

Criteria for statutory assessment of children and young people with complex social communication difficulties/ autistic spectrum disorders

**Children's Services Department
SEN Service
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Introduction

These guidelines have been produced to clarify the level and range of needs for which an education, health and care (EHC) assessment is considered appropriate and where admission to specialist provision may be regarded as a possible placement. The criteria build on the general criteria for assessment provided in the Special Educational Needs and Disability (SEND) Code of Practice: 0 to 25 years issued by the Department for Education (DfE) in 2015. Decisions regarding statutory assessment and admission to specialist provision will be made as part of a continuing assessment and review process of individual children's needs as recommended in the Code of Practice.

High quality teaching that is differentiated and personalised will meet the individual needs of the majority of children and young people. Some children and young people need educational provision that is additional to or different from this. This is special educational provision under Section 21 of the Children and Families Act 2014. Schools and colleges **must** use their best endeavours to ensure that such provision is made for those who need it. Special educational provision is underpinned by high quality teaching and is compromised by anything less.

Paragraph 1.24, SEND Code of Practice, 2015 (DfE)

Hampshire Children's Services Special Educational Needs (SEN) Service continue to work to improve the way we address special educational needs, aiming to ensure that SEN resources are targeted efficiently, effectively and equitably for children and young people across the county through:

- an emphasis on early identification
- increased delegation of funding to mainstream schools and colleges via the SEN top up system.
- clear criteria for admission to special provisions
- active partnership with parents

The aims of the criteria are to:

- enable the local authority to identify, consistently and objectively those children and young people with the greatest level of need who may require an EHC assessment, an EHC plan and placement in specialist provision
- provide clear guidance with regard to the level of SEN likely to be considered by the local authority to be sufficiently severe or complex to require an EHC assessment, an EHC plan and placement in a specialist provision
- provide consistency with the general guidance contained in the SEND Code of Practice.

The extent of a child or young person's special educational needs is determined by the unique interaction between the individual child/young person and their educational environment. Whilst it is impossible to define criteria that reflect fully the complexity of this interaction it is nevertheless necessary to formulate a range of objective criteria which can be applied as consistently as possible across the local authority. It is

expected that professionals submitting evidence to the local authority will have regard to these criteria.

Decisions about whether or not to proceed with an EHC assessment and whether to issue an EHC plan will be based on careful consideration of the child or young person's individual circumstances and in some case the cumulative effect on educational progress of a combination of special needs. The County Moderation Group (CMG) will generally only recommend that a full statutory EHC assessment should be undertaken if they are satisfied the child/young person's difficulties are severe, complex and long term and have not been resolved despite a range of well planned interventions and/or cannot be met from the resources already available to local mainstream schools and colleges. The importance of clear and full communication between early years settings, schools, colleges, the local authority, other statutory and voluntary agencies and, in particular, parents is something which all partners involved with assessment and placements wish to acknowledge. Support, especially in the early years, may also involve Health Services, Children's and Adults' Social Care Services and other providers. Close links and understanding of all those agencies involved are essential.

The criteria for the main categories of SEN are presented in separate documents to provide ease of use. The annual publication *Provision in Hampshire for children and young people with Education, Health and Care Plans*, gives a complete listing of all special schools and mainstream schools with specialist resourced provision in Hampshire.

Criteria documents and *Provision in Hampshire* are available to view at www.hants.gov.uk/sen.

SEN Support

A college/school/pre-school setting must demonstrate that its actions have been purposeful, relevant and sustained prior to considering a request for an EHC needs assessment. Children/young people eligible for a statutory assessment will usually have been supported from within the provision's local offer and with resources already available to them over a period of time including a minimum of 2 assess/plan/review/ cycles, and a graduated approach.

Actions taken by college/school/pre-school setting to differentiate the curriculum, provide quality teaching and additional targeted intervention to meet the child/young person's need will be evident in Special Educational Needs Support Agreements (SENSAs), provision maps, individual targets and evidence of having implemented advice from specialists.

