

Statutory Assessment
Guidelines for
School Requests

Education, Leisure
& Lifelong Learning

STATUTORY ASSESSMENT:

SCHOOL REQUESTS

Introduction

The Principal aims of these guidelines are:

- To help schools take appropriate action when making a request for Statutory Assessment.
- To ensure greater consistency across Neath Port Talbot through the provision of a standard format.
- To provide robust documentation for the LEA to consider which evidences that the school has adopted a graduated response as detailed in the SEN Code of Practice for Wales 2002.
- To ensure that pupils' needs are met at the appropriate level across Neath Port Talbot.

Acknowledgement

This document was drawn up in consultation with Ian McNab, Principal Educational Psychologist, Wrexham, by the Neath Port Talbot Educational Psychology Service. It has been based on documentation issued by Wrexham LEA.

These expanded guidelines have been produced in consultation with all Primary and Secondary SENCOs within Neath Port Talbot as well as staff in the Directorate of Education, Leisure and Lifelong Learning who are involved in the Statutory Assessment process.

STATUTORY ASSESSMENT:

SCHOOL REQUESTS

BRIEF INTRODUCTION

CONTENTS

This pack contains

- ❖ A Request for Support form (checklist on reverse)
- ❖ Four booklets:
 1. Policy and Criteria
 2. Guidance for writing requests
 3. What to supply in Appendices
 4. Relevant sections of the SEN Code of Practice for Wales 2002

When preparing a request for statutory assessment, you will normally only need to use Booklets 2 and 3

The other two booklets provide background information

HOW TO MAKE A REQUEST

To make a request, you send a set of documents to the LEA. There are three sections to the request:

- ❖ Request for Support form
- ❖ the submission
- ❖ the appendices.

REQUEST FOR SUPPORT FORM

A copy of the form is included in this pack.

There is a check list on the back of the form listing what to send to the LEA.

THE SUBMISSION

The submission is a brief written statement, addressing five headings (no more than 1 side of A4 for each heading)

Booklet 2 “Guidance for writing requests” tells you what the submission should contain. It also explains more about the request.

THE APPENDICES

The appendices are the actual evidence you supply. Most of the documents will be photocopies of papers you should already have.

Booklet 3 “What to supply in Appendices” gives a list of the appendices and what they must contain.

**STATUTORY ASSESSMENT:
SCHOOL REQUESTS
BOOKLET 1
POLICY AND CRITERIA**

INTRODUCTION

This booklet outlines the policy governing requests by schools for the LEA to consider whether to undertake a statutory assessment of a child's special educational needs.

It also briefly states the five criteria against which the LEA will decide such requests. It should be read in conjunction with the SEN Code of Practice for Wales 2002.

Separate booklets describe

Booklet 2 Guidance for Writing Requests
the format that all requests should follow;

Booklet 3 What to Supply in Appendices
what items of evidence must be submitted,

Booklet 4 Relevant Sections of the Special Educational Needs Code of Practice for Wales 2002

SEN CODE OF PRACTICE FOR WALES 2002

7:34 In deciding whether to make a statutory assessment, the critical question is whether there is convincing evidence that, despite the school, with the help of external specialists, taking relevant and purposeful action to meet the child's learning difficulties, those difficulties remain or have not been remedied sufficiently and may require the LEA to determine the child's special educational provision.

7:50 Where the balance of evidence presented to, and assessed by, the LEA suggests that the child's learning difficulties:

- have not responded to relevant and purposeful measures taken by the school or setting and external specialists
- and
- may call for special educational provision which cannot reasonably be provided within the resources normally available to mainstream maintained schools and settings in the area,
- the LEA should consider very carefully the case for a statutory assessment of the child's special educational needs.

SUMMARY OF POLICY

- The LEA undertakes statutory assessments in accordance with the SEN Code of Practice for Wales 2002 and the provisions of the relevant legislation.
- Accordingly, the LEA undertakes statutory assessments where special educational needs are exceptional, severe and complex and likely to be long-term
- The LEA normally undertakes statutory assessments only after the school has, over an adequate period, taken all reasonable steps to meet the pupil's needs using the resources already available to the school.
- Schools submit a request for the LEA to consider undertaking a statutory assessment in a standard format accompanied by the required evidence supporting the request.
- The LEA will decide whether to undertake a statutory assessment, and will base its decision on the information and evidence provided in the request.

CRITERIA

Decisions will be made on the basis of evidence about five criteria:

Criterion 1:

There are detailed documented records to show that, over an adequate period, all reasonable steps have been taken to meet the pupil's needs using the school's own delegated resources during School Action and any resources made available via School Action Plus.

