Operational Guidance on Criteria for Meetings Needs via the Graduated Approach

“CORE PRINCIPLES”

June 2015
1. Introduction

The guidance contained in this document is designed as a reference resource to be used alongside the “Special Educational Needs and Disability Code of Practice:0 to 25 Years”

The Department for Education (DfE) requires that each Local Authority (LA) explains the special educational provision it expects to be made from:

- within a mainstream school’s budget (Schools Block); or
- an early years setting’s budget (Early Years Block); and
- funding additionally from the LA and through the national 16 – 19 funding system in post 16 provision (High Needs Block).

The following guidance makes explicit Doncaster’s expectations of provision for children and young people requiring support from within the relevant educational establishment. This should be viewed as good practice guidance which settings and schools are expected to work towards. This document should not be read as a blanket policy; i.e. there will be occasions where discretion needs to be applied to suit individual circumstances. The descriptors within the document are not an exhaustive list. Neither is it necessary to read the document in its entirety. Schools, settings and the LA should also tell parents and young people about LA and independent sources of information, advice and support, and this will be set out in Doncaster’s Local Offer.

http://www.doncasterchildrenandfamilies.info/thelocaloffer.html

Although the principles apply from Early Years to Post 16 the body of this document is a reference for schools. Reference to schools throughout this document applies to ALL settings, 0-25 unless specified otherwise. For sake of ease throughout this document, children will be referred to as ‘pupils’, parents/ carers referred to as ‘parents’ and learning environments referred to as ‘class(es)’ taught by ‘teachers’.
2. The Key Principles set out in this document are:

- All settings and LAs must work towards the best interests of individual pupils but also in the context of the impact on their family, their peers and the efficient use of public resources for all;

- Assess- Plan- Do- Review cycles should be clearly evidenced: where expected progress is not being made, these should be of increasing frequency and involving external specialists, including an Educational Psychologist (EP);

- Resources are deployed on a 'must, should, could' basis according to clear evidence of individually assessed need and improving positive outcomes for the short and longer term; and

- Transition between year groups, between key phases, between settings and in Preparing for Adulthood (PfA) are key milestones in a pupil's life: robust transition arrangements should be carefully planned, shared, agreed and communicated to ensure success.

3. Quality of Teaching and Learning in Effective Inclusive Settings

All teachers are responsible and accountable for the progress and development of all the pupils in their class, including where pupils access support from teaching assistants or specialist staff. High quality teaching, differentiated for individual pupils, is the first step in responding to pupils who have or may have SEN. **Additional intervention and support cannot compensate for a lack of good quality teaching.** Schools and settings should regularly and carefully review the quality of teaching for all pupils, including those at risk of underachievement. This includes reviewing and, where necessary, improving, teachers’ understanding of effective, evidence-based strategies to identify and support vulnerable pupils and their knowledge of the SEN most frequently encountered. Steps to be taken include:

- Differentiated learning for pupils with a wide range of learning needs;
- Regular monitoring and evaluation of pupil progress using tools identified by the Local Authority;
- Inclusion in the range of learning experiences suitable and appropriate to an individual pupil’s needs and compliant with the Equality Act;
- A written SEN Policy and annual SEN Information Report;
- A clear policy for promoting positive behaviour that is consistently applied by all practitioners across the setting;
- Reasonable adjustments for pupils covered by the Equality Act (2010), such as flexible grouping, adaptations to policies, access to the physical environment, written information and the curriculum;
- A SENCO in line with the current SEN Code of Practice who is suitably qualified and a member of the senior management team;
A planned programme of workforce development in SEN to ensure that all practitioners are able to meet the range of learning needs of pupils included in all schools, settings and provisions;

- Development of close partnerships with parents; providing clear and accurate information and ensuring a purposeful contribution can be made;
- Suitable arrangements for collaborative working with parents and practitioners, social care, settings, health and the voluntary sector to ensure pupils benefit from integrated provision; and
- Ensuring that pupil voice is integral to teaching, learning and participation.

