

Criteria and guidance for making provision for children and young people with moderate learning difficulties

**Children's Services Department
SEN Service
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Children and young people with moderate learning difficulties

Description

- 1 Children/young people described as having *moderate learning difficulties* (MLD) tend to have moderate learning difficulties in all areas of the curriculum (a global delay), although they may develop particular skills at a different rate.
- 2 They may also experience poor self-esteem and so require carefully managed educational plans which emphasise success and progress.
- 3 In some cases, the profile of need will include social and/or emotional factors.
- 4 A number of children/young people will have other difficulties or disabilities including physical disabilities, sensory impairments, language impairment or autistic characteristics.

Most children/young people with moderate learning difficulties can access the curriculum in their local mainstream school once provided with some additional special educational provision. This can be provided from the resources available in school through Hampshire's Special Educational Needs (SEN) funding top up or, Education, Health Care (EHC) plans where necessary.

For the purposes of this document, any reference to the local authority can be taken as a reference to Hampshire County Council

Criteria for statutory assessment of children and young people with moderate learning difficulties

The decisions to initiate an EHC assessment and to issue an EHC plan are based on the provisions of the Children and Families Act 2014 which defines EHC plans as being for children of school age and young people with a significantly greater difficulty in learning than the majority of others of the same age. (*Part 3, Section 20 of the Children and Families Act 2014*).

Before an EHC assessment is initiated under the provisions of the Act it is expected that substantial and sustained efforts will have been made by people working in the school/college to address the child's/ young person's difficulties at *SEN Support*.

In considering whether an EHC needs assessment is necessary, the local authority should consider whether there is evidence that despite the early years provider, school or post-16 institution having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child or young person, the child or young person has not made expected progress. To inform their decision the local authority will need to take into account a wide range of evidence, and should pay particular attention to:

- evidence of the child or young person's academic attainment (or developmental milestones in younger children) and rate of progress
- information about the nature, extent and context of the child or young person's SEN

- evidence of the action already being taken by the early years provider, school or post-16 institution to meet the child or young person's SEN
- evidence that where progress has been made, it has only been as the result of much additional intervention and support over and above that which is usually provided
- evidence of the child or young person's physical, emotional and social development and health needs, drawing on relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies, and
- where a young person is aged over 18, the local authority must consider whether the young person requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete their education or training. Remaining in formal education or training should help young people to achieve education and training outcomes, building on what they have learned before and preparing them for adult life.

(Paragraph 9:14 SEND Code of Practice, Department for Education (DfE), 2015)

The graduated approach

The County Council's criteria rest on qualitative and quantitative evidence of appropriate intervention.

Examples of intervention might include some or all of the following:

- flexible teaching arrangements
- help with processing language, memory and reasoning skills
- help and support in acquiring literacy skills
- help in organising and coordinating spoken and written English to aid cognition
- help with sequencing and organisational skills
- help with problem solving and developing concepts
- programmes to aid improvement of fine and motor competencies
- support in the use of technical terms and abstract ideas
- help in understanding ideas, concepts and experiences when information cannot be gained through first hand sensory or physical experiences.

Where a pupil is identified as having SEN, schools should take action to remove barriers to learning and put effective special educational provision in place. This SEN support should take the form of a four-part cycle through which earlier decisions and actions are revisited, refined and revised with a growing understanding of the pupil's needs and of what supports the pupil in making good progress and securing good outcomes. This is known as the graduated approach. It draws on more detailed approaches, more frequent review and more specialist expertise in successive cycles in order to match interventions to the SEN of children and young people.

(Paragraph 6:44 SEND Code of Practice, DfE, 2015)

In deciding whether to make special educational provision in accordance with an EHC plan, the local authority should consider all the information gathered during the EHC needs assessment and set it alongside that available to the local authority prior to the assessment. Local authorities should consider both the child or young person's SEN and the special educational provision made for the child or young person and whether:

- the information from the EHC needs assessment confirms the information available on the nature and extent of the child or young person's SEN prior to the EHC needs assessment, and whether
- the special educational provision made prior to the EHC needs assessment was well matched to the SEN of the child or young person

(Paragraph 9.54 SEND Code of Practice)

Where, despite appropriate assessment and provision, the child or young person is not progressing, or not progressing sufficiently well, the local authority should consider what further provision may be needed. The local authority should take into account:

- whether the special educational provision required to meet the child or young person's needs can reasonably be provided from within the resources normally available to mainstream early years providers, schools and post-16 institutions, or
- whether it may be necessary for the local authority to make special educational provision in accordance with an EHC plan

(Paragraph 9.55 SEND Code of Practice, DfE, 2015)

Children/young people with moderate learning difficulties are likely to have global difficulties. A significant level of learning difficulty for these pupils is deemed to occur where general levels of academic attainment in **at least two areas** of the core curriculum are as follows:

- **below age 7**, a child's attainments are at or below the level of an average child 2½ years younger in **two or more** of the following areas:
 - communication skills
 - concept development
 - early literacy skills
 - early numeracy skills
 - self-help skills
 - mobility skills

ie a 6 year old child functioning as a 3½ year old in two or more of the areas listed above.

- **a 7 year old child** (generally in Year 2) who has been assessed with a cognitive profile of 70 or below (standardised score) or below the 2nd centile and has attainments below the 5 year level

- **an 8 year old child** (generally in Year 3) who has been assessed with a cognitive profile of 70 or below (standardised score) or below the 2nd centile and has attainments at or below the 5½ year level
- **a 9 year old child** (generally in Year 4) who has been assessed with a cognitive profile of 70 or below (standardised score) or below the 2nd centile and has attainments at or below the 6 year level
- **a 10 year old child** (generally in Year 5) who has been assessed with a cognitive profile of 70 or below (standardised score) or below the 2nd centile and has attainments at or below the 6¼ level
- **an 11 year old child** (generally in Year 6) who has been assessed with a cognitive profile of 70 or below (standardised score) or below the 2nd centile and has attainments at or below the 6½ year level
- **a 12 year old child** (generally in Year 7) a who has been assessed with a cognitive profile of 70 or below (standardised score) or below the 2nd centile and has attainments at or below the 7 year level
- **a 13 year old child** (generally in Year 8) who has been assessed with a cognitive profile of 70 or below (standardised score) or below the 2nd centile and has attainments at or below the 7¼ year level
- **a 14 year old child** (generally in Year 9) who has been assessed with a cognitive profile of 70 or below (standardised score) or below the 2nd centile and has attainments at or below the 7½ year level.

Normally, it would not be expected that children/ young people operating above these levels without other difficulties would be put forward for an EHC assessment. The Hampshire funding top up delegated to schools means that some children/young people operating at or below this level can still be adequately resourced within their schools and may not therefore need to undergo an EHC assessment.

Any child/young person with a global learning difficulty will have a slower rate of learning than other children/young people. The fact that a pupil falls progressively behind other children/young people is not in itself a sufficient reason for an EHC assessment.

Reasonable provision

The school/college must be able to demonstrate that reasonable provision has been made to meet the needs of the child/young person at *SEN Support*. Advice about what will constitute reasonable provision is set out in the document *SEN Support: Guidelines for early years settings, schools and colleges*. An extract is set out in Appendix 1.

Accordingly, reasonable provision will fall under four general headings:

Assessment, plan, do, review - identification of the child's/young person's strengths and weaknesses drawing on external advice, for assessment and planning from a range of professionals likely to include:

- Educational Psychologist
- Therapists

- Outreach and centrally provided County Council services.

Environment and grouping - might involve the provision of individual tuition to support specific targets, access to personalised programmes for changes in school/college or class routines.

Teaching and learning - a high degree of differentiation, careful use of language, provision of literacy programmes shown to be effective for children/young people with moderate learning difficulties.

Resources, roles and responsibilities - key staff who are supported by specific training and advice to deliver individual programmes with input from external agencies such as those listed above, and planned time for liaison with parents/carers.

If, despite this provision, the child's/young person's rate of progress still gives cause for concern then the County Council will give serious consideration to a request for an EHC assessment.

A severe and significant difficulty

Statutory assessment should provide clear and substantiated evidence of most, if not all, of the following:

- general cognitive abilities falling well within the lowest 2% of the school population
- significant difficulties in understanding the mainstream curriculum content
- lack of progress in literacy despite the use of a systematic and structured support programme monitored over at least three terms
- difficulty in the use of language
- difficulty in developing mathematical, spatial and other abstract concepts
- difficulty with social relationships associated with intellectual impairment
- delay in the development of self-help and other age-appropriate life-skills
- lack of self-esteem and self-confidence resulting in behavioural difficulties and/or distress.