Criterion 2:

There is documented evidence of the co-ordinated involvement of appropriate outside agencies at "School Action Plus".

Criterion 3:

There is documented evidence indicating that the pupil has not made progress despite both appropriate differentiation and IEPs that have used a combination of the school's own delegated resources and resources available via School Action Plus

Criterion 4:

There is evidence that the pupil's needs are exceptional as compared with other pupils of the same age in similar schools in the County Borough.

Criterion 5:

There is evidence that the pupil's needs are severe and complex, and to meet them will require highly specialised resources over a long period.

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BOOKLET 2

GUIDANCE FOR WRITING REQUESTS

CONTENTS

- ❖ Overview.
- ❖ Format for making requests.
- ❖ What to include in the Submission:
 - Background / History.
 - Criterion 1.
 - Criterion 2.
 - Criterion 3.
 - Criteria 4 and 5.

OVERVIEW

The Code of Practice for Wales 2002 summarises the general requirements for evidence in support of requests for statutory assessment as follows:

7:13 When making a request for a statutory assessment, the school... should state clearly the reasons for the request and submit the following evidence:

- The views of parents recorded at ... School Action and School Action Plus.
- The ascertainable views of the child.
- Copies of IEPs at ... School Action and School Action Plus.
- Evidence of progress over time.
- Copies of advice, where provided, from health and social services.
- Evidence of the involvement and views of professionals with relevant specialist knowledge and expertise outside the normal competence of the school.
- Evidence of the extent to which the school ... has followed the advice provided by professionals with relevant specialist knowledge.

The Code does not want schools to produce lots of additional paper work: nearly all of the evidence required will be in working documents and records that schools should already have. Schools should merely supply photocopies of these.

FORMAT FOR MAKING REQUESTS

A request has three sections:

- Request for Support form.
- The submission.
- The appendices.

Request for Support

The Request for Support form contains basic information about the child. It should be the front page of the submission.

Parental permission must be obtained and they must

- have read the full submission
- agree to the information being sent to the LEA for consideration

(RELEVANT SECTION OF THE CODE OF PRACTICE: 7:11)

The Submission

This should set out the grounds for the request under each of five headings (the “Criteria” are detailed later in this booklet), as follows. The submission itself should have no more than one side of A4 per heading.

Background / History.

Criterion 1.

Criterion 2.

Criterion 3.

Criteria 4 and 5.

The submission section should therefore not need to be any longer than five sides of A4, and will normally be less.

Appendices

The appendices contain the items of evidence that the LEA needs. (Full details of what to include are given in the booklet “What to supply in appendices”.)

Appendices 1-11 must be attached. Give each one a clearly numbered front sheet to make them easy to identify.

1. One or two documents from two or three years ago to illustrate the child’s functioning at the time.
2. Medical information.
3. School’s use of its own resources and any made available at School Action Plus or via LEA services.
4. Child’s weekly timetable during the most recent IEP.
5. Child’s current functioning.
6. The IEPs over the last six months.
7. Review information from the last three IEP reviews.
8. One or two pieces of the child’s work to show the difference between supported and unsupported functioning, and illustrate the child’s difficulties.
9. Rate of progress: concurrent learning records and other records over time.
10. Contributions to School Action Plus IEPs by other agencies.
11. Summative reports from other agencies.
12. Other relevant information if appropriate to the child.

WHAT TO INCLUDE IN THE SUBMISSION

The submission has five headings:

Background/History.

Criterion 1.

Criterion 2.

Criterion 3.

Criteria 4 and 5.

The following boxes explain what you should write under each heading. They show which appendices and sections of the Code of Practice relate to the particular heading. Where appropriate, the boxes indicate how the LEA uses the information.

Background / History

Please give a brief summary of the background to and history of the child's difficulties, and a brief outline or pen-portrait of the child's functioning at present. (No more than 1 side of A4.)

This section "sets the scene" and helps the LEA understand the nature of the child's needs and the context in which they create difficulties for teachers in regard to effective teaching and learning. It provides an overview, and some indication of how long the child's difficulties have persisted and how they have developed. Information about medical conditions should be noted here.

RELEVANT APPENDICES: 1, 2 and 5

RELEVANT SECTION OF THE CODE OF PRACTICE: 7:35

Criterion 1

Over an adequate period, all reasonable steps have been taken to meet the pupil's needs using the school's own delegated resources during School Action and any resources made available via School Action Plus

Give a brief outline of the support already given and a rationale for the kinds of interventions and support evidenced in the appendices. (No more than 1 side of A4.)

