

Children's Services Authority

GUIDANCE CRITERIA

for

Ceasing to Maintain a Statement of
Special Educational Needs

Ceasing a Statement of Special Educational Needs

Introduction

- 1.1 There should be no assumption that once a Statement of Special Educational Needs (“statement”) has been made it should be maintained for the rest of a child’s time in school. Statements should be maintained only when necessary. However, **any decision to cease to maintain a statement should be made only after careful consideration by the Local Authority of all the circumstances and after close consultation with parents.**

Ceasing of Statements for Children in School

- 1.2 The Local Authority may cease to maintain a statement for a child only if it believes that it is no longer necessary to maintain it. In arriving at this view the Local Authority must consider whether the:
- ❑ objectives of the statement have been achieved;
 - ❑ results of recent annual reviews indicate that adequate progress will be maintained if the special educational provision specified in the statement were not made;
 - ❑ educational needs of the child could be met in future within the resources of his/her mainstream school (at School Action and School Action Plus) without continuing oversight by the Local Authority;
 - ❑ child’s special educational needs no longer significantly impede access to the National Curriculum;
 - ❑ child no longer requires daily adult supervision or substantial adaptation of teaching materials to access the curriculum fully;
 - ❑ child can cope with everyday social interaction at school and has no significant self-help difficulties that require more provision than is normally available (or expected) within a mainstream school.

Children who are 16+

- 1.3 A statement will generally remain in force until and unless the Local Authority ceases to maintain it. However, a statement will lapse automatically:
- ❑ when a young person moves into further or higher education; or
 - ❑ for children 16+ who leave school and seek employment or training.
- 1.4 Where parents want their child to remain at school 16+ but the Local Authority considers the young person’s special educational needs would be better met in a further education institution, the Local Authority may only formally cease the statement when it has satisfied itself that the further education institution:
- ❑ is able to meet the young person’s special educational needs; and
 - ❑ can offer a place.

- 1.5 Where a young person's school does not cater for 16+ the Local Authority will consider whether to amend the existing statement to name another school or cease the statement if an appropriate further education course is identified.

The Statement Resource Panel (SRP)

- 1.6 As part of its role, the *Statement Resource Panel (SRP)* assists the Local Authority in deciding whether or not to cease statements. The SRP meets on a fortnightly basis during term time and as, and when, required during school holidays. Membership includes head teacher representatives. The final decision to formally cease a statement rests with an officer of the Authority, normally the Head of the Special Needs Team, who also chairs the SRP.
- 1.7 When advising the Local Authority the SRP is expected to pay particular regard to the SEN Code of Practice and the following guidance criteria for ceasing statements.
- 1.8 The process of ceasing a statement is recognised to be relatively long in most instances. Normally, the Local Authority will identify statements that it considers should cease following inspection of Annual Review reports received from schools and centrally held pupil data. Schools and parents are then informed in writing that at the next Annual Review consideration must be given to ceasing the child's statement, should progress be maintained.
- 1.9 When the Local Authority makes a decision to cease to maintain a statement it will write to the child's parents (and school) giving notice of the decision and explain parents' right of appeal to the Special Educational Needs and Disability Tribunal (SENDIST) and other arrangements, should they disagree. The Local Authority will explain the reasons for the decision and provide the background evidence. If the parents so wish, the Local Authority will arrange a meeting to:
- explain the rationale of the decision to cease the statement; and
 - discuss the provision the school will make once the statement had ceased and how this will be formally reviewed.

Guidance Criteria for Ceasing Statements

- 1.10 For any child for whom the Local Authority is proposing to formally cease their statement a number of general criteria should be met (see below). Further additional criteria for the four main areas of learning difficulty are described in the following