

CRITERIA FOR STATUTORY ASSESSMENT

Report of the Director of Education

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1. Purpose of report

To consider the criteria for statutory assessment as a possible scrutiny item for the Select Committee.

2. Summary

- 2.1 Concern has been expressed that the criteria for starting a statutory assessment of special educational needs may be too high and that children have to wait too long before receiving extra help.
- 2.2 Threshold criteria for statutory assessment have been set in accordance with the DfEE Code of Practice on the Identification and Assessment Special Educational Needs and checked against those used by other Authorities in the region. They have been applied consistently across Hertfordshire by Panels of experienced staff.
- 2.3 It is recognised that the statutory assessment criteria only apply to the most serious and complex cases but arrangements have been introduced to provide additional support for those without Statements through earmarked and delegated funding schemes.
- 2.4 It is proposed that the SEN Panel should scrutinise the current arrangements and review existing criteria in response to the SEN and Disability Rights in Education Act and Revised Code of Practice. Both are due to be published in the summer term.

3. Conclusions

- 3.1 Work is underway to review statutory assessment criteria in response to new legislation. This will be reported to the SEN Panel.

3.2 The Select Committee will wish to decide whether to scrutinise this matter further.

Report

1. Legal position

- 1.1 The 1996 Education Act requires a statutory assessment to be undertaken when a child has significantly greater difficulty in learning than the majority of children of the same age or a disability which prevents him or her from making use of the kind of educational facilities generally provided for children of the same age in the Local Education Authority.
- 1.2 Guidance from the DfEE and the SEN Code of Practice indicate that LEAs should expect to issue Statements only for the most severe and complex 2% of cases. This message is repeated in the proposed revision of the Code of Practice which is due to come into operation in September 2001.

2. Thresholds for statutory assessment

- 2.1 The current threshold criteria for statutory assessment and "statementing" were agreed by the Education Operations Sub-Committee in September 1997. They are based on DfEE guidance and are similar to those used by neighbouring LEAs.
- 2.2 Proposals for a revised SEN Code of Practice to accompany the SEN and Disability Rights in Education Bill were issued for consultation in August 2000 along with guidance on thresholds for statutory assessment.
- 2.3 An associated set of threshold criteria have been established for "Earmarked Pupil Funding" for children whose learning difficulties fall below the statutory assessment threshold but who do need additional resources to make progress. Many of these will have had Statements as the system operated prior to 1997. The number of pupils funded in this way has increased to 750 in 2000/2001.

3. Decision making procedures

- 3.1 The Code of Practice also recommends that decisions about statutory assessment should be based on evidence of achievement and made by Moderation Panels rather than individual officers operating in isolation. A panel system was introduced in Hertfordshire in 1998 and all decisions are made collectively by Area SEN Managers, Area Senior Educational Psychologists, Area SEN Advisers and representative Headteachers or SEN Co-ordinators.
- 3.2 The Panels make decisions by judging evidence provided by schools, parents and other agencies against the published criteria. Unsuccessful applicants are given reasons for the Panel's decision. Each area has its own Panel and where a case is turned down and agreement cannot be reached with the school, cross moderation can be arranged by a different area team.
- 3.3 Whilst making consistent and evidence-based decisions wherever possible, Panels do have local discretion to respond to exceptional or particularly urgent cases on an interim basis. In the last 12 months they have also allocated Earmarked Pupil

Funding (EPF) for referrals that are received which, although falling below the threshold for statutory assessment, do meet those for EPF (section 4 below).

4. Summary of the impact of 1997 thresholds

4.1 The effect of the current arrangements can be summarised as follows :-

Category of SEN	January 1997 (school pop =141761)		December 2000 (estimated school pop = 167021)			
	No with Statements	(% of school pop)	No with EPF	No with Statements	No of pupils having targeted funding	(% of school pop)
Learning diffs	2463	(1.7%)	406	1712	2118	(1.3%)
Severe learning diffs	444	(0.3%)	0	458	458	(0.3%)
Specific learning diffs	407	(0.3%)	130	262	392	(0.2%)
EBD	782	(0.5%)	126	642	768	(0.5%)
VI and Blind	57	(0.04%)	3	60	63	(0.04%)
HI and deaf	157	(0.1%)	7	155	162	(0.1%)
PNI and medical	311	(0.2%)	27	356	383	(0.2%)
Speech and Lang	500	(0.4%)	59	590	649	(0.4%)
Autism	92	(0.1%)	27	235	262	(0.2%)
TOTAL	5213	(3.7%)	785 (0.5%)	4470 (2.7%)	5255	(3.1%)

4.2 These figures indicate that the total number of pupils currently receiving individual support, either through a Statement or Earmarked Pupil Funding, is 5255 compared with 5213 in January 1997. The number of EPF allocations will rise further in 2001/2002.

5 Proposals for scrutiny

It is proposed that the following programme of work should be adopted by the SEN Panel:-

- Officer report with background data and analysis of current practice and key issues (18 February)
- Discussion with members of Parent Advisory Group and a sample of SENCOS
- Observation of Area SEN and Earmarked Pupil Funding Moderation Panels
- Analysis of practice in other Authorities
- Analysis of Revised SEN Code of Practice and SEN and Disability Rights in Education Bill