The appendices should give the LEA a full picture of what support the child already receives, when, and for what activities, etc. If the IEP records and minutes of reviews are detailed enough, much of the evidence about what the school is doing will be in those appendices.

RELEVANT APPENDICES: 3, 4, 5, 6, 7 and 9

**RELEVANT SECTIONS OF THE CODE OF PRACTICE:
7:34, 7:35, 7:47, 7:49**

Criterion 2

There is documented evidence of the co-ordinated involvement of appropriate outside agencies at "School Action Plus"

Provide a brief chronology, saying how and why each agency was involved, and a brief description of what each has done. If the school has made use of outside agencies in any relevant way, the name of the agency and a brief indication of its involvement should be mentioned here, indicating whether this contributed to "School Action" or to "School Action Plus" work by the school. **(No more than 1 side of A4.)**

RELEVANT APPENDICES: 6, 7, 10 and 11

RELEVANT SECTIONS OF THE CODE OF PRACTICE: 7:34, 7:49

Criterion 3

There is documented evidence indicating that the pupil has not made progress despite both appropriate differentiation and IEPs that have used a combination of the school's own delegated resources and resources available via School Action Plus

Give a brief analysis or summary of the IEPs and their reviews that shows why the school and its co-workers believe that the support being provided is not meeting the pupil's needs.

The IEPs and reviews should show evidence of the child's and the parents' participation / views / wishes at each stage.

Within the IEPs, the LEA is looking for tightly-defined targets for the child, and that the support provided by the adults identified in the child's timetable is relevant to work on those targets.

In the IEP evaluations and reviews, the LEA is looking for evaluation of both teaching records and other evidence about

- The child's progress in relation to the targets

- The effectiveness of the teaching methods

- The effectiveness of the support and other resources in securing the child's progress

The reviews will show how staff took account of these evaluations, and modified the arrangements in subsequent IEPs to reflect these evaluations if the child was not making progress. This, and information about rates of progress, will help the LEA to understand the extent and severity of the issues to be addressed. Copies of the difference between supported and unsupported functioning in areas targeted in the IEP will also help the LEA in this regard.

RELEVANT APPENDICES: 4, 6, 7, 8, 9, 10, and 11

Relevant Sections of the Code of Practice:7:42, 7:47, 7:49

Criterion 4

The pupil's needs are exceptional as compared with other pupils of the same age in similar schools in the County Borough

Criterion 5

The pupil's needs are severe and complex, and to meet them will require highly specialised resources over a long period

These two criteria are frequently addressed together under one heading. Write a brief summary that deals with each of the four issues: exceptionalism; severity; complexity; and specialised long-term resource implications. (No more than 1 side of A4.)

The information here, together with Background / History section, indicates:

- The difference in skill level between this child and others of the same age
- How unusual are the issues about learning or behaviour addressed in the IEPs and discussed at reviews
- Any exceptionally low rate of progress over time despite precise targets, well-designed IEPs, and focused support
- Any interaction of factors, complex needs, or special circumstances
- Any exceptionally acute or extended demands on the resources normally available to schools in the County Borough
- The long-term nature of the child's difficulties and low rates of progress

RELEVANT APPENDICES: 5, 6, 7, 8, 9, 10 and 11

RELEVANT SECTIONS OF THE CODE OF PRACTICE: **7:35, 7:40, 7:41, 7:47**

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BOOKLET 3

WHAT TO SUPPLY IN APPENDICES

What to supply in Appendices

This booklet details the Appendices that accompany a request for the LEA to consider whether to begin a statutory assessment.

Appendices 1 to 11 are required in every case.

Items marked † will normally already be in the child's school records, or otherwise available in school, and should simply be photocopied. Additional writing and preparation should be kept to a minimum.

Appendix 12 can be used for any relevant information not dealt with in other appendices.

Please give each appendix a clearly numbered front sheet so that they are easy to identify.

1 † One or two documents from two or three years ago

These should illustrate the child's functioning at the time. Examples: a copy of a pre-school SEN review; a report in the child's file from another school or from a specialist service.

2 † Medical information

If the child has significant physical, sensory, or medical problems then recent medical advice about the nature of the difficulties and how they affect the child's learning or behaviour is essential.

3 Use of resources

A side of A4 describing the school's use both of its own resources and any made available at School Action Plus or via LEA services to meet the child's needs.