Placement of children and young people with an EHC plan for moderate learning difficulties

Placement in mainstream schools/colleges

The County Council has a duty to educate children/young people with moderate learning difficulties in mainstream schools/colleges wherever possible. To achieve this pupils should receive:

- a high level of curriculum differentiation
- opportunities for individual teacher support
- specific, direct teaching of skills across all areas

- help in the development of general thinking skills
- the integration of a personal and social skills programme into their learning experiences
- access to a range of teaching styles appropriate to their needs
- regular monitoring of progress against short term targets, recorded in IEPs or personal plans, which allow them to experience success and positive feedback
- opportunities to work alongside children from a wide range of abilities
- access to appropriate external support staff, eg educational psychologists; teacher advisers; outreach teachers etc
- positive and active liaison with the family (ie contact initiated when necessary, home programmes carried out etc.)
- access to support from external agencies as appropriate (eg health professionals, social worker).

Under the County Council's scheme of delegating additional top up funding for pupils with EHC plans for moderate learning difficulties in mainstream schools can, in most cases be met without the need for an EHC assessment.

Hampshire specialist provision for children and young people with moderate learning difficulties

In Hampshire there are a number of special schools and some mainstream schools with specially resourced provision, catering for pupils with moderate learning difficulties.

These provide:

- access to appropriately skilled teaching and in-class support
- small teaching groups
- a peer group experiencing similar needs
- an environment in which the emotional impact of the moderate learning difficulties is recognised and managed
- a focus for multi-agency involvement and support
- access to a wide range of educational resources.

In addition resourced mainstream schools provide:

- access to appropriate integration within the main school.

The aim of resourced mainstream provision is to work towards integration into the main school classes for as much of the time as possible and ultimately to work towards reintegration into a full-time mainstream placement wherever possible. To allow integration to be managed effectively, without detriment to the other children in the school, it is important to recognise that there should be a fairly even distribution of children across the various year groups.

Placement in specialist provision

Where there is agreement that pupils cannot achieve a successful placement in any mainstream school, within reasonable travelling distance, the County Council will need to consider specialist provision.

Typically these pupils will:

- have moderate learning difficulties and significant additional difficulties such as poor social skills, communication difficulties, emotional vulnerability and possibly some sensory impairments
- have experienced failure, even when well supported, in mainstream school
- need an extremely well differentiated curriculum to facilitate success
- have very poor basic skills and study skills and need frequent rehearsal of skills taught to promote retention of basic skills
- have very low self-confidence and need frequent recognition of effort and achievement to enhance self-confidence
- be difficult to motivate and need frequent opportunities for a high degree of individual learning to maintain motivation.

In areas of the county where there are both special schools catering for moderate learning difficulties and mainstream schools with resourced provision for pupils with moderate learning difficulties, pupils will be considered for a resourced mainstream placement when there is evidence of:

- a general moderate learning difficulty being the clear primary need
- self-help social skills that allow the pupil to benefit from daily contact with mainstream peers
- potential for integration into a mainstream setting for at least part of the day (although not necessarily immediately)
- communication skills commensurate with their level of ability.

‘Assessment’ places

Very exceptionally, where for example a child/young person has recently arrived in the county with a recommendation for specialist provision, a pupil may be placed in specialist provision without an EHC plan. In this case an EHC assessment must be undertaken and the placement reviewed as part of that process.

Exit procedure from specialist provision

Children’s/Young people’s needs change. Proper use of specialist places, with children/young people leaving when appropriate, is essential in supporting success and preparing children/young people for transfer to the next phase of education. Special schools and mainstream schools with special provision have a responsibility to ensure that places are not being filled by children who still have special educational needs but no longer require the high level of specific support available from the specialist

provision. Any change in provision should follow a recommendation from an annual review.

The child will have:

- shown consistent improvements over time
- spent time successfully integrated into a mainstream environment and will have become less dependent on specialist support
- shown evidence of good social skills and peer relationships.

Upon leaving a specialist resourced mainstream provision a child would normally be expected to transfer to his/her local school. In some instances there may be grounds to phase the transition, moving from the resourced provision to the main school and then on to the local school/college. When a child/young person leaves the specialist provision, the mainstream school/college should ensure that the child/young person receives the appropriate level of resource. In exceptional circumstances, continuation at the resourced main school could be considered with transport provided by the County Council where necessary. In most cases, however, this would be regarded as parental preference and so the County Council would not provide transport.

