

Criteria for statutory assessment of children with physical disabilities

**Children's Services Department
SEN Service
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Criteria for statutory assessment for children with physical disabilities

In deciding whether or not to initiate a statutory assessment in respect of Children with disabilities, Hampshire County Council will have regard to the evidence presented by parents and professionals indicating that there has been adherence to the principles of the *Special Educational Needs and Disability (SEND) Code of Practice: 0 to 25 years*, issued by the Department for Education (DfE) in January 2015 namely:

- a staged process of intervention
- reasonable provision
- a severe and significant difficulty

A staged process of intervention

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

Special educational needs (SEN)

A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.

- xiii. A child of compulsory school age or a young person has a learning difficulty or disability if he or she:
- has a significantly greater difficulty in learning than the majority of others of the same age, or
 - has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions
- xiv. For children aged two or more, special educational provision is educational or training provision that is additional to or different from that made generally for other children or young people of the same age by mainstream schools, maintained nursery schools, mainstream post-16 institutions or by relevant early years providers. For a child under two years of age, special educational provision means educational provision of any kind.
- xv. A child under compulsory school age has special educational needs if he or she is likely to fall within the definition in paragraph xiv above when they reach compulsory school age or would do so if special educational provision was not made for them (Section 20 Children and Families Act 2014).
- xvi. Post-16 institutions often use the term learning difficulties and disabilities (LDD). The term SEN is used in this Code across the 0-25 age range but includes LDD.

(Page 15 of SEND Code of Practice: 0 to 25 years, DfE, January 2015)

Early years

- 5.28 Where a child appears to be behind expected levels, or where a child's progress gives cause for concern, practitioners should consider all the information about the child's learning and development from within and beyond the setting, from formal checks, from practitioner observations and from any more detailed assessment of the child's needs. From within the setting practitioners should particularly consider information on a child's progress in communication and language, physical development and personal, social and emotional development. Where any specialist advice has been sought from beyond the setting, this should also inform decisions about whether or not a child has SEN. All the information should be brought together with the observations of parents and considered with them.
- 5.29 A delay in learning and development in the early years may or may not indicate that a child has SEN, that is, that they have a learning difficulty or disability that calls for special educational provision. Equally, difficult or withdrawn behaviour does not necessarily mean that a child has SEN. However, where there are concerns, there should be an assessment to determine whether there are any causal factors such as an underlying learning or communication difficulty. If it is thought housing, family or other domestic circumstances may be contributing to the presenting behaviour, a multi-agency approach, supported by the use of approaches such as the Early Help Assessment, should be adopted.
- 5.30 Identifying and assessing SEN for young children whose first language is not English requires particular care. Early years practitioners should look carefully at all aspects of a child's learning and development to establish whether any delay is related to learning English as an additional language or if it arises from SEN or disability. Difficulties related solely to learning English as an additional language are not SEN.
- 5.31 Where a child has a significantly greater difficulty in learning than their peers, or a disability that prevents or hinders a child from making use of the facilities in the setting and requires special educational provision, the setting should make that provision. In all cases, early identification and intervention can significantly reduce the need for more costly interventions at a later stage.
- 5.32 Special educational provision should be matched to the child's identified SEN. Children's SEN are generally thought of in the following four broad areas of need and support – see Chapter 6, paragraph 6.28 onwards, for a fuller explanation:
- communication and interaction
 - cognition and learning
 - social, emotional and mental health
 - sensory and/or physical needs

(Paragraphs 5.28–5.32 of SEND Code of Practice: 0 to 25 years, DfE, 2015)

