

# **Criteria for statutory assessment of children and young people with social, emotional and mental health difficulties (SEMH)**

**Children's Services Department  
SEN Service  
Summer 2017**

## **Contents**

Introduction	2
SEN Support	3
Criteria for assessment	4
County Moderation Group	5
Area of need	5
A severe and significant difficulty	6
Further information	8
Appendix 1: Criteria grid for social, emotional and mental health difficulties (SEMH)	9

## 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 booklets 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 for children and young people with EHC plans* can be accessed online at [www.hants.gov.uk/sen](http://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)

### **A severe and significant difficulty**

Children with severe/complex social, emotional and mental health difficulties will typically demonstrate difficulty with some or all of the following:

(NB These do not represent a checklist against which a successful application will require, eg 75 % of descriptors to apply, but are intended to illustrate the types of behaviours which may be reported.)

#### **Attainment**

- the child has significant difficulties across a range of curriculum areas and is failing progressively to maintain a position relative to his or her peers as a result of these difficulties
- the child is falling progressively behind most children of his/her age
- the child’s difficulties are evident across a range of curriculum areas or school settings, with different adults and peers.

#### **Behavioural conduct**

- the child is unable to form purposeful and lasting relationships with peers and/or adults

- the child is regularly engaged in significant inappropriate classroom behaviours over time and despite significant targeted intervention without blame and having been given every opportunity for reparation
- the child is frequently aggressive, verbally and/or physically, or violent towards property
- attendance is irregular
- there is substance or alcohol misuse.

### **Emotional behaviour**

- the child is severely and unusually withdrawn or anxious, or lacks confidence and self-esteem which impacts on ability to access education
- the child's social interaction or communication is severely impaired, or he/she has a significantly restricted repertoire of activities, interests and imaginative development
- the child's behaviour is unpredictable or shows evidence of obsessions or self-harm, or leads to rejection by peers
- the child has participated in or has been subject to bullying at school; or has been subject to neglect and/or abuse.

### **Learning behaviour**

- the child has extremely poor concentration, refuses to co-operate or will not complete work leading to the behaviours above
- the child rejects additional adult attention or help
- the child makes excessive demands on adult attention or help

Evidence must indicate the **impact and intensity** of any difficulties; any **patterns** and **typical setting events (triggers)**; and the **effect of interventions**.

For example:

- the curriculum is failing to engage the child, despite significant adaptation and differentiation
- the pattern of difficulties has existed for a considerable time (ie at least six months) and not improved, despite focussed support and intervention
- targeted behaviour has not been modified, despite internal management strategies, including involvement of parents and acting on the advice from other agencies
- incidents/disruptive behaviour are frequent; unpredictable; intense; continuing; last for long periods of the day
- the process of teaching other children within the classroom is frequently restricted, interrupted or changed
- the child shows limited understanding of, or ability to reflect upon, the nature or impact of his or her behaviour

- actual injury or damage is regularly caused
- difficulties are increasing and showing no signs of being manageable.

Where the balance of the evidence presented to and assessed by the County Council 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

and

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

The County Council will consider very carefully the case for an EHC needs assessment

A medical diagnosis does not mean that a statutory assessment is necessary. It is the child's special educational needs rather than a medical diagnosis which must be considered.

## **Further information**

Hampshire County Council SEN Criteria documents are available at [www.hants.gov.uk/sencriteria](http://www.hants.gov.uk/sencriteria)

Mental health and behaviour in schools – departmental advice for school staff (DfE March 2016)  
[www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2](http://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2)

SEND Code of Practice: 0-25 years, DfE, 2015 available at [www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://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](http://www.gov.uk/government/publications/send-guide-for-schools-and-alternative-provision-settings)

The Special Educational Needs and Disability Regulations 2014 - [www.legislation.gov.uk/uksi/2014/1530/contents/made](http://www.legislation.gov.uk/uksi/2014/1530/contents/made)

The Children and Families Act 2014 - [www.legislation.gov.uk/ukpga/2014/6/contents/enacted](http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted)

If you would like more information please contact the SEN Service, email [enquiries.sen@hants.gov.uk](mailto:enquiries.sen@hants.gov.uk).