4. Vulnerable groups

Some pupils fall within the broad definition of a vulnerable group and may need to be monitored closely, have short term targeted support or they may have a longer term need which is an additional educational need (AEN) but not a special educational need (SEN). In the following circumstances, schools and settings should track AEN, support and progress as part of a Vulnerable Groups ‘Register’, or provision map, in addition to the SEN ‘Register’. Pupils who may be considered as included in a Vulnerable Group include:

- Pupils who are Looked After in Public Care (LAC/ CiC)
- Pupils who speak English as an Additional Language (EAL)
- Pupils who are in receipt of Free School Meals (FSM)
- Pupils who have experienced bereavement, separation or loss
- Pupils who have a medical condition requiring a health care plan but no special educational provision
- Pupils whose attendance is a concern
- Pupils who are educated at home (part time or full time)
Many pupils who have SEN may have a disability under the Equality Act 2010 – that is ‘...a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities’. This definition provides a relatively low threshold and includes more pupils than many realise: ‘long-term’ is defined as ‘a year or more’ and ‘substantial’ is defined as ‘more than minor or trivial’. This definition includes sensory impairments such as those affecting sight or hearing, and long-term health conditions such as asthma, diabetes, epilepsy, and cancer. Pupils with such conditions do not necessarily have SEN, but there is a significant overlap between disabled pupils and those with SEN. Where a disabled pupil requires special educational provision they will also be covered by the SEN definition.

5. Definitions of Special Educational Needs and Disabilities

As defined by the SEND Code of Practice a pupil has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her. That is, he or she has a significantly greater difficulty in learning than the majority of others of the same age or has a disability which prevents or hinders him or her from making use of facilities generally provided for others of the same age in mainstream schools, settings, or post-16 institutions. The SEN Code of Practice outlines the following broad areas of need. A pupil may, of course, have needs which span two or more categories however settings and LAs are required to record the primary need separately to secondary and any other needs;

- **Communication and interaction** which includes speech, language and communication needs (SLCN), autistic spectrum disorder (ASD).

- **Cognition and learning** which includes moderate learning difficulties (MLD), severe learning difficulties (SLD) profound and multiple learning difficulties (PMLD), specific learning difficulties (SpLD). Broad definitions of these types of need are as follows:

  - MLD: a pupil with significant developmental delay indicating learning difficulties of at least moderate intensity, at a mild, moderate or significant degree, with evidence of social, emotional and learning immaturity, and achieving below that of a Y2 pupil by then end of KS2 and two Key Stages below by the end of Y11
  - SLD: a pupil with a significant developmental delay indicating learning difficulties of a severe intensity and requiring a highly structured, predominantly experiential, multi-sensory curriculum working at P Levels for most of their school career
  - PMLD: a pupil with severe and pervasive developmental delay indicating learning difficulties together with multiple and complex sensory, physical, medical and/or personal care needs requiring access to a specialist curriculum and high staffing ratio.
SPLD: a pupil with difficulties in the acquisition of skills in one or more areas, ranging from mild to severe and persistent: Dyslexia (literacy), Dyscalculia (numeracy), Dyspraxia (motor co-ordination). There is likely to be evidence of average or above levels of reasoning and ability and discrepancies between attainment in core and/or other subjects.

- **Social, emotional and mental health difficulties (SEMH)** including attention deficit hyperactivity disorder, attention deficit disorder, oppositional defiant disorder, attachment disorder, anxiety and depression.

- **Sensory and/or physical needs** which includes visual impairment (VI), hearing impairment (HI), multisensory impairment (MSI), physical difficulties (PD)

A pupil under compulsory school age has special educational needs if he or she is likely to fall within the definition outlined in the paragraph above when they reach compulsory school age or would do so if special educational provision was not made for them. If a pupil’s progress in any prime area: personal social emotional development (PSE), communication and language, or physical development (PD) gives cause for concern, practitioners must consider whether a pupil may have SEN or a disability which requires support.

The following would be expected for all early years settings (0-5 years) to be provided as part of standard inclusive practice:

- A broad and balanced EYFS curriculum which meets all statutory requirements; and
- An identified Key Person— to act as first point of contact, meet on a regular basis with, discuss/review targets/social difficulties, coordinate support and build on successes.

In Doncaster, the **Pre-School Inclusion Team (PSIT)** is available to support settings to ensure that they are providing a standard of inclusive practice. Their advice and guidance is also available to settings when determining the level of an individual pupil’s needs.
6. A Graduated Approach to SEND support and provision, 0-25

The graduated approach draws upon the four part cycle Assess, Plan, Do, Review, at ALL levels, with actions revisited, refined and revised building on a growing understanding of an individual pupil’s needs and the support needed in helping them to make good progress and secure good outcomes. Each stage of support builds on the good practice of the previous stages. This will lead to an approach in which increasing levels of support are provided where necessary and appropriate:

- **Quality First Teaching for All pupils** - (previously referred to as Wave 1) - Differentiated teaching and learning for pupils with a wide range of learning needs. This is funded through AWPU, also referred to as Element 1 funding (see Section 7 below for more explanation).