The following evidence will be taken into account when a request for statutory EHC assessment is considered:

- The views of parents/carer and child/young person
- Background information on child/young person and family
- A holistic description of the child/young person strengths, his/her learning difficulties, special educational needs (under 4 main areas of SEN) and the impact on the learning of others

- The impact of relevant and purposeful intervention from within the setting's resources
- Details of the 'plan, review and do' process put in place to meet needs of the child/young person to include a clear description of progress made over a period of at least two terms. Plans should have clear outcomes and actions/interventions in place through the graduated response and should have clear entry and exit criteria and success measures
- Educational Psychology involvement must be included with evidence of implementation of advice to devise appropriate strategies and programmes with outcomes clearly recorded
- Evidence of the implementation of advice, with outcomes, from specialist outside agencies
- The checklist of evidence to be included.

Criteria for assessment

In a few exceptional cases, where a child has severe and complex learning and development needs, the extent of these will be self-evident. In such cases, requests for statutory assessment might be made prior to attending an early years provision or receiving a home tuition intervention programme, such as Portage Home Visiting. In such a case, there should be no need for reports from all the agencies involved with the child before a request for assessment can be agreed the County Moderation Group (CMG).

Only those with the most exceptional level of need will require an EHC plan. In line with national expectations approximately 2% of the pupil population whose needs are severe and complex will need the support of an EHC plan but in Hampshire this figure is much less because of our arrangements to enable schools and colleges to access top up funding in many cases without the need for a statutory assessment.

Although the four broad categories of needs as set out in the SEND Code of Practice will form the basis for decision-making, the local authority recognises there is a wide spectrum of special educational needs which are frequently interrelated. While threshold criteria have been set for each category of need, reference may be made to more than one category of need.

In schools, account will be taken of the first £6,000 (Element 2) of additional support that the DfE expects to be made from the schools' delegated special educational needs funding.

In some exceptional circumstances, it may be possible for a combination of less severe SEN needs to have a cumulative effect which may call for special provision which cannot reasonably be provided within the resources normally available to mainstream settings.

The local authority should be expected to carry out a statutory EHC assessment for a child/ young person only when:

- The child/young persons SEND are long term, severe and complex.

- The child/young person has not responded to sustainable, relevant and purposeful measures taken by the educational establishment.
- The child/young person requires special educational provision that is additional to and different from provision normally available to mainstream maintained schools and settings and/or the provision cannot be met from within resources already available to mainstream schools and colleges in the area.

County Moderation Group

The County Moderation Group (CMG) will give considered recommendations to the Local Authority Officer responsible for making decisions in relation to statutory assessment prior to making the final decision. The County Moderation Group meets fortnightly (term time) and comprises: Education Officer (SEN), Educational Psychologist, Headteacher, SEN Co-ordinator, health representative and social care representative.

In reviewing the evidence, the County Moderation Group will consider if sustained, relevant and purposeful actions have been taken, in particular whether the educational establishment has:

- Analysed the nature of the child/young person's learning difficulties established his/her SEN, made appropriate provision over a sustained time (at least two terms), set and review appropriate strategies, targets and outcomes
- Taken necessary actions to secure and record the views of the child/young person and his/her parents/carers and actively encouraged their involvement at all stages
- Sought and implemented the advice from an Educational Psychologist and appropriate specialist teachers
- Sought and implemented the advice of relevant professions, ie medical professionals, social care professionals.

CMG members will discuss whether or not to start an EHC assessment following consideration of a request, the panel will advise the local authority of their recommendations whether there is agreement to undertake a statutory assessment. The final decision, however, rests with the SEN Officer responsible for making such decisions. *If a request is refused, written explanation will be provided to the referrer and discussed with parents within 6 weeks from when the request is received by the local authority.*

It should be noted that for most children who present with complex needs, more than one set of indicative severity criteria might be considered. The County Moderation Group will be mindful of all appropriate factors when advising the local authority to make a statutory EHC assessment or not.

Areas of Need

The 2015 SEND Code of Practice (0-25 years), identifies four broad areas of need:

Cognition and Learning (C&L)

- Moderate Learning Difficulties (MLD)
- Severe Learning Difficulties (SLD)
- Profound and Multiple Learning Difficulties (PMLD)
- Specific Learning Difficulties (SpLD)

Communication and Interaction (SLCN)

- Speech, Language and Communication (SLCN)
- ASD – including: Asperger’s Syndrome (which is also described as high functioning autism) and Autism

Social, Emotional and Mental Health Difficulties (SEMH)

- A wide range of social and emotional difficulties which may reflect underlying mental health difficulties or conditions

Sensory and/or Physical needs

- Visual Impairment (VI)
- Hearing Impairment (HI)
- Physical Disability (PD)

Criteria for statutory assessment of children/young people with complex social communication difficulties/ autistic spectrum disorders

This document should be read in conjunction with the local authority’s special educational needs criteria guidelines which can be found online at www.hants.gov.uk/senguidance.