Special educational provision in schools

- 6.36 Teachers are responsible and accountable for the progress and development of the pupils in their class, including where pupils access support from teaching assistants or specialist staff.
- 6.37 High quality teaching, differentiated for individual pupils, is the first step in responding to pupils who have or may have SEN. Additional intervention and support cannot compensate for a lack of good quality teaching. Schools should regularly and carefully review the quality of teaching for all pupils, including those at risk of underachievement. This includes reviewing and, where necessary, improving, teachers' understanding of strategies to identify and support vulnerable pupils and their knowledge of the SEN most frequently encountered.
- 6.38 In deciding whether to make special educational provision, the teacher and SENCO should consider all of the information gathered from within the school about the pupil's progress, alongside national data and expectations of progress. This should include high quality and accurate formative assessment, using effective tools and early assessment materials. For higher levels of need, schools should have arrangements in place to draw on more specialised assessments from external agencies and professionals.
- 6.39 This information gathering should include an early discussion with the pupil and their parents. These early discussions with parents should be structured in such a way that they develop a good understanding of the pupil's areas of strength and difficulty, the parents' concerns, the agreed outcomes sought for the child and the next steps. A short note of these early discussions should be added to the pupil's record on the school information system and given to the parents. Schools should also tell children, parents and young people about the local authority's Information, Advice and Support Service.
- 6.40 Consideration of whether special educational provision is required should start with the desired outcomes, including the expected progress and attainment and the views and wishes of the pupil and their parents. This should then help determine the support that is needed and whether it can be provided by adapting the school's core offer or whether something different or additional is required.

(Paragraphs 6.36–6.40 of SEND Code of Practice: 0 to 25 years, DfE, 2015)

SEN support in college

- 7.13 Where a student has a learning difficulty or disability that calls for special educational provision, the college **must** use its best endeavours to put appropriate support in place. Young people should be supported to participate in discussions about their aspirations, their needs, and the support that they think will help them best. Support should be aimed at promoting student independence and enabling the young person to make good progress towards employment and/or higher education, independent living, good health and participating in the community. Chapter 8 provides guidance on preparing young people for adult life.
- 7.14 Support should be evidence based. This means that colleges should be aware of effective practice in the sector and elsewhere, and personalise it for the individual. They should keep the needs of students with SEN or disabilities under regular review. Colleges should take a cyclical approach to assessing need,

planning and providing support, and reviewing and evaluating that support so that it can be adjusted where necessary. They should involve the student and, particularly for those aged 16 to 18, their parents, closely at all stages of the cycle, planning around the individual, and they should ensure that staff have the skills to do this effectively.

(Paragraphs 7.13–7.14 of SEND Code of Practice: 0 to 25 years, DfE, 2015)

Assessing what support is needed

7.15 Where a student is identified as having SEN and needing SEN support, colleges should bring together all the relevant information from the school, from the student, from those working with the student and from any screening test or assessment the college has carried out. This information should be discussed with the student. The student should be offered support at this meeting and might be accompanied by a parent, advocate or other supporter. This discussion may identify the need for a more specialist assessment from within the college or beyond.

(Paragraph 7.15 of SEND Code of Practice: 0 to 25 years, DfE, 2015)

Planning the right support

7.16 Where the college decides a student needs SEN support, the college should discuss with the student their ambitions, the nature of the support to be put in place, the expected impact on progress and a date for reviewing the support. Plans should be developed with the student. The support and intervention provided should be selected to meet the student's aspirations, and should be based on reliable evidence of effectiveness and provided by practitioners with the relevant skills and knowledge.

7.17 Special educational support might include, for example:

- assistive technology
- personal care (or access to it)
- specialist tuition
- note takers
- interpreters
- one-to-one and small group learning support
- habilitation/independent living training
- accessible information such as symbol based materials
- access to therapies (for example, speech and language therapy)

(Paragraphs 7.16-7.17 of SEND Code of Practice: 0 to 25 years, DfE, 2015)

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

- are significant and/or complex and

- have not been met by the relevant and purposeful measures taken by the Educational setting and external specialists and
- may call for special educational provision which cannot reasonably be provided within the resources normally available to educational settings
- The local authority will consider very carefully the case for statutory assessment of the child's special educational needs.

Reasonable provision

The educational setting must be able to demonstrate that reasonable provision has been made to meet the needs of the child before applying for an Education, Health and Care (EHC) plan.

Reasonable provision will fall under four general headings:

Assessment, Plan, Do and Review - identification of the child's strengths and weaknesses drawing on external advice, for assessment and planning from a range of professionals likely to include:

- Specialist Teacher Adviser
- Educational Psychologist
- Paediatrician
- Therapists
- Outreach and centrally provided Hampshire County Council services.

Environment and Grouping - might involve the provision of individual specialised equipment to support specific physical mobility targets, augmented communication systems or ICT involvement.