4 Child's weekly timetable during the most recent IEP

This should also indicate:

- Amount and frequency of additional support and other special arrangements.
- Size of groups that the child works in for each activity.
- Type of support (NTA, teacher, parent/helper, withdrawn or in class, etc.).
- The precise nature of the support (e.g. physical prompting, mediating in group work to ensure the child's involvement, demonstrating and modelling a new skill, providing supportive and corrective feedback, etc.).
- Special arrangements for breaks, lunch, toileting, etc.

5 † Current functioning

This should include relevant data such as:

- National Curriculum levels in core subjects.
- On Entry or Baseline data (in the case of young children).
- Assessment data gathered by school (test scores should preferably be Standardised Scores, and should indicate the name of the test and the date of testing).
- Behavioural baselines (dated and, where necessary, with explanatory annotations).

- Any other information that illustrates the child's present level of functioning.

6 † The IEPs over the last 6 months

These should show:

- Evidence of the child's and the parents' participation / views / wishes at each stage.
- The specific targets (expressed in terms of what the teacher wanted to see the child doing when the teaching had been successful).
- The criterion performance that would show that the child had achieved the target (how accurately, quickly or frequently would the child be achieving the target performance for this to be "good enough").
- An outline of the teaching procedures: how the teacher showed the child what to do; how the teacher indicated/encouraged success; how the teacher corrected errors.
- Concurrent records tracking the child's response to the teaching. Records used by the teacher to track the child's day-to-day or week-to-week response to the specific teaching of IEP targets (including behavioural targets) are particularly useful.
- The evaluated outcomes of the IEPs.

7 † Review information from the last three IEP reviews

Please supply photocopies of the review minutes (signed by people with parental responsibility). Reviews should show evidence of the child's and the parents' participation / views / wishes at each stage.

The reviews should show evaluation of both teaching records and other evidence about:

- The child's progress in relation to the targets.
- The effectiveness of the teaching methods.
- The effectiveness of the support and other resources in securing the child's progress.

and how staff took account of these evaluations, and modified the arrangements in subsequent IEPs to reflect these evaluations if the child was not making progress.

8 † One or two pieces of the child's work

One, or at the most two, photocopies or original pieces of the child's work, which should be dated, and annotated to indicate the conditions under which they were produced (what the child had been asked to do, what help the child was given with the work, etc.). The pieces should evidence the difference between supported and unsupported functioning, and should illustrate the child's difficulties.

9 † Rate of progress: on-going records over time

Please supply copies of checklists, test results, and other records that illustrate the child's rate of progress. Records should be dated so that the time scale of any changes is clear.

10 † Contributions to School Action Plus IEPs by other agencies

Please include copies of relevant consultation records, reports or documentation from external agencies or Services that illustrate their collaboration with school on its School Action Plus IEPs.

11 † Summative reports from other agencies

Please provide copies of any relevant reports produced *during the past year* by other agencies. These agencies might include Area Support Teacher, Specialist Teacher for the Visually or Hearing Impaired; Speech and Language Therapist, Educational Psychologist, CAMHS, Physiotherapist, Occupational Therapist, or any other service that has contributed to the school's investigations and assessments.

12 † Other relevant information if appropriate to the child

Other information not covered above may be relevant in particular cases, and should be included here. For example:

- Attendance records showing long absences, with reasons.
- Behaviour logs.
- Details of any exclusions.
- Any other relevant information.

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BOOKLET 4

**RELEVANT SECTIONS OF THE SEN CODE OF
PRACTICE FOR WALES 2002**

RELEVANT SECTIONS OF THE SEN CODE OF PRACTICE FOR WALES 2002

Sections 7:9 to 7:14 and 7:33 to 7:50 of the Code of Practice deal with School requests for statutory assessment, and the evidence LEAs should consider when making decisions about them.

The sections cited in Neath Port Talbot's "Guidance for writing requests" are reproduced below for ease of reference.

7:11 Schools and settings should consult the parents before requesting an assessment. The LEA must comply with such a request, unless it has made a statutory assessment within six months of the date of the request or unless it concludes, upon examining any evidence before it or representations made to it, that a statutory assessment is not necessary. If at this time the head teacher judges that the full National Curriculum is not meeting the pupil's needs then a temporary disapplication may be appropriate.

7:13 When making a request for a statutory assessment, the school or setting should state clearly the reasons for the request and submit the following evidence:

- the views of parents recorded at Early Years Action and Early Years Action Plus or School Action and School Action Plus
- the ascertainable views of the child
- copies of IEPs at Early Years Action and Early Years Action Plus or School Action and School Action Plus
- evidence of progress over time
- copies of advice, where provided, from health and social services
- evidence of the involvement and views of professionals with relevant specialist knowledge and expertise outside the normal competence of the school or setting
- evidence of the extent to which the school or setting has followed the advice provided by professionals with relevant specialist knowledge.

