

Criteria for statutory assessment for children and young people with specific learning difficulties (SpLD)

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SEN Service
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Introduction

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

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

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

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

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

The aims of the criteria are to:

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

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

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

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

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

Criteria documents and *Provision in Hampshire* can be accessed online at **www.hants.gov.uk/sen**.

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/young person 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.

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)

Definition of specific learning difficulties (dyslexia)

There are a number of different definitions and descriptions of dyslexia, which may be appropriate for certain contexts or purposes.

In 2009 Sir Jim Rose’s Report on *Identifying and Teaching Children and Young People with Dyslexia and Literacy Difficulties* gave the following description of dyslexia, which was adopted by the BDA Management Board, but with the addition of the further paragraph shown below, which should always appear with it:

The description of dyslexia adopted in the report is as follows:

Dyslexia is a learning difficulty that primarily affects the skills involved in accurate and fluent word reading and spelling.

- Characteristic features of dyslexia are difficulties in phonological awareness, verbal memory and verbal processing speed
- Dyslexia occurs across the range of intellectual abilities
- It is best thought of as a continuum, not a distinct category, and there are no clear cut-off points
- Co-occurring difficulties may be seen in aspects of language, motor co-ordination, mental calculation, concentration and personal organisation, but these are not, by themselves, markers of dyslexia
- A good indication of the severity and persistence of dyslexic difficulties can be gained by examining how the individual responds or has responded to well founded intervention.

In addition to these characteristics, the British Dyslexia Association (BDA) acknowledges the visual and auditory processing difficulties that some individuals with dyslexia can experience, and points out that dyslexic readers can show a combination of abilities and difficulties that affect the learning process. Some also have strengths in other areas, such as design, problem solving, creative skills, interactive skills and oral skills.

In October 2007, the BDA Management Board approved the following definition:

Dyslexia is a specific learning difficulty that mainly affects the development of literacy and language related skills. It is likely to be present at birth and to be life-long in its effects. It is characterised by difficulties with phonological processing, rapid naming, working memory, processing speed, and the automatic development of skills that may not match up to an individual's other cognitive abilities.

It tends to be resistant to conventional teaching methods, but its effect can be mitigated by appropriately specific intervention, including the application of information technology and supportive counselling.

Most children with specific learning difficulties can access the curriculum in their local mainstream school as long as they have some additional special educational provision. This can be provided from the resources available in school through Hampshire's Special Educational Needs (SEN) funding formula for mainstream schools (including where necessary the provision of an Education, Health and Care (EHC) plan.

Criteria for Education, Health and Care needs assessment of children and young people with specific learning difficulties (dyslexia)

A graduated process of intervention has been undertaken as outlined in the Code of Practice

- ie substantial efforts have been made by the school and a range of professionals in partnership with parents, to support the child's/ young person's development and provide access to an appropriate curriculum, through Higher Quality Inclusive Teaching (HQIT) and relevant support strategies and resources including for example the Inclusion Development Programme (IDP) materials.

The child/ young person has a severe and significant difficulty

- ie the child's/ young person's current level of attainment/performance meets the criteria within this document, which have been established for significant specific learning difficulties
- Some children/ young people with dyslexia may also present with co concurring difficulties as defined in the British Dyslexia association definition above.

The child's needs are beyond 'reasonable' provision

- ie the intensity, expertise and/or duration of the programmes required to address the child's needs are beyond that which might be considered reasonable provision and reasonable resources normally available in the school.

Where a school is finding that large numbers of children/young people are experiencing significant literacy difficulties, it is advised to review its quality of teaching and learning

and seek support from relevant colleagues with proven experience and knowledge in SpLD. Children/young people whose rates of progress remains a concern, should follow a bespoke programme of intervention and review. The impact of the intervention and the progress of individual children/young people should be closely monitored and the support adjusted in the light of the evaluation.

The following link offers information regarding recommended literacy interventions **www.thedyslexia-spldtrust.org.uk**.

If, despite bespoke interventions, a child is felt to be making insufficient progress and a statutory assessment is felt to be appropriate, the school/college should provide detailed evidence of the staged interventions to meet the child's needs. This should include, as appropriate, details of:

- involvement of parents/carers
- diagnostic assessment of the child's/young person's particular difficulties
- structured literacy (and where appropriate numeracy) programmes which have been used
- reference to multi-sensory teaching approaches to develop basic skills
- consultation with relevant external advice and the subsequent recommended actions taken
- use of ICT as an intervention and as a support mechanism
- support for any secondary social emotional and mental health difficulties.

Agreed attainment criteria relating to specific learning difficulties

Attainments in literacy should be at or below the following standardised scores but the child/ young person may perform better in other areas of the curriculum.

Use of formal assessment tools in reading/ spelling for example:

- YARC
- WRAT 4
- NARA II
- WIAT II

A standardised score of 72 or below in a combination of the following areas:

- reading accuracy
- reading comprehension
- reading speed
- spelling accuracy

Data/ evidence relating to poor working memory and deficiency in phonological processing will also be required.