Teaching and Learning - a high degree of differentiation, daily individual support from Teacher or Learning Support Assistant, provision of therapy programmes shown to be effective for children with physical disabilities.

Resources, roles and responsibilities - key staff who are supported by specific training and advice to deliver assistance with:

- therapy programmes with input from external agencies such as those listed above
- one to one support in practical activities and where safety is an issue
- self help skills and management of the pupil's physical condition and care.

Evidence to support statutory assessment should indicate the **long term strategies** recommended to meet the child's needs which are **beyond** the resources normally available to educational settings in Hampshire.

A severe and significant difficulty

A child is therefore likely to be considered for statutory assessment when he/she is dependent on all or most of the following support:

1. **Specialist equipment** (eg specialist seating) to access the majority of the curriculum.
2. **Specialist equipment** to achieve mobility around the educational setting
3. **Significant differentiation** - materials provided in adapted form.
4. **Alternative forms of recording** (eg scribe, ICT/AAC) for a significant amount of the curriculum.
5. **Significant adjustments** to the educational setting environment.
6. **Individual support** to access, or achieve safe participation and progress in, 30 % or more of the curriculum and educational activities.
7. **Daily adult support** to ensure safe mobility even in familiar environments.
8. **Daily adult support** to assist interaction with peers in all areas and activities of the school, eg classroom, social time, etc.
9. **Daily adult support** to assist with social relationships and self-esteem difficulties.
10. **Daily adult support** to manage their condition and personal care.
11. **Frequent delivery** of therapy programmes (eg minimum 2/3 times) per week.
12. **Continuing support** of specialist teacher adviser (PD).

Guidance on the levels of support likely to be required in respect of pupils with a severe and significant difficulty is set out in Appendix 2

Further information

Equalities Act 2010

www.gov.uk/guidance/equality-act-2010-guidance#equalities-act-2010-legislation

Hampshire County Council SEN Criteria documents are available online at

www.hants.gov.uk/senguidance

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 - Physical disability (PD) (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 an identified physical disability that causes barriers to learning. This may also affect the development of emotional well-being and self-esteem.
- The CYP will need additional adult support to overcome barriers to learning, personal care and transfers between specialist equipment.
- The CYP may require: specialist equipment relating to their disability and advice from the STA Service; and adult support to access the curriculum, manage their condition and personal care, and move safely within the environment.
- They will be subject to regular review including a range of external professionals who may help to monitor their curriculum plan.

Assessment, plan, do and review

- On-going assessments by class teacher supplemented by standardised and/or diagnostic tests.
- The CYP's strengths and needs will be identified and monitored through the usual range of observation, dialogue and discussion.
- Regular review meetings will be held with the CYP/young person and parents to assess strategies and set new targets within the personal plan which identifies levels of support and targets for curriculum access.
- School may receive advice from the Specialist Teacher Adviser (STA) for PD. This should be incorporated into the CYP's personal plan. The plan should be reviewed by school staff at least termly to ensure progress. Targets should include a focus on maximising independence.
- On-going assessment and monitoring with the support of STA for PD if appropriate.
- Regular dialogue with parents to be maintained.

Assessment would include consideration of:

1. CYP's identified and assessed learning needs
2. Learning environment
3. Task
4. Teaching style

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

Environment and grouping	Teaching and learning	Resources, roles and responsibilities
<p>In the classroom the CYP may need any or all of the following:</p> <ul style="list-style-type: none"> • A school based risk assessment completed and actioned. • Adjustments and adaptations allowing independent access and mobility. • Appropriate seating arrangements, eg cushion, foot rest, position in class. These adjustments should be sensitively implemented. • Support strategies and groupings to foster emotional well being and self esteem. • Sensitive support and flexible grouping arrangements to encourage social interaction and collaborative work. • Opportunities to work with others of similar abilities in areas of strength • Withdrawal sessions for some small group or one to one work to increase skill levels. • Extra support (should be made available) in new and/or old unfamiliar environments • Environmental adaptations, eg ramps. • Additional support in practical aspects of the curriculum. • Space for visiting professionals to advise, monitor and review therapy programmes. 	<p>The CYP will need:</p> <ul style="list-style-type: none"> • Access to the school curriculum with differentiated learning tasks to meet their preferred learning styles and physical skills to ensure increasing independence. • Monitoring and oversight for practical subjects where safety is an issue in order to increase independence. • Help and support when choosing the most appropriate medium for accessing and recording the curriculum. • Planned support to access learning activities and to support independence. • Access to specific skills development. • Planning that includes where appropriate therapeutic programmes. • Sensitive support to manage identified physical needs. • Verbal prompting and/or physical assistance to set up some activities. • Appropriate access to technology. • Special access arrangements for internal/external test and examinations where appropriate. • Planning and Teaching strategies informed by personalised learning targets, to be monitored, reviewed and modified so as to maximise progress and independence 	<ul style="list-style-type: none"> • Key staff awareness of the CYP's physical disability and implications. • Access for staff to training, as appropriate. • Time will need to be available for liaison between SEN Co-ordinator and class teacher/subject teacher(s) and support staff. • Liaison with other professionals, eg Occupational Therapists or Physiotherapists, as appropriate. • Access to specialist equipment, as appropriate. • Planned time for home/ school liaison so that parents can be involved in both long and short term planning and support. • On-going contact with the STA for PD team. • Key staff trained in moving and handling and using specialist equipment as appropriate.

Appendix 2: Physical disability levels of support

Area of Need	Education Health and Care Plan - Level of support for pupils with physical disability Given the considerable range of conditions covered by these statements and the unique impact of each particular child's education these are intended to provide guidelines only . Children and young people should meet the majority of the criteria in the agreed level in addition to the needs previously listed within School Support in Appendix 1. These criteria only refer to support associated with physical needs and may have to be considered alongside other guidelines for children and young people with more than one area of SEN.		
Increasing complexity			
Physical and Self-Help	Requires some support to access the physical surroundings of the school. (2, 5, 7)* Assistance required with toileting. (10) Adult support to change position/make transfers. (1) Adult support for some dressing and undressing. (10)	Requires significant support to access the physical surroundings of the school. (2, 5, 7) Toileting may require two adults. (10) Adult Support is required for frequent changes re position/transfers in the day, which may involve hoisting. (1) Adult support for all dressing, undressing and eating. (10)	Totally dependent on adult support to access the physical surroundings of the school. (2, 5, 7) Needs two helpers for toileting which will involve hoisting. (10) Adult support is required for all personal care needs, including hoisting for all transfers. (1) Totally dependent on medical care, eg oxygen. (10)
Curriculum	Frequent support to access the curriculum. (6) May require specialist aids/ICT provision or use of a scribe. (4) Adapted schemes of work. (3)	Significant support to access the curriculum. (6) Significantly dependent on adult support for all recording. (4) Differentiation is required above and beyond what is normally expected in this age range. (3)	Totally dependent on adult support for all curriculum access. (6) Reliant on ICT/AAC technology or scribe to record all work. (4) Considerable alternative curriculum arrangements/modifications. (3)

Physical disability levels of support

Area of Need	Level of support		
Increasing complexity			
Therapies	Individual programme of therapies required 3 times a week. (11)* Physio/OT required to maintain curriculum access. (11) Specialised intervention throughout the day for spatial awareness/visual perceptual difficulties, positioning, gait. (12)	A range of specialised therapies required daily. (11) Physio/OT/SALT therapies are severe and inter-related. (11) Monthly input/review from one or more external agencies. (12)	Requires more than one adult to carry out a range of therapies throughout the day. (11) Physio/SALT/OT needs are complex and inter-related. (11) Weekly input/review from one or more external agencies. (12)
Social and Emotional	Occasional assistance with interaction and communication with peers and adults. (8) Adult support on self esteem issues and personal difficulties. (9)	Daily assistance with interaction and communication with peers and adults at play and in lessons. (8) Adult support for discussion concerning individual difficulties and concerns. (9)	Continual assistance with interaction and communication with peers and adults. (8) Regular adult support for discussion concerning individual difficulties and concerns. (9)
Personal Plan (PP)	Identifies the need for some daily support and shows how the support will develop independence in the areas identified.	Identifies the need for significant daily support and shows how the support will develop independence in the areas identified.	Identifies the need for daily full adult support and shows how the support will develop independence in the areas identified.