Criteria for statutory assessment of children and young people with speech, language and communication needs

Children's Services Department
SEN Service
Autumn 2016

Contents

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**.

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)

Speech, language and communication needs

Definition

Children with SLCN show a discrepancy between their language levels and non verbal ability levels. These children have primary difficulty not associated with any other developmental difficulty including Autism, Hearing Impaired or other non neuro-developmental difficulties.

DSM (Diagnostic and Statistic Manual 2013 defines Language Disorder as:

Language abilities are persistently, substantially and quantifiably below age expectations in one or more of the following:

- Vocabulary (word knowledge and use)

- Sentence structure (grammar and morphology)

- Discourse (narrative and conversational skill)

Language difficulties lead to functional impairments (school, friends, etc) and are childhood and are not explained by cultural variation, or other impairments, but may co-exist with them'

2009 RCSLT Resource Commissioning Manual for SLCN states Speech Sound Impairment is 'articulation and phonological impairment that arises from development rather than congenital or syndromic conditions. Children can present with either a

developmental speech delay where development is behind but following a normal developmental pattern or disorder of speech if the pattern is very delayed or different from the norm'

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

- flexible teaching arrangements, support, good classroom practice, differentiation, individualised programme/tracking outcomes

- support in acquiring, comprehending and using language support in phonological awareness, individual and group interventions

- help in articulation

- support with listening skills, phonological awareness and speech production

- support in acquiring literacy and numeracy skills and the vocabulary required to acquire skills in these areas

- support in using augmentative and alternative means of communication such as Makaton signing

- support in expressing, comprehending and using their own language, where English is not the first language.

(Please refer to Section 36 of the Children and Families Act 2014 and regulations 3,4 and 5 of the SEND Regulations 2014)

If the local authority considers that some or all of these programmes could be provided for a child/ young person by the school/college in collaboration with local authority or external support services, then the local authority may conclude that intervention should be provided at *SEN Support* and monitored to see if the action was effective. If the child/young person had not made acceptable progress, then a statutory assessment should be considered.

In consideration of academic attainment and progress we will take into account significant discrepancies between:

- a child's/young person's attainments in assessments and tests in core subjects of the National Curriculum and the attainment of the majority of children/young people of their age

- a child's/young person's attainments in assessments and tests in core subjects of the National Curriculum and the performance expected of the child/young person as indicated by a consensus among those who have taught and observed the child/young person, including their parents, and supported by such standardised tests as can reliably be administered

- a child's/young person's attainment within one of the core subjects of the National Curriculum or between one core subject and another

- a child's/young person's attainments in early learning goals in comparison with the attainments of the majority of their peers.

We will seek clear recorded evidence of the child's/young person's academic attainment and ask, for example, whether:

- the child/young person is benefiting from working on programmes of study relevant to the key stage appropriate to their age or from earlier key stages, or is the subject of any temporary exception from the National Curriculum.

- the child/young person is working at a level significantly below that of their contemporaries in any of the core subjects of the National Curriculum or the foundation stage curriculum

- there is evidence that the child/young person is falling progressively behind the majority of children/young people of their age in academic attainment in any of the National Curriculum core subjects, as measured by standardised tests and the teachers' own recorded assessments of a child's/young person's classroom work, including any portfolio of the child's/young person's work.

We will also consider whether the evidence points to under-attainment rather than special educational needs and thus whether there are alternative and more appropriate ways to support the child's/young person's access to learning, such as referral to health or social services.

Reasonable provision

The school/college must be able to demonstrate that reasonable provision has been made to meet the needs of the child at *SEN Support*. Advice about what will constitute reasonable provision is set out in the County Council's County Council's document, *SEN Support: Guidance for early years providers, mainstream schools and colleges* and an extract is set out in Appendix 1.

Accordingly, reasonable provision will fall under four general headings:

Screening and/or Assessment, Intervention, Monitoring and 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

- Specialist Teacher Advisory Service

- Speech and Language Therapists

- Occupational Therapists

- Outreach and centrally provided County Council services

Effective teaching

- Effective teaching for language requires both effective classroom management and teaching followed by targeted or specialist support of speech or language skills when required. This needs to be done in conjunction with regular monitoring and setting targeted language objectives as required by the pupils.

    - Once effective classrooms for oral language are in place, schools (/colleges) are in a stronger position to become effective oral language learning environments and to identify pupils with more pronounced language learning needs, ie those with SLCN.

- All children (/young people) need effective opportunities to develop their language skills in mainstream settings, and where settings are struggling to provide these opportunities support and training will be required.