A severe and significant difficulty

Children and young people with complex social communication difficulties/autistic spectrum disorders will typically demonstrate difficulty with some or all of the following:

Difficulties in social interaction which limit his or her ability to learn and/or impede his or her emotional, social or behavioural development, eg the child:

- cannot work in a pair or a group
- cannot tolerate the proximity of peers.

Severe communication difficulties which affect his or her ability to understand language in a functional or social way eg the child:

- verbalises but with little communicative intent

- does not understand non-verbal cues, ie facial expressions, gesture, body posture, tone of voice
- uses only stereotyped phrases in social interaction (eg how many rooms are in your house? It's my birthday in May)
- does not respond to questions, continues own monologue despite attempts to interact
- does not turn take in conversations
- does not exchange greetings
- does not respond to own name.

Difficulties in social understanding, eg:

- excessive displays of fear and anxiety
- unpredictable mood swings
- misinterpretation of emotions in others
- laughing or screaming at another's tears
- difficulty in understanding the views of other people
- a need to keep control in social situations
- lacking common sense

Lack of flexibility in thinking behaviour, eg the child:

- shows distress when faced with minor changes of routine, staff or environment
- difficulty following adult directed activities

Sensory sensitivities which may form a barrier to accessing the curriculum in a school environment, eg the child:

- demonstrates anxiety at being close to others during group work or lining up
- demonstrates sensitivity to stimuli which distracts them from the learning process (eg noise, odours, visual stimuli, textures and/or taste)
- demonstrates sensitivity to noise which makes group work difficult.

Difficulties in the areas above may cause high levels of arousal and anxiety which may result in aggression towards others, total withdrawal or self-injury.

Where the balance of the evidence presented to and assessed by the local authority suggests that the child's learning difficulties and/or disabilities:

- are significant and/or complex

and

- have not been met by the relevant and purposeful measures taken by the school and external specialists

may call for special educational provision which cannot reasonably be provided within the resources normally available to mainstream schools

The local authority will consider very carefully the case for an Education, Health and Care (EHC) needs assessment of the child/young person.

In taking account of the *SEND Code of Practice: 0 to 25 years*, the local authority will consider a pupil to have severe and/or complex social communication/autistic spectrum disorder needs if:

- there is clear substantiated evidence based on specific examples that these needs limit their ability to access the curriculum and/or impede their emotional, social or behavioural development, and as a result impact upon their ability to make progress in learning

and

- there are difficulties with use of language which impact on learning in a social environment.

A medical diagnosis or disability does not necessarily imply SEN. It is the child/young person's special educational needs rather than a medical diagnosis which must be considered.

Further information

Hampshire County Council SEN criteria documents are available online at www.hants.gov.uk/sencriteria

Secondary and Primary IDP: Supporting children on the autism spectrum, DfE, available at www.idponline.org.uk

SEND code of practice guidance, Department for Education (DfE) available at www.gov.uk/topic/schools-colleges-childrens-services/special-educational-needs-disabilities :

- Early years: guide to the 0-25 SEND code of practice, DfE, available at www.gov.uk/government/publications/send-guide-for-early-years-settings
- Further education: guide to the 0 to 25 SEND code of practice, DfE, available at www.gov.uk/government/publications/send-guide-for-further-education-providers
- Schools: guide to the 0 to 25 years SEND code of practice, DfE, available at www.gov.uk/government/publications/send-guide-for-schools-and-alternative-provision-settings
- SEND Code of Practice: 0-25 years, DfE, 2015 available at www.gov.uk/government/publications/send-code-of-practice-0-to-25

If you would like more information please contact the SEN Service, email enquiries.sen@hants.gov.uk.