- **Targeted support for Some pupils** – (Wave 1 plus Wave 2) - will require time-limited intervention programmes in addition to Inclusive Quality First Teaching in order to secure effective learning and increase their rate of progress. This is funded through a combination of AWPU as above and Element 2 from the school’s individual delegated budget (Notional SEN).

- **Lots of targeted support for a Few pupils** – (Wave 1 plus Wave 2 and Wave 3) - will require increasingly individualised intervention programmes, in addition to Inclusive Quality First Teaching and support at Wave 2 for some aspects of learning, to accelerate and maximise progress and narrow or close performance gaps. This is funded through Elements 1 and 2 of the school’s individual delegated budget as above. Parents should be informed if their child is placed at the SEN Support stage and be fully involved in the development of successive SEN Support Plans and their Review (sometimes also referred to as an individual learning support plan) within the SEN Support framework of documentation.

- **Exceptional support for Very Few pupils**. These pupils may have significant and complex needs and/or be at risk of permanent exclusion. The pupils will require highly personalised programmes of support for the longer term. The LA will be responsible for determining provision, based upon clearly evidenced and assessed need, and will continue to be responsible for monitoring progress against desired and agreed outcomes. This may entail access to High Needs Block (HNB) funding either through Education Health Care Plan (and Statements of SEN until April 2018) or through use of the LA’s graduated behaviour provision.
7. Funding streams

7.1 0 – 5 Funding for Early Years Provision

There is a range of universal and targeted provision available for pupils aged 0-5 and their families. Pupils can access 15 hours free nursery entitlement from the beginning of the term after they turn 3 years old. In addition there is a programme to offer 15 hours free nursery provision for some vulnerable 2 year olds including some with a SEN or a disability.

In Doncaster, pupils below compulsory school age (pre-school nursery), can receive specialist support and additional funding without a statutory EHC needs assessment or EHC Plan, in either a Private, Voluntary, Independent (PVI) nursery or a school based nursery setting if Quality First Teaching and general intervention and support needs to be enhanced. With appropriate evidence of intervention of over time (APDR), PSIT can co-ordinate additional funding to non-maintained settings and maintained nurseries which is called the Early Intervention Allowance (EIA). This enables settings, families and external practitioners, including Educational Psychologists, to work together to continue the cycle of Assess- Plan- Do- Review and agree targeted interventions to improve outcomes for pupils with complex special educational needs. Settings should liaise with the Pre-School Inclusion Team to agree appropriate involvement. The transition between EY and school is carefully managed by PSIT working in conjunction with other support services including the Educational Psychology Service. This is important when preparing a pupil for transition between settings and into compulsory schooling and particularly if there is concern that a pupil may have long term, significant and complex SEN requiring special educational provision beyond that which is ordinarily available in a mainstream setting with the support and advice of specialist services.

7.2 5 – 16 Funding for Schools teaching pupils with SEND

The national School Funding Reforms introduced on 1st April 2013 included a new approach to funding provision for pupils with “high needs.” There is no precise definition of high needs, but the DfE use the term generally to describe those pupils who require provision that would not normally be available from within the delegated resources in mainstream schools or further education settings:

Core Education Funding (Element 1)

This is the per pupil unit of funding or age weighted pupil unit (AWPU). This basic entitlement will provide the standard offer of teaching and learning to all pupils and students on roll. This amount is agreed locally through Schools Forum.
**Additional support funding for pupils with high needs (Element 2)**

A general assumption has been made about the notional funding for low cost SEN and the level beyond this when LAs will then consider allocating additional funding to settings. Using previous work undertaken by Price Waterhouse Cooper, the DfE has defined that mainstream schools must support pupils with any **additional needs up to a cost £6,000, beyond the basic entitlement level (element 1 above)**. This includes all pupils, including those with high level needs who currently have a Statement of SEN, or Education, Health and Care (EHC) Plan. Some schools will commission this level of support from Alternative Providers.

**Top up funding provided by LA (Element 3)**

Funding for high needs pupils who are assessed as requiring support above the combined element 1 + 2 (AWPU+£6000) will be provided through “top-up funding” by the LA from the High Needs Block (Element 3).