- Children (/young person) who fail to progress at the expected rate in effective settings will require further evidence informed targeted or specialist support which is timely and monitored. The specialist support and interventions used need to be based on principles that have been shown to be effective.

- Social disadvantage has its impact very early in schooling. Children from the most disadvantaged backgrounds may need additional support in Early Years to ensure a secure foundation for language and literacy development.

- There will be a significant minority of pupils who will not respond, at the level expected, to effective teaching and these pupils will require additional targeted or specialist evidence informed interventions.

(An extract from *Understanding speech, language and communication needs: profiles of need and provision (DfE 2012)*)

Resources, roles and responsibilities - all staff to be suitably trained; key staff who are supported by specific training and advice to deliver speech or language programmes with input from external agencies such as those listed above, and planned time for liaison with parents and those professional listed above.

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 statutory assessment.

A severe and significant difficulty

Children/young people with a significant/complex speech, language and communication need will typically demonstrate difficulty with some or all of the following:

Receptive language - difficulties in understanding/processing language in all types of situations, including following instructions; learning new concepts and understanding text; and could also show misinterpretation of language in social situations.

Expressive language - difficulties in expressing ideas:

- Sentences used may be restricted in length or complexity, have incorrect word order or include a high number of non-specific words

- Use of incorrect grammar in spoken or written sentences

- Problems with learning and retaining new vocabulary and/or difficulties in word finding

Speech sounds - difficulties with intelligibility of speech. Commonly there are underlying difficulties with phonological processing skills which will impact upon the ability to access reading and spelling using a phonic approach.

Speech and language problems are often associated with one or more of the following:

Attention - difficulties with listening, focusing and maintaining attention, particularly where there is a high verbal content. This may be worse in a group. This is in contrast to the child's/young person's ability to focus attention in tasks that do not require listening or expressing ideas.

Behaviour difficulties – children/young people who have significant speech and/or language disorder are at high risk of developing behaviour difficulties. This may be because of their difficulty in understanding/expressing ideas, which together with resulting frustration, can lead to isolation and adversely affect the child's social and emotional development.

Social communication - difficulties in interpreting the behaviour of others so that guidance is needed on appropriate behaviour in certain situations. May have difficulty in the understanding and use of non-verbal cues in conversations. May not read or convey emotions appropriately. May be socially isolated and have problems in forming relationships with both peers and adults.

Where the balance of the evidence presented to and assessed by the County Council suggests that the child's/young person's learning difficulties and/or disabilities:

- are significant and/or complex

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

- a young person with SLCN will have; a significantly greater difficulty in learning than the majority of others of the same age.

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

The County Council will consider very carefully the case for statutory assessment of the child's/young person's special educational needs.

In taking account of the *SEND Code of Practice*, the County Council will consider a pupil to have a severe and/or complex speech, language and communication need if:

- these difficulties are not part of generalised learning difficulties

and

- the child's/young person's speech and language abilities are demonstrated to be at a level less than two thirds of the child's/young person's chronological age

and

- there is clear substantiated evidence with specific examples that the disorder in the child's/young person's receptive/expressive language, or speech sound system, limits their ability to access the curriculum and/or impedes their emotional, social or behavioural development, and as a result impacts upon their ability to make progress in learning.

It is expected that where English is the additional language, the child/young person will have an identified speech, language and communication need in their first language.

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

Further information

ELKLAN Language Builders, www.elklan.co.uk

Inclusion Development Programme (IDP): Dyslexia and SLCN – an interactive resource to support headteachers, leadership teams, teachers and support staff, Department for Education, http://www.idponline.org.uk/

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

The Special Educational Needs and Disability Regulations 2014 - www.legislation.gov.uk/uksi/2014/1530/contents/made

The Children and Families Act 2014 - www.legislation.gov.uk/ukpga/2014/6/contents/enacted

Understanding speech, language and communication needs: Profiles of need and provision (ref: DFE RR247-BCRP4) – Department for Education (2012) www.gov.uk/government/publications/understanding-speech-language-and-communication-needs-profiles-of-need-and-provision

What works for children and young people with literacy difficulties? The effectiveness of intervention schemes - Greg Brooks, University of Sheffield (5th edition) www.interventionsforliteracy.org.uk

What works for children with mathematical difficulties? Ann Dowker, University of Oxford (DfE, ref: 00086-2009BKT-EN) http://webarchive.nationalarchives.gov.uk/20110202093118/http:/nationalstrategies.standards.dcsf.gov.uk/node/174504