Appendix 1: Autistic spectrum disorder (ASD)

(An extract from *SEN Support: Guidance for early years providers, mainstream schools and colleges, Hampshire County Council*)

Description of difficulty/Barriers to learning

- The child/young person (CYP) has difficulties with communication, social interaction and flexible thinking which cause barriers to learning and the development of positive social relationships despite the provision of differentiated learning opportunities.
- The difficulties may include: inappropriate obsessive rigid and/or ritualistic behaviours; receptive and expressive language difficulties; hyper/hypo sensitivity to sensory input; and significant anxiety and self-esteem issues.
- The CYP may have difficulty in recognising and/or understanding emotions.
- CYP diagnosed with high functioning autism are included in the autistic spectrum. Such children/young people often function within or above the normal range of ability but may display any of the above behavioural characteristics. From 2014 the term 'Asperger syndrome' has been replaced with the descriptor of 'high functioning autism'.
- Any post 2011 diagnosis will have been confirmed through multi-disciplinary and multi-dimensional assessment in line with the NICE guidelines and any subsequent alteration to this guidance.

A number of external factors will need to be considered in relation to the learning environment. A CYP reacts in response to the learning environment. Relationships between adults and CYP and those between CYP and their peers are important dimensions. It is expected that the school will demonstrate its positive ethos and culture through every aspect of its provision for CYP with these additional needs. This will include the use of evidence based, effective and proven interventions and learning techniques informed through current research (eg Hattie, Dweck and current research into AS).

References

- The National Institute for Health and Clinical Excellence (NICE) guidelines for AS assessment and diagnosis 2011
- Autism Strategy for children and young people in Hampshire
<http://documents.hants.gov.uk/childrens-services/20150609CWDSIDSMKLEHampshireChildrensAutismStrategy-v11April2015.pdf>

/...continued - Appendix 1: Autistic spectrum disorder

Assessment, plan, do and review

- In order to understand the impact of AS on the child/young person's (CYP's) learning and participation, the CYP's strengths and weaknesses should be analysed.
- Assessments in all curriculum areas are relevant and will be used to plan adaptations and adjustment.
- Views of the CYP and parent must be sought; taken into account and acted upon in the development, implementation and review of the personal plan. The formation of the plan should follow the model of Person Centred Planning and address the areas of social communication; social imagination/understanding.
- Social interaction; obsessive/inflexible behaviours and any other issues specific to the CYP.
- There will be an ongoing review of the personal plan focused on minimising the impact of AS on the CYP's learning and participation.
- There will be timely action to adjust the personal plan to improve outcomes for the CYP.
- All staff will need to be aware of the pupil's difficulties since these may manifest themselves in a variety of ways.
- Social interaction checklists can be used to identify the precise nature of the difficulties.
- There will be a personalised plan with clear curriculum targets, addressing all areas of need.

As previously and drawing on the further advice and expertise of external professionals to inform and contribute to the CYP's personal plan and the school's response to the plan.

This may result in:

- further identification of his/her strengths and weaknesses using external advice to inform to a more specifically focused personal plan.
- on-going observation and recording of specific behaviours and triggers, including those which result from sensory sensitivities.

Assessment would include consideration of:

1. CYP's learning profile
2. Learning environment
3. Task
4. Teaching style

/...continued – Appendix 1: Autistic spectrum disorder

Environment and grouping	Teaching and learning	Resources, roles and responsibilities
<p>The CYP will be based in the ordinary classroom and may need any or all of the following:</p> <ul style="list-style-type: none"> • Consistent and structured routines and organisation. • Use of a visual timetable to manage transition between activities and aspects of the school day and to manage changes to routines. • Access to groupings that enable the CYP to work with positive role models in terms of expectations, social interaction and communication, co-operation, concentration and independence. • Access to a low distraction area in the classroom. • Access to praise and 'reward activities'. • Good practice will include and be demonstrated through any or all of previous strategies and the following (according to need): • School based risk assessments to be completed and actioned. • Some individual tuition within a withdrawal setting. • Access to a detailed visual timetable throughout the day, mediated by an adult as appropriate to year group. • Significant support in interactions with peers. • Skilled adult support to manage anxiety, distress, mood swings. • Account to be taken of sensory stimuli. 	<ul style="list-style-type: none"> • Teaching and learning that is led by/takes account of the needs and preferences of the CYP and is appropriately differentiated to ensure the best outcomes for the CYP. • Flexible grouping arrangements. • Access to 'reward activities' where appropriate. • Opportunities to be taught, learn and apply social communication and skills. • Flexible planning to include recognition of areas of difficulty. • Access to adult guidance as necessary and appropriate to support learning including the use of communication skills for different purposes and to coordinate oral and written language. • Some adult advocacy to support communication with peers within the learning environment. • Support to transfer attention from self-selected tasks and activities. • Inference and active listening and specific language to be taught. • Good practice will include and be demonstrated through any or all of the previous strategies and the following (according to need) • A high degree of task differentiation within the NC, that takes account of the impact of AS on learning preferences. • Careful use of language and avoidance of 	<ul style="list-style-type: none"> • The Head teacher and leadership of the school will ensure that anyone teaching the CYP has access to appropriate advice and support from within a school structure, culture and ethos that promotes the inclusion of the CYP. • Focused support and assistance. • Provision for non-routine events, eg supply teachers, visitors. • Resources appropriate to intervention activities and the differentiated curriculum. • Planned time for home/school liaison to allow parents to be involved in developing, implementing and reviewing the personal plan. • The head teacher and leadership of the school will ensure that anyone teaching the CYP has access to the advice, support, financial and other resources necessary to deliver the personal plan effectively and achieve better outcomes for the CYP. • Draw on the advice and expertise of external professionals to inform and contribute to the CYP's personal plan. • Identify and secure specific training for key staff to better support the CYP.