**Funding Post 16 Young People with SEND**

In the context of this guidance a young person is someone over the compulsory school leaving age (the last Friday in June) and under 25 years of age. Post 16 institutions receive funding from the Education Funding Agency (EFA) and from the Skills Funding Agency (SFA). Element 1 is the funding that all post 16 institutions receive if they hold a contract with the EFA. It may differ depending on the type of institution and is paid to all institutions for every student regardless of their support needs. It is used to deliver the programmes including:

- Stand-alone qualifications,
- A study programme,
- Units towards qualifications,
- Work experience,
- A Traineeship, Apprenticeship or a Supported Internship.

Element 2 funding is allocated according to numbers at a point in time and the amount per school is published nationally. Young people who have SEND can attract extra funding to assist schools and colleges in supporting them to achieve their educational outcomes and experience a successful transition into adult life. They may then be entitled to appropriate support from the High Needs Block.

Element 3 is the extra funding, sometimes referred to as ‘top up’ funding, that post 16 institutions can apply for if they are educating someone whose needs are assessed as costing above £6,000. In most cases these young people will have an EHC Plan or a Learning Disability Assessment (LDA). This funding will differ for every young person as it is based on an individual assessment of their support needs. Post 16 institutions requesting this funding must be able to demonstrate what the needs of the young person are, what support
they will put in place and how this support will ensure the young person meets the outcomes outlined in their plan. LDAs will be phased out by September 2016.

The Employment and Skills Act now states that a young person is expected to stay in learning until their 18 birthday; this can be extended to 25 for young people with SEND. However this does not mean that there is an automatic entitlement to support post 19. Where a pupil has an Education Health Care Plan, the LA may cease a plan after the age of 19 if it is not appropriate for the support to continue and/or the educational outcomes have been reached. Other plans and support may then be in place to meet the young person’s needs. The SFA is responsible for young people who are aged 19 and over and under 25, who are not subject to an Education, Health and Care Plan. The LA is not responsible for agreeing places or for funding for this group of young people. This is the responsibility of the college or work-based learning provider where their training/learning is taking place.

**Personal budgets**

Young people and parents of children who have EHC plans have the right to request a Personal Budget, which may contain elements of education, social care and health funding. Parents, or pupils over 16 years of age who are able to make a decision, can either take their personal budget as a direct payment, engage a 3rd party to manage their Personal Budget, ask the LA with the responsibility to commission the services or they can have a combination of the three. Doncaster has published its Personal Budgets Policy on the Local Offer site.

8. **Statutory Education Health & Care Needs Assessments**

From September 2014 statutory EHC needs assessments are undertaken for pupils with significant and long term special educational needs that are significantly beyond those which can be provided for using delegated schools or early years and post 16 core and notional funding. Evidence of levels of special educational needs, progress against short term outcomes and attainment following targeted teaching and support must be submitted to the LA. Good provision mapping and the tracking of the impact on positive outcomes of targeted interventions in place to support the pupil will ensure that settings have the required evidence prior to requesting a statutory assessment. Settings/schools should always involve external specialists where a pupil continues to make little or no progress or where they continue to work at levels substantially below those expected of pupils of a similar age despite evidence based SEN support delivered by appropriately trained staff. A statutory EHC needs assessment is a multi-agency assessment that evidences the long-term aspirations and needs of a pupil together with desired short and longer term outcomes and matched provision to achieve the outcomes and reduce or remove the barriers to learning. This assessment may or may not result in an Education Health and Care Plan being produced. It may, or may not, be linked to High Needs Element 3 Funding. For new referrals for statutory assessment settings will need to demonstrate how Element 1 and 2 funding has been utilised to meet a pupil’s individual needs. When a new EHC Plan is issued, settings will receive top-up funding from the LA only where needs have been assessed to require a level of additional support, above the setting’s prescribed threshold, for the longer term.
The continuum of need and intervention along the graduated response for SEN

(Wave 1): Quality First Teaching
- Whole school approach
- Teacher led differentiation
- Element 1 place funding

(Waves 1-2): Teacher identified initial cause for concern (SEN)
- Conversation with SENCO: refresh targets; monitor
- SEN Support Stage and framework. Parents must be involved
- Assess- Plan-Do-Review cycles
- SENCO led with teacher(s)
- Element 2 additional support funding

(Waves 1, 2-3): SEN Support Stage and framework. Parents must be involved
- Assess- Plan-Do-Review cycles
- SENCO led with teacher(s)
- Element 2 additional support funding

