

Guidance for school request for statutory assessment (SA) of a child/young person's special educational needs for an Education Health and Care Plan (EHC Plan)

Background

The majority of children and young people with special educational needs (SEN) or disabilities (SEND) will have their needs met within local mainstream schools. The first priority for all children should be good teaching and learning and good pastoral support.

All children/young people are entitled to high quality teaching that is differentiated and personalised but if a child or young person needs something **additional to** or **different from** what is generally available to them through the Local Offer and this will be a long term need then they may require a statutory assessment which could lead to an Education, Health and Care Plan.

Before a decision is made that a child/young person requires an Education, Health and Care Plan there has to be evidence that the child or young person's needs cannot reasonably be provided from resources normally available to all pupils/young people. For pupils and young people at school, the school must demonstrate that the pupil has received **targeted** support up to £6,000 per year. Only in exceptional circumstances will a request be considered if there is not evidence from over three terms.

There is an expensive administrative cost collecting evidence for a statutory assessment and it is time consuming and therefore it is important that schools ensure that the request criteria is met.

If a school is working in partnership with the parent, it is expected that the school should put in the application with the agreement of the parent.

There will be a multi-agency SEND panel that sits weekly to consider requests for statutory assessment. The panel will also make the decision whether an EHC Plan is needed on completion of the statutory assessment.

APPLICATIONS MUST BE RECEIVED ONE WEEK (7 days) BEFORE PANEL.

Panels will continue during school holidays to meet timescales.

The school will need to provide the following evidence:

- Evidence that parents/carers have been involved at all times and their views have been incorporated in supporting the child/young person.
- Evidence that the child/young person has been fully involved in setting and working towards the outcomes set.
- If attendance is below 90% information as to why and what has been done to address this. If attendance is 80% or lower and there are no medical reasons, a statutory assessment is not likely to be agreed.
- Evidence to show that the parent has been given information about the Local Offer and has been able to access universal services.
- If the child/young person is entitled to Pupil Premium evidence as to how it has been used.
- A recent report (less than 12 months) from the Educational Psychologist and evidence to show the school has implemented the recommendations within that report.
- Reports from other outside agencies, i.e. SALT, 0-5 Support Team, 5-19 Support Team, CAMHS etc. with evidence to show that recommendations have been implemented.
- Hearing and vision checks completed within the last two years.
- The school's programme to address the difficulties over at least three terms:
 - With clear and testable targets
 - The targets and strategies show progression that have been reviewed termly by the SENCo with the pupil, parents and class teacher following which a **new** programme is drawn up.
 - A minimum of twelve hours a week of teaching assistant support (or equivalent) has been provided over at least the last year.

Criteria

- The child/young person is showing a significant delay in basic skills so that more than 98% of young people are more advanced than they are. This means that they are likely to have the lowest reading, writing, language or number skills in a school year
and/or
- They have significant (definition more than minor or trivial ref: Code of Practice), hearing, vision, physical or medical problem, which means they would have significantly delayed basic skills unless long term special arrangements were made for them to access the curriculum.
- Progress is significantly slower than that of their peers starting from the same baseline; fails to match or better the child's previous rate of progress; fails to close the attainment gap between the child and their peers; widens the attainment gap. (This can also include progress in areas other than attainment). Ref: Code of Practice 6.18.

Any application for a statutory assessment **must** provide this information.

The decision from the SEND panel will be sent out in writing.

Additional Information

- Difficult or withdrawn behaviour does not necessarily mean that a child has SEN. Ref: Code of Practice 6.21; 6.22
- If it is thought that housing, family or other domestic circumstances may be contributing to the presenting behaviour, a multi-agency approach as outlined in the Early Help Assessment should be adopted. Ref: Code of Practice 6.21
- A pupil whose first language is not English but whose difficulty may be related solely to learning English as an additional language are not SEN. Ref: Code of Practice 6.24
- The Code of Practice identifies four broad areas of need:
 - **Communication and interaction** Ref: Code of Practice 6.28; 6.29
 - **Cognition and learning** Ref: Code of Practice 6.30; 6.31
 - **Social, emotional and mental health difficulties** Ref: Code of Practice 6.32; 6.33
 - **Sensory and/or physical needs** Ref: Code of Practice 6.34; 6.35

Admissions (Ref: Admissions Code)

If schools are asked to admit a pupil with special educational needs and/or a disability with or without an EHC plan:

- They **must** make reasonable adjustments, including the provision of auxiliary aids and services, to ensure that disabled children and young people are not at a substantial disadvantage compared with their peers. This duty is anticipatory - it requires thought to be given in advance to what disabled children and young people might require and what adjustments might need to be made to prevent that disadvantage.
- School governing bodies and proprietors **must** publish information about the arrangements for the admission of disabled children, the steps taken to prevent disabled children being treated less favourable than others, the facilities provided to assist access of disabled children, and their accessibility plans.
- Where a child or young person has SEN but does not have an EHC plan they **must** be educated in a mainstream setting except in specific circumstances.
- **Admissions authorities:**
 - Must consider applications from parents of children who have SEN who do not have an EHC plan on the basis of the school's published admissions criteria as part of normal admissions procedures
 - Must not refuse to admit a child who has SEN but does not have an EHC plan because they do not feel able to cater for those needs
 - Must not refuse to admit a child on the grounds that they do not have an EHC plan 1.28 The Equality Act 2010
- **There is no interim support.**

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