## Appendix 1 – Social, emotional and mental health difficulties (SEMH)

(An extract from *SEN Support: Guidance for early years providers, mainstream schools and colleges – June 2017*)

### Description of difficulty/Barriers to learning

- Where children and young people (CYP) have social, emotional or mental health difficulties, these may substantially affect their behaviour and regularly create barriers to their own learning or that of others.
- They may experience a range of difficulties in acquiring the social and emotional skills that are necessary to succeed.
- Some CYP may persistently experience these difficulties despite differentiated learning opportunities and the strategies usually employed to promote positive behaviour.
- Behaviours manifest over time may include distractibility, failure to make anticipated progress, poor relationships, frustration, non-co-operation, lack of emotional literacy, withdrawal and non-attendance for a variety of reasons.

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 educational setting 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).

### Reference

- Mental health and behaviour in schools – departmental advice for school staff (DfE March 2016)  
[www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2](http://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2)

## Social, emotional and mental health difficulties (SEMH)

### Assessment, plan, do and review

- In order to understand the underlying reasons for behaviours, the child/young person's (CYP) strengths and weaknesses should be analysed.
- Views of the CYP and parent must be sought; taken into account and acted upon in the development, implementation and review of the intervention/personal plan.
- There will be an ongoing review of the personal plan focused on promoting the development of social, emotional and mental health difficulties.
- There will be timely action to adjust the personal plan to improve outcomes for the CYP.
- As appropriate draw 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.

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
<p>The CYP may need any or all of the following:</p> <ul style="list-style-type: none"> <li>• Key staff to make positive/secure and trusting relationships with the CYP.</li> <li>• Support strategies such as circle of friends, mentoring by a skilled adult (learning and/or emotional).</li> <li>• Use of visual reminders.</li> <li>• Clear expectation of 'on task' behaviour within explicit guidelines.</li> <li>• Explicit opportunities for genuine praise and</li> </ul>	<ul style="list-style-type: none"> <li>• 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 them.</li> <li>• Flexible grouping arrangements.</li> <li>• Access to 'reward activities' where appropriate.</li> <li>• Opportunities to be taught and learn socially acceptable ways of managing situations.</li> <li>• Aspects of the daily timetable adjusted to promote positive behaviours and access to</li> </ul>	<ul style="list-style-type: none"> <li>• The Head teacher and leadership of the education setting will ensure that anyone supporting the CYP has access to appropriate advice and support that promotes the SEMH of CYP.</li> <li>• Focused support and assistance.</li> <li>• Resources appropriate to intervention activities and the differentiated curriculum</li> <li>• Planned time for home/professional liaison so that parents/CYP and encouraged to be involved in developing, implementing and reviewing the personal plan.</li> </ul>

## Social, emotional and mental health difficulties (SEMH)

Environment and grouping	Teaching and learning	Resources, roles and responsibilities
<p>reward.</p> <ul style="list-style-type: none"> <li>• Small group or individual teaching to develop emotional literacy and resilience.</li> <li>• A specific routine which allows the CYP to start the day/session in a settled frame of mind.</li> <li>• Specific support for unstructured times of the day.</li> <li>• Risk assessment may need to be considered to enable the CYP to work with positive role models in terms of expectations, communication, co-operation, concentration and independence.</li> <li>• A safe place for 'time out' (this strategy is unlikely to be suitable for children in the early years age group please see <a href="http://www.hants.gov.uk/area-inco-support">www.hants.gov.uk/area-inco-support</a> or seek advice from your Area Inclusion Co-ordinator for more information).</li> <li>• A key worker/mentor with whom to review progress and discuss strategies.</li> <li>• Small group work focusing on socially appropriate ways of behaving in social situations and to support social confidence and self-esteem.</li> <li>• Specific opportunities to make a contribution to school life.</li> <li>• Staff trained in positive intervention strategies.</li> </ul>	<p>learning.</p> <ul style="list-style-type: none"> <li>• Planned access to teaching and learning programmes which may address anger management, self-control and social skills.</li> <li>• Flexible task planning which offers positive experiences despite the impact of SEMH.</li> <li>• Interspersing of non-preferred with preferred activities for the CYP.</li> <li>• Assistance to promote on task behaviour and access to learning.</li> </ul>	<ul style="list-style-type: none"> <li>• The leadership of the education setting will ensure that anyone working with the CYP has access to the, financial and other resources necessary to deliver the personal plan effectively and achieve better outcomes for the CYP.</li> <li>• The educational setting's behaviour policy should reference how the needs of CYPs with SEMH difficulties are met.</li> <li>• Draw on the advice and expertise of external professionals to inform and contribute to the CYP's personal plan, as appropriate.</li> <li>• Identify and secure specific training for key staff to better support the CYP.</li> </ul>