years</td>
<td>Y2</td>
<td>Working towards level 1 in English and/or Maths – P level 4-6</td>
</tr>
<tr>
<td>8 years</td>
<td>Y3</td>
<td>Working towards level 1 in English and/or Maths – P level 5-7</td>
</tr>
<tr>
<td>9 years</td>
<td>Y4</td>
<td>Working towards level 1 in English and/or Maths – P level 6-8</td>
</tr>
<tr>
<td>10 years</td>
<td>Y5</td>
<td>Working at P: level 7-8 or level 1c in English and/or Maths</td>
</tr>
<tr>
<td>11 years</td>
<td>Y6</td>
<td>Working at P: level 8, levels 1c or 1b in English and/or Maths</td>
</tr>
<tr>
<td>12 years</td>
<td>Y7</td>
<td>Level 1c or 1b in English and/or Maths</td>
</tr>
<tr>
<td>13 years</td>
<td>Y8</td>
<td>Working at 1b or 1a in English and/or Maths</td>
</tr>
<tr>
<td>14 years</td>
<td>Y9</td>
<td>Working at 1a or 2c in English and/or Maths</td>
</tr>
<tr>
<td>15* years</td>
<td>Y10</td>
<td>Working at 2c in English and/or Maths</td>
</tr>
</tbody>
</table>

and

2. Will require modification of materials for aspects of the curriculum associated with reading, writing, spelling or number.

and

3. Will require a differentiated teaching style or setting in order to access learning.
4.2 Communication and Interaction

4.2a Speech, Language and Communication Difficulties

Most children with speech and language difficulties will have been identified before school age. Many of them will have their needs met without statutory assessment but some will prove to have longer term difficulties which affect their participation at school. This may affect their comprehension of spoken language (receptive language) or the development of their expressive language, or both, and may or may not be accompanied by difficulties with pronunciation. Its effects can include difficulties with pragmatic skills (using appropriate language in different situations). The Statutory Assessment will help determine whether the child’s language difficulties are part of a wider range of difficulties, or whether the child is one of a small group of children who have specific difficulties acquiring their home language despite there being no neurological, sensory or physical reasons to account for the difficulties and no pervasive developmental disorder.

The criteria for statutory assessment are met:

1. if the language difficulty impacts significantly on the child’s ability to interact with others and/or to access to the curriculum.

2. if the child is having a significant difficulty acquiring receptive and/or expressive language

3. if any clinical observations of receptive or expressive language are recorded as 6 or 7 on the agreed local profile (this would equate to scores on standardised language tests of more than 2 standard deviations below the mean).

In all cases where there is a request for a statutory assessment there must have been a speech and language therapy assessment and clear evidence of multi-professional concern that the pupil’s speech or language impairment may, if appropriate action is not taken, have a marked impact on the child’s progress in the curriculum. Reports from a Speech and Language Therapist will provide evidence of the degree of difficulty a child is experiencing.

Please note that pupils whose first language is NOT English should not be regarded as having speech, language or communication difficulties UNLESS they also have an identified difficulty in this area in their mother tongue.
To meet the criteria for statutory assessment:

1. The pupil will meet the threshold criteria below:

<table>
<thead>
<tr>
<th>Age of pupil at end of year</th>
<th>Year group</th>
<th>Criteria for – Speech and Language Difficulties</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 years FS1 (N)</td>
<td></td>
<td>Speech and language skills not above half chronological age</td>
</tr>
<tr>
<td>5 years FS2 (R)</td>
<td></td>
<td>Speech and language skills not above half chronological age</td>
</tr>
<tr>
<td>6 years Y1</td>
<td></td>
<td>Working at P levels 2/3 in English (Speaking &amp; Listening)</td>
</tr>
<tr>
<td>7 years Y2</td>
<td></td>
<td>Working at P levels 3/4 in English (Speaking &amp; Listening)</td>
</tr>
<tr>
<td>8 years Y3</td>
<td></td>
<td>Working at P levels 4/5 in English (Speaking &amp; Listening)</td>
</tr>
<tr>
<td>9 years Y4</td>
<td></td>
<td>Working at P levels 5/6 in English (Speaking &amp; Listening)</td>
</tr>
<tr>
<td>10 years Y5</td>
<td></td>
<td>Working at P levels 6/7 in English (Speaking &amp; Listening)</td>
</tr>
<tr>
<td>11 years Y6</td>
<td></td>
<td>Working at P levels 7/8 in English (Speaking &amp; Listening)</td>
</tr>
</tbody>
</table>