/...continued – Appendix 1: Autistic spectrum disorder

Environment and grouping	Teaching and learning	Resources, roles and responsibilities
<ul style="list-style-type: none"> School based risk assessment to be completed and actioned. 	<p>information overload.</p> <ul style="list-style-type: none"> Provision of PECS or similar alternative communication system. Access to individual programmes and other strategies to address specific needs identified through further multi-professional involvement. Detailed and specific routines and significant preparation for changes using such strategies as 'social stories'. Precise and structured intervention and support for curriculum access with specific reference to comprehension and use of language, co-ordination of oral and written responses. Inference, active listening and response to be taught specifically. Key staff able to promote positive behavioural/emotional skills through negotiation. Detailed and specific routines and significant preparation for changes using eg social stories. Precise and structured interventions and support for curriculum access. 	

Appendix 2: Education, Health and Care (EHC) thresholds – Autistic spectrum disorder

At end of Year R minus 1	At end of Key Stage 1 (Year 2)	At end of Key Stage 2 (Year 6)	At end of Key Stage 3 (Year 9)
<p>Expressive Language</p> <p>A main area of difficulty is with spontaneous/self-generated language. Echolalia is common which may mask language difficulties.</p> <p>Uses short phrases with omissions.</p> <p>Limited use of grammatical structure.</p> <p>Limited use of vocabulary.</p> <p>May use some advanced sentences that they have learnt.</p> <p>May repeat sentences from a favourite book or video programme.</p> <p>May appear to be using speech but the words are unintelligible – jargon.</p> <p>Limited use of question words, does not use who and why questions.</p> <p>Cannot continue a conversation someone else has started.</p>	<p>Expressive Language</p> <p>A main area of difficulty is with spontaneous/self-generated language. Echolalia is common which may mask language difficulties.</p> <p>Has difficulty in expressing simple responses to questions.</p> <p>Can only demonstrate limited concrete vocabulary.</p> <p>Uses limited length sentences with omissions (eg I go swings now).</p> <p>Frequently uses redundant language and does not appear to understand rules of two way communication with either peers or significant adults.</p> <p>Frequently uses inappropriate/incorrect responses and is unaware of the appropriate response.</p> <p>Has limited awareness of syntax and structure of sentences.</p> <p>Still uses word substitution or category substitution.</p> <p>Exhibits word finding/labelling difficulties.</p>	<p>Expressive Language</p> <p>A main area of difficulty is with spontaneous/self-generated language. Echolalia is common which may mask language difficulties.</p> <p>The criteria for Key Stage 1 will still apply.</p> <p>Is still unable to engage in meaningful question and answer situations.</p> <p>Has difficulties with expression (including range of vocabulary used) such that pupil is unable to demonstrate simple thoughts and ideas.</p> <p>Fails to use oral and non-verbal cues in communication such that peer interactions are experienced as unrewarding and pupil becomes increasingly isolated/frustrated.</p> <p>Is unable to use logical and inferential skills in discussion thus depressing rate of attainment progress across the academic curriculum.</p> <p>Is unable to acquire new technical vocabulary, eg in Science, Geography, etc.</p>	<p>Expressive Language</p> <p>A main area of difficulty is with spontaneous/self-generated language. Echolalia is common which may mask language difficulties.</p> <p>The criteria for Key Stage 2 will still apply.</p>