Further information

List of specialist provision in Hampshire for children and young people with moderate learning difficulties

- Please refer to the document *Provision in Hampshire for children and young people with EHC plans* available online at <http://documents.hants.gov.uk/childrens-services/sen-provision-in-hampshire.pdf>

or go to the Local Offer at <https://fish.hants.gov.uk/localoffer>

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

SEND code of practice: 0-25 years, DfE, 2015 available at www.gov.uk/government/publications/send-code-of-practice-0-to-25

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

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

Appendix 1: Cognition and learning

- **Cognition and learning**

“Support for learning difficulties may be required when children and young people learn at a slower pace than their peers, even with appropriate differentiation. Learning difficulties cover a wide range of needs, including moderate learning difficulties (MLD), severe learning difficulties (SLD), where children are likely to need support in all areas of the curriculum and associated difficulties with mobility and communication, through to profound and multiple learning difficulties (PMLD), where children are likely to have severe and complex learning difficulties as well as a physical disability or sensory impairment.”

(Paragraph 6.30 SEND Code of Practice)

Cognition and learning

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

Description of difficulty/Barriers to learning

- These children/young people (CYP) will have difficulty in attainment in aspects of learning as defined by national measures and despite appropriate interventions.
- Their rate of progress is slow and they are working substantially below that expected for children of a similar age.
- They may have experienced some delay in the acquisition of language and this is reflected in oral and written communication skills.
- They may have specific learning difficulties (SpLD) and/or motor skills delay.
- They may have difficulty in understanding concepts, and may exhibit memory and processing difficulties.
- They may lack motivation to learn and have a limited concentration span.
- They may also be socially and emotionally immature and have limited interpersonal skills, including low self esteem.

References

- What works for children and young people with literacy difficulties? The effectiveness of intervention schemes - Greg Brooks, University of Sheffield (Fourth version) www.interventionsforliteracy.org.uk
- What works for children with mathematical difficulties? - Ann Dowker, University of Oxford <http://webarchive.nationalarchives.gov.uk/20110202093118/http://nationalstrategies.standards.dcsf.gov.uk/node/174504>
- Progression guidance (DfE) www.gov.uk/government/publications/progression-2010-to-2011-advice-on-improving-data-to-raise-attainment-and-maximise-the-progress-of-learners-with-special-educational-needs

Cognition and learning

Assessment, plan, do and review

- Pupils who typically achieve a standardisation score below 78. (Not applicable to children in the Early Years age group; children should be identified, in line with the EYFS, where their development is not age appropriate and/or consistent with peers).
- The views of the child/young person (CYP) and parents should also be taken into account.
- Personalised learning plans with targets clearly identified.
- Teachers use any additional adults to enhance learning experience and outcomes.
- Progress to be regularly and systematically monitored and programmes revised in the light of outcomes.
- Parents should be encouraged to be involved in supporting targets at home.

Assessment would include consideration of:

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

Environment and grouping	Teaching and learning	Resources, roles and responsibilities
<ul style="list-style-type: none"> • The CYP will be based in the classroom and may need any or all of the following: <ul style="list-style-type: none"> - Some supported group work or 1:1 with targeted support. • Access to a suitable learning environment which is appropriate to the activity. • Access to grouping which enables the CYP to work with good role models in terms of language and communication skills, co-operation and independence. 	<ul style="list-style-type: none"> • Personalised learning opportunities for curriculum access. • Flexible planning and grouping strategies for effective learning. • Planned multi-sensory teaching opportunities taking account of differing learning/cognitive styles. • Teachers to review learning targets and modify as needed to maximise progress. • Alternative strategies for reading and 	<ul style="list-style-type: none"> • Access to advice as appropriate from relevant professionals to inform planning. • Planned support time. • Equipment and resources including assistance as appropriate to identified learning needs. • Planned time for home/school/college liaison so that parents can be involved in both short and long term planning, support and review.

Cognition and learning

Environment and grouping	Teaching and learning	Resources, roles and responsibilities
	<p>recording.</p> <ul style="list-style-type: none"> • Focus on successful learning outcomes to support confidence, independence and self-esteem and resilience. • Interventions to match identified focused needs. • Personalised plans to inform teacher's planning. • Continuous assessments by class/subject teacher(s) may be supplemented by standardised and/or diagnostic tests. Rates of progress must be systematically monitored to measure impact. • Some 'scaffolded' individual learning tasks. 	