4.2b Autistic Spectrum Disorders

A diagnosis should be sought from the Swindon Pervasive Developmental Difficulties Assessment Group (PDDAG) or a medical specialist such as a Paediatrician or a Psychiatrist before it is concluded that a child is on the autistic spectrum. This would include a diagnosis of autism or Asperger's Syndrome, which are recognised as Autistic Spectrum Disorders (ASD). A child with a diagnosis of Pervasive Developmental Disorder (PDD) would also be considered in this category.

It is expected that children with severe autism are normally identified at the pre-school stage and their needs addressed early through statutory assessment processes.

The needs of many pupils with Autistic Spectrum Disorders can be met in mainstream schools but some will require a statement, usually because the pervasive nature of their disorder and high anxiety levels are affecting their ability to access effectively the whole school curriculum.
To meet the criteria for a statutory assessment:

1. The pupil will have a diagnosis of either an autistic spectrum disorder or a pervasive developmental disorder.

AND

2. There will be clear evidence based on specific examples, that the pupil’s ASD prevents them from taking a full part in school/community life.

AND/OR

3. There will be evidence that the ASD impacts on the development of communication skills, which in turn, affects access to the curriculum.

AND/OR

4. There will be evidence of difficulties with oral and written comprehension and with communicating thoughts and feelings to others.

AND/OR

5. The pupil needs modification of content, materials or equipment or a differentiated teaching style or setting for substantial parts of the curriculum.

AND/OR

6. The pupil will require support for substantial parts of the day to facilitate access to the curriculum and the educational environment.
4.3 Sensory and/or Physical Needs

There will be some pupils, without significant learning difficulties, who have a physical or sensory impairment and require the provision of specialist furniture or equipment, minor adaptations to the school environment or some additional adult support in order to gain access to the curriculum. Special teaching strategies may be required which take into account the impact of the pupil’s disability on his/her learning. It is expected that schools will provide for these children from within their delegated resources. Where a child has a physical or sensory disability the school should consider whether it has made appropriate adaptations under the Disability Discrimination Act (1995) before making a request for a statutory assessment.

In some instances a medical condition will affect a pupil’s performance and progress intermittently, whilst others will be affected on a continuous basis throughout their school career. A medical diagnosis or a disability does not necessarily imply a special educational need. It may not be necessary for a child or young person with any particular diagnosis or medical condition to need any form of additional educational provision at any phase of education. It is the child’s educational needs rather than a medical diagnosis that must be considered.

The pupil may have been assessed for and, in relevant circumstances, provided with augmentative alternative communication aids. It is not always necessary for a pupil to have a statutory assessment because they need access to specialist equipment. See the LA’s Accessibility Strategy in the SEN Handbook for further details.

In all cases submitted for a statutory assessment there must be evidence of multi-professional concern that the pupil’s physical or sensory disability may, if appropriate action is not taken, have a marked impact on progress in the curriculum.
4.3a Physical Disability

Children with severe physical disabilities are normally identified at the pre-school stage and their needs met early through statutory assessment processes. However, a physical disability may be acquired at any time as a result of illness or accident.

To meet the criteria for statutory assessment:

1. There will be clear and substantiated evidence based on specific examples, that the pupil’s physical disability or medical condition prevents them from taking a full part in the school/community life.

AND

2. The pupil will need modification of content, materials, equipment or a differentiated teaching style and setting for substantial parts of the curriculum.

AND/OR

3. There will be clear evidence that the adaptations required to meet the pupil’s needs can not be met within the resources available in the LA’s schools.

AND/OR

4. The pupil will require support for substantial parts of the day to facilitate access to the curriculum and/or personal care.

4.3b Visual Impairment

Whatever the cause of the pupil’s visual impairment, the major issue in identifying and assessing the pupil’s special educational needs will relate to the degree and nature of functional vision and the pupil’s ability to adapt socially and psychologically, as well as to progress in an educational context.