Consideration should be given to whether:

- expectations of the child/ young person, as indicated by a consensus among those who have taught him or her, supported, as appropriate, by appropriately administered standardised tests of cognitive ability or oral comprehension, are significantly above his or her attainments in assessments and tests and/or the results of appropriately administered standardised reading, spelling or mathematics tests
- there is a clear, recorded evidence of clumsiness
- there are significant difficulties in sequencing or visual perception
- there are deficiencies in working memory
- there are deficiencies in phonological processing
- there are delays in language functioning
- there is sufficient evidence that the school / college has utilised all reasonable provision available at SEN Support stage, that they have acted upon advice and have carried out staged intervention with appropriate attention to 'plan do and review'
- there is a consensus amongst professionals working with the child/ young person that provision within the context of an EHC plan will enhance/ increase current available provision and enable progress.

Reasonable provision

The Code of Practice does not define 'reasonable provision'. During the SEN Support stages, records will have been kept about the successful or partially successful strategies for addressing the child/ young person's needs. To inform the decision over whether or not to initiate a statutory assessment the school should indicate the strategies which they believe are required to meet the child's needs and which are considered to be beyond the standard Higher Quality Inclusive Teaching, 'reasonable provision and reasonable resources' of the school, eg:

- major adjustments to the classroom context
- in excess of 12.5 hours support each week (this may be specific in class support or small group or with 1:1 support) to develop literacy skills, provide access to the curriculum, develop self esteem etc.

Information about successful interventions provides valuable guidance to officers in the SEN Service who will employ their professional knowledge and judgements regarding what might constitute 'reasonable provision' within 'reasonable resources'.

Further information

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

Inclusion Development Programme (IDP): Dyslexia and speech, language and communication needs, DfE, www.idponline.org.uk

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

What works for children with literacy difficulties? Greg Brooks, (5th Edition, 2016), The Dyslexia-SpLD Trust, available to download at **www.interventionsforliteracy.org.uk**

What works for children with mathematical difficulties? Ann Dowker, University of Oxford, DfE available to download at
<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 - 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 (5th Edition) 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)
<http://webarchive.nationalarchives.gov.uk/20110809101133/wsassets.s3.amazonaws.com/ws/nso/pdf/8072ae6665f3a3568667710628f6a239.pdf>

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.	

Appendix 2: Specific Learning Difficulties (SpLD)

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

Description of difficulty/Barriers to learning

- Specific learning difficulties (SpLDs) affect the way information is learned and processed. They can have significant impact on education and learning and on the acquisition of literacy and numeracy skills.
- SpLD is an umbrella term to cover a range of frequently co-occurring difficulties, more commonly
 - Dyslexia
 - Dyspraxia
 - Dyscalculi
 - Auditory Processing DisorderSpLDs can also co-occur with difficulties on the autistic spectrum such as High functioning autism.

References

Additional and more specific assessment information for this area of need may be found at:

GOV.UK www.gov.uk

Hampshire Inspection and Advisory Service (HIAS) www.hants.gov.uk/education/hias

British Dyslexia Association www.bdadyslexia.org.uk/dyslexic

Inclusion Development Programme (IDP) www.idponline.org.uk or www.nasen.org.uk

Specific Learning Difficulties (SpLD)

Assessment, plan, do and review

- Assessment and review monitored for rate of progress and focused on attainment which is below expectations given the pupil's response to other areas of the curriculum, eg spoken/verbal understanding.
- Recognition of discrepancies between attainment and potential as measured by specific assessments.
- Planning specifically designed to meet the individual needs of a pupil with identified SpLD.
- Evaluating impact of specific interventions to inform planning for next steps.
- Teachers use any additional adults to enhance learning experience.
- 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
<p>The CYP may need any or all of the following:</p> <ul style="list-style-type: none"> • Assistance in subjects with high literacy or numeracy content. • Some small group and/or individual teaching to support acquisition of specific skills. • Access to flexible grouping so that pupil works with peers at their intellectual level in all curriculum areas. • A quiet distraction-free area to undertake specific support programmes. 	<ul style="list-style-type: none"> • Personalised learning tasks to match identified need. • Access to programmes which support transference of skills across the curriculum. • Access to ICT to support learning and promote independence. • Planned multi-sensory teaching opportunities taking account of differing learning/cognitive styles. • Planning and teaching strategies informed by personalised learning targets, to be 	<ul style="list-style-type: none"> • Access to training and advice as appropriate from relevant professionals. • Awareness of specific resources which may be appropriate to aid learning eg: coloured overlays, font size etc • Support for homework. • Pupil access to specific, multi-sensory support packages, revision and over learning. • Class teacher/subject teacher(s) to be supported in using specific programmes and

Specific Learning Difficulties (SpLD)

Environment and grouping	Teaching and learning	Resources, roles and responsibilities
	<p>monitored, reviewed and modified so as to maximise progress.</p> <ul style="list-style-type: none"> • Alternative strategies for reading and recording. • Focus on successful learning outcomes to support confidence, independence and self-esteem. • Interventions which match identified individual need • Ongoing liaison between staff regarding planning. • Consider access arrangements if appropriate for internal and external tests and examinations, eg scribe. 	<p>materials.</p> <ul style="list-style-type: none"> • Access to advice as appropriate from relevant professionals. • Planned time for home/school/college liaison so that parents can be involved in both short and long term planning and support including provision and outcomes. • Understand the assessment and interventions.