Statutory EHC needs assessment/ Plan/ joint funding. (APDR)

SEN Support with
Involvement of EPS

Whole school Vulnerable Groups Tracking: e.g. Medical needs; Looked After Children; FSM; Access arrangements (Equality Act 2010); EAL; attendance concerns; Short term pastoral care; Young carers

LOCAL OFFER

OTHER AGENCIES AND PROCESSES:
EARLY HELP/ TAC/ CAF/ CIN/ CHILD PROTECTION/ SHORT BREAKS/ CONTINUING HEALTH CARE

UNIVERSAL – VULNERABLE – COMPLEX - ACUTE
### Summative Guidance

The following table summarises the activities undertaken by the relevant teacher(s) and the SENCo across the assess-plan-do-review process at each stage of the graduated approach:

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<th>Graduated Approach</th>
<th>Assess</th>
<th>Plan</th>
<th>Do</th>
<th>Review</th>
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<tbody>
<tr>
<td>Quality First Teaching</td>
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<tr>
<td>AWPU core basic entitlement funding</td>
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| (Element 1) | Lesson Planning Baseline school data | Deliver Quality First Teaching Plan for 4 levels of differentiation (Wave 1 intervention) | Deliver teaching using effective groupings, classroom organisation and environment, timetables, quality curriculum resources and additional staffing as appropriate | Half termly or termly reviews of progress.  
Outcomes of Review:  
- Pupil is making expected rates of progress, continue at this level  
- Reduced rates of progress: consult with school lead to adapt effective teaching and learning  
- Significantly reduced rate of progress: consult with SENCO and Pastoral Lead to identify unmet need. Consider wider health or /& social care needs and involvement |

**Some support**  
**From Element 1 + some element 2 core Funding Basic Entitlement**

- Analyse range of tracking data  
- Conversation with SENCo/ subject specialists  
- Audit current provision  
- Further differentiation  
- Discuss with parent(s)/carers with a view to more personalisation  
- Clarity unmet need

- Delivery as above PLUS personalisation in the form of further interventions and SEN Support plan framework

- Delivery as above plus interventions in small groups

Half termly / Termly SEN Support Plan reviews including parent and pupil, SENCO and Pastoral care lead as necessary.  
Outcomes of Review could be:  
- Rates of progress improve significantly: step down and meet needs through QFT  
- Rates of progress plateau; continue some support with further advice from SENCO and Pastoral Lead plus any advice from health &/or social care  
- Rates of progress continue to reduce further, request advice from Educational Psychology Service plus other relevant education services employed to support school meet identified need
| Lots of Support  
SEN support involving external specialists  
*(Elements 1 and 2)* | Develop SEN Support Plan with DMBC Educational Psychologist and relevant input from education and/or health and/or social care agencies  
Include person-centred planning, All About Me, and put together costed provision map. | Half termly / Termly SEN Support Plan reviews including parent and pupil, relevant input from education and/or health and/or social care agencies  
Outcomes of review:  
1. Step down to Some Support if SMART outcomes are met and curriculum progress accelerates with needs clearly being met  
2. Continue at Lots of Support if SMART outcomes continue to need refining, learning plateaus and provision is stable as needs are being met  
3. If after, typically, 6 months of Lots of Support (i.e. two to three APDR cycles), the pupil is making extremely small steps of progress within the context of a significantly high level of appropriate provision and s/he has significant and complex long term education or health and/or social care needs, the next Review meeting should consider whether the lead practitioner should co-ordinate a request for a statutory EHC needs assessment. All parties involved would review the evidence base and agree what outcomes and support are being sought for the longer term. |
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<td><strong>Exceptional Support:</strong> statutory assessment and EHCP</td>
<td>In following the Assess, Plan, Do, Review cycle and implementing the advice from specialist services, it is envisaged that very few pupils/young people will require an Education Health and Care Needs Assessment and Plan. The referral for an EHC needs Assessment must demonstrate evidence of advice sought, acted on and evaluation that demonstrates the need for further intervention and provision.</td>
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If an EHCP is issued by the LA, an individual Support Plan is still required on a termly basis as part of continuing assess, plan, do, review cycles involving parents and the pupil. This should not be referred to as an SEN Support Plan as this is a stage prior to statutory assessment and plan.  
Please see extended threshold documents around areas of specific need in extended thresholds document. |
| **Severity Criteria** | Criteria will apply for all four areas of need |