To meet the criteria for statutory assessment:

1. The pupil will have a diagnosed eye condition affecting both eyes and causing severe visual impairment.

AND

2. There will be clear and substantiated evidence based on specific examples, that the pupil’s visual impairment prevents them from taking a full part in school/community life.

AND

3. The pupil will need modification of content, materials, equipment or a differentiated teaching style and/or setting for substantial parts of the curriculum.

AND/OR

4. There will be clear evidence that the adaptations required to meet the pupil’s needs can not be met within the resources available in the LA’s schools.

AND/OR

5. The pupil will require support for substantial parts of the day to facilitate access to the curriculum and the educational environment.
4.3c  Hearing Impairment

Hearing impairment describes a continuum of difficulty with widely differing implications for a child’s education.

There will be some pupils who have marked hearing impairment who require the provision of specialist equipment, modification of the classroom in order to improve the acoustic environment. Teaching strategies will need to take into account the impact of the pupil’s hearing impairment on his or her learning and the pupil’s ability to adapt socially and psychologically.

To meet the criteria for statutory assessment:-

1. The pupil will have a diagnosis of severe to profound, bi-lateral, sensori-neural hearing loss.

AND

2. The pupil will have been prescribed hearing aid equipment, including cochlear implants or specialist communication support requirements that could not have been provided for within resources available to the school.

AND

3. There will be clear evidence based on specific examples that the pupil’s hearing impairment prevents them from taking a full part in school/community life.

AND/OR

4. There will be evidence that the hearing impairment impacts significantly on the development of language skills, which, in turn, affects access to the curriculum.

AND/OR

5. There will be evidence of difficulties with oral and written comprehension and with communicating thoughts and feelings to others.

AND/OR

6. The pupil will need modification of content, materials, equipment or a differentiated teaching style and/or setting for substantial parts of the curriculum. The pupil may require additional systems to support communication, such as British Sign Language, Total Communication, Lip Speaker or Note Taker.
4.3d Multi-Sensory Impairment

Pupils with multi-sensory impairment (MSI) have a combination of visual and hearing difficulties. They are sometimes referred to as deaf-blind but may have some residual sight and/or hearing. Many also have additional disabilities but their complex needs mean that it may be difficult to ascertain their intellectual abilities.

Pupils should only be recorded as MSI if their sensory impairment is their greatest need. (Taken from: Teachernet.gov.uk).

Where there is evidence that the compounding effects of severely reduced hearing and vision is affecting the child or young person’s access to the curriculum, advice may be sought from a professional qualified in MSI.

4.4 Behaviour, Emotional and Social Difficulties

Pupils with very marked emotional/behavioural difficulties will be assessed according to the nature and degree of behaviour in the school context. A wide range of provision to meet such needs should be part of the school’s emotional and behavioural development programme.

Judgements will be made in relation to the degree to which emotional or behavioural needs have an effect on:

- access to the curriculum for the pupil
- the safety or welfare of the pupil or other pupils
- demands on the teacher’s time
- the ability of the pupil to form positive social relationships

The pupil will display a range of behaviours to a significant degree, which will be clearly recorded. This will have been completed in partnership with the external professional involved, and may include information on the following:

- **Emotional Behaviour**: *i.e.* empathetic; self and social awareness; confidence; emotional stability; self-control.
- **Learning Behaviour**: *i.e.* motivation and ability to stay on task; organisational skills; communication skills; ability to work in a group; appropriate use of support.
- **Conduct Behaviour**: *i.e.* lack of respect for self, others and property; attention seeking; aggression.

The information will have been obtained through observation over time, and will have been analysed to show patterns and trends. It will be recorded on an Action Plus IEP/IPP with full details of the strategies which have been used and an evaluation of their effectiveness.
The degree and complexity of these behaviours for any pupil will need to be evidenced by:

- the inappropriateness of the behaviour (particularly with regard to the age of the pupil and to the context in which the behaviour occurs)
- frequency
- intensity
- duration
- persistence over time

To meet the criteria for statutory assessment:

1. There will be 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 Foundation Stage teachers, parents and external specialists who have closely observed the pupil.

2. The pupil will require modification of content, materials or a differentiated teaching style or setting for substantial parts of the curriculum.