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

Appendix 1 - Speech, language and communication
(An extract from *SEN Support: Guidance for early years providers, mainstream schools and colleges*)

Description of difficulty/Barriers to learning
- The child/young person (CYP) has language and communication difficulties which create a barrier to learning and/or impedes the development of social skills and relationships.   - Areas of speech, social communication, language, fluency skills are not age appropriate and/or consistent with peers.   - The child/young person has disordered/delayed receptive and/or expressive language.   - Speech may also be disordered or delayed, so that social interactions are limited and this may result in frustration, stress and/or challenging behaviour.   - They may have difficulty in understanding and/or expressing emotions, abstract and non-literal language, inference, social interactions all of which could result in ritualistic and/or rigid behaviours.   - Any of the above result in challenging behaviours, school refusal, difficulty in forming relationships, frustration or anxiety.
References
- What Works: Interventions for children and young people with speech, language and communication needs - James Law, Wendy Lee, Sue Roulstone, Yvonne Wren, Biao Zeng & Geoff Lindsay, DfE 2012 www.gov.uk/government/publications/what-works-interventions-for-children-and-young-people-with-speech-language-and-communication-needs   - Inclusion Development Programme (IDP): SLCN, AS and Dyslexia, http://www.idponline.org.uk/   - ELKLAN Hampshire training www.elklan.co.uk

Speech, language and communication

Assessment, plan, do and review
- Strengths and needs will have been observed, recorded and monitored in a variety of situations over the school day by a range of staff. Analysis will eventually inform appropriate differentiation and interventions.   - A personalised plan will be designed and developed between school, parents /carer and young person with clear targets focusing on areas of concern.   - Personalised plan and targets are reviewed on an ongoing basis.   Possible adaptions to: - language   - curriculum   - visual support   - delivery of instructions   - routines and organisation   - peer group   - interventions   - social communication and interaction   - abstract flexible thinking   - Parents will be informed and encouraged to be involved in supporting language and communication related activities at home.   Assessment would include consideration of: 1. CYP learning profile 2. Learning environment 3. Task 4. Teaching style

Speech, language and communication

Environment and grouping	Teaching and learning	Resources, roles and responsibilities
The child/young person will be based in the classroom and will need any or all of the following: • A range of visual support prompts to support language and communication. • Visual support for listening and understanding. • Adaptation of teaching styles and amount of language. • Checking of instructions. • Sensitive grouping arrangements to enable social interaction and use of language. • Opportunities for experiential learning and the use of modelling. • Peer support for unstructured time. • A quiet, distraction free area to undertake specific speech, language and communication learning. • Wave 2 or 3 interventions as a priority to meet personalised plan targets. • Access to an adult keyworker or mentor.	• Access to the school curriculum with emphasis on differentiation based on assessment and review for curriculum access and some specific reinforcement on language, communication and speech skills development activities in support of personalised plan targets. • Targeted small group work, eg narrative, pre-learning of vocabulary, listening, memory and social skills. • Adult support to enable full participation in learning/social activities. • Identified behaviours require firm consistent expectations with explicit guidelines. • Interventions in line with personalised learning. • Some children/young people require visual whole word approaches to literacy because of difficulty with sound systems.	• The class/subject teacher is responsible for the appropriate delivery, differentiation and adaptions, with the SEN Co-ordinator (SENCo) and accredited language assistant involvement in assessment, planning and review. • The class teacher/subject teacher(s) takes responsibility for opportunities to implement specific language and communication targets/support within the classroom setting. • All staff will need to be aware of the CYPs' difficulties/differences since they may manifest themselves in a variety of ways. • Planned time for home/school liaison. • Speech, language and communication interventions to be delivered by language assistants who preferably have an accredited/recognised SLCN qualification, eg ELKLAN • Social/behaviour skill interventions delivered by assistants who have a accreditation, eg ELSA, ELKLAN. • Where speech/language or communication resources have been identified or provided as beneficial/ necessary for the child/young person to communicate/learn the class/subject teacher is responsible for ensuring these are available and referred to, eg signs, symbols, writing frames, flexible timetable.

Speech, language and communication

Environment and grouping	Teaching and learning	Resources, roles and responsibilities
		• Staff need to prepare the young person for non-routine events, eg supply teachers, changes to timetable, visitors. The headteacher/governors are responsible for ensuring the appropriate provision required by the CYP/young person is provided plus teachers and assistants have the appropriate access to the accreditation and CPD to support the identification of communication and interaction.