7:34 In deciding whether to make a statutory assessment, the critical question is whether there is convincing evidence that, despite the school, with the help of external specialists, taking relevant and purposeful action to meet the child's learning difficulties, those difficulties remain or have not been remedied sufficiently and may require the LEA to determine the child's special educational provision. LEAs will need to examine a wide range of evidence. They should consider the school's assessment of the child's needs, including the input of other professionals such as educational psychologists and specialist support teachers, and the action the school has taken to meet those needs. LEAs will always wish to see evidence of, and consider the factors associated with, the child's levels of academic attainment and rate of progress. The additional evidence that authorities should seek and the questions that need to be asked may vary according to the child's age and the nature of the learning difficulty.

7:35 In considering whether a statutory assessment is necessary, LEAs should pay particular attention to:

- evidence that the school has responded appropriately to the requirements of the National Curriculum, especially the section entitled 'Inclusion: Providing effective learning opportunities for all children'
- evidence provided by the child's school, parents and other professionals where they have been involved with the child, as to the nature, extent and cause of the child's learning difficulties
- evidence of action already taken by the child's school to meet and overcome those difficulties
- evidence of the rate and style of the child's progress
- evidence that where some progress has been made, it has only been as the result of much additional effort and instruction at a sustained level not usually commensurate with provision through *Action Plus*.

7:40 Nonetheless, attainment is the essential starting point when considering the evidence. LEAs should always be alert to indications that a child's learning difficulties may be particularly complex or intractable. They should be alert, therefore, to significant discrepancies between:

- a child's attainments in assessments and tests in core subjects of the National Curriculum and the attainment of the majority of children

of their age

- a child's attainments in assessments and tests in core subjects of the National Curriculum and the performance expected of the child as indicated by a consensus among those who have taught and observed the child, including their parents, and supported by such standardised tests as can reliably be administered
- a child's attainment within one of the core subjects of the National Curriculum or between one core subject and another
- a child's attainments in early learning goals in comparison with the attainments of the majority of their peers.

7:41 LEAs should therefore seek clear recorded evidence of the child's academic attainment and ask, for example, whether:

- the child is not 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 under section 364 of the Education Act 1996
- the child 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 is falling progressively behind the majority of children 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 classroom work, including any portfolio of the child's work.

7:42 While academic assessments will provide important evidence, LEAs should not delay their consideration of a child until up-to-date assessment results are available. LEAs should also have regard to teachers' own recorded assessments of a child's classroom work, the outcome of IEPs and any portfolio of the child's work compiled to illustrate their progress.

7:47 In order to reach a decision, LEAs should evaluate the action already taken by the school or setting to help the child, in particular the special educational provision that has already that has already been made. Except when the child's condition has suddenly changed, LEAs will

wish to see clear evidence of the learning difficulties identified and the interventions made by the child's teachers and other professionals through *Early Years Action* and *Early Years Action Plus* or *School Action* and *School Action Plus*, together with the SENCO's evaluation of these interventions. LEAs should also ask to see evidence that information from, and the insights of, parents has been used and that, so far as possible, parents have been involved in the process of meeting the child's learning difficulties.

7:49 In the light of evidence about the child's learning difficulty, LEAs should consider the action taken and, in particular, should ask whether:

- the school or setting has, in consultation with outside specialists, formulated, monitored and regularly evaluated IEPs and whether the child's progress, measured by criterion referenced or standardised tests, continues to be significantly and consistently less than that which may be expected for the majority of children following such programmes
- the school or setting has sought the views of, and involved, the child's parents
- the school or setting has actively sought the views of the child, as appropriate to their age and understanding
- the school has, where appropriate, utilised structured reading and spelling programmes, and multi-sensory teaching strategies to enhance the National Literacy and Numeracy Frameworks
- the school has explored the possible benefits of, and where practicable, secured access for the child to appropriate information technology – for example word processing facilities (including spell-checkers), overlay keyboards and software, specialised switches and provision of training in the use of that technology for the child, their parents and staff – so that the child is able to use that technology across the curriculum in school, and where appropriate, at home
- the school has implemented its policy on pastoral care and guidance and sought external advice to meet any social, emotional or behavioural difficulties
- the school or setting has, with the parents' consent, notified and sought the assistance of the school doctor and/or the child's general practitioner, as appropriate