3. There will be clear recorded evidence that the pupil has not responded to appropriate interventions planned and implemented in consultation with other appropriate professionals over two IEP/IPP and review periods.
5. SPECIFIC QUESTIONS AND ANSWERS

- Who can make a request for a statutory assessment?

  The pupil’s school or parents can make a request for statutory assessment. Professionals from Health and Children & Families Services have a responsibility to notify the Local Authority if they believe that a child may have significant SEN.

- Is there a way of appealing if a submission for statutory assessment is not agreed?

  The LA writes to parents and schools informing them not only of its decision but also why it has come to its decision not to proceed with an assessment. Schools are advised as to how they might address any SEN that have been identified. Parents are also given details of the Parent Partnership Service who are able to support them in further discussions with their child’s school. Parents are also informed of their right of appeal to the SEN & Disability Tribunal against the decision, how the tribunal process works and local Disagreement Resolution arrangements. Swindon Parent Partnership Service is able to give parents information and support about appealing to the SEN and Disability Tribunal.

- If a pupil from a neighbouring LA attends a Swindon Borough Council (SBC) school, can her or his school or parents request a statutory assessment?

  Pupils who are not resident in Swindon Borough but who attend a Swindon school are the responsibility of their ‘home’ LA. The home LA will decide whether the pupil’s needs are sufficiently severe and/or complex as to require a statutory assessment.

- What would happen to the Statement of SEN if a pupil moves school in the course of the year?

  If a pupil transfers to another SBC school, then an appropriate proportion of any funding will transfer to the receiving school from the date the pupil starts their new school.

  When a pupil with a statement of SEN transfers from another LA, their statement of SEN is initially adopted. However, the receiving school is expected to hold a review within the first term to enable the LA to determine whether it is an appropriate placement to meet the identified needs or if it is necessary to maintain the statement.
• **What about SBC pupils attending a school in a neighbouring LA?**

The pupil’s needs should already have been identified and addressed as far as possible within the context of the other LA’s policy for SEN and funding arrangements for its schools. At the point where the school and/or the parents feel that the pupil requires a Statutory Assessment, then a formal request should be made to SBC SEN Assessment Team (SENAT).

• **How can parents be involved and informed about Statutory Assessment processes?**

Schools have a statutory responsibility to keep parents informed of their child’s progress and the steps that are being taken to meet their special educational needs. The review of the pupil’s Individual Education Plan at School Action Plus of the Code of Practice provides the opportunity for the school to discuss the Statutory Assessment processes with parents. Should a school be considering applying for a Statutory Assessment, then parents should be given a copy of the “A Guide for parents and carers – Special Educational Needs in Swindon” this should be used to guide discussions between school and parents.

Swindon Parent Partnership Service can help parents:

- by explaining the assessment process
- with all the paperwork
- write their contribution to their child’s statutory assessment
- understand professional reports
- look at all the options
- by listening
- by supporting them at meetings with the LA and other professionals.

• **How can pupils be involved in their statutory assessment?**

Chapter 3 of the Code of Practice and Section 4 of the Toolkit all give advice and information about pupil participation. Articles 12 and 13 of the United Nations Convention on the Rights of the Child say: “Children, 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. The views of the child should be given due weight according to age, maturity and capability of the child.”
• What happens if a statement review recommends that a pupil no longer requires a statement, but will need the continuation of additional support to meet his/her needs?

This recommendation will need to be made within the review report, stating what provision is felt to be needed. If the LA agrees with the recommendation it may choose to cease to maintain the statement or issue a monitoring statement. A monitoring statement provides guidance on a pupil's needs and how they might be met without additional resources from the LA.

• How should any additional support that is allocated via a statement to meet a child’s needs be used?

There are several ways in which the school could spend the money allocated to them through a Statement of Special Educational Needs. These may include the employment of additional teaching assistants or teachers, or purchasing specific materials/equipment to meet the pupil’s needs. The school may decide in collaboration with other professionals and parents that the pupil’s needs would be best met by providing support in a small group.

However, the LA may decide based on all the evidence provided that the pupil’s needs could be fully met from within the school’s own delegated resources. In which case a monitoring statement would be issued which will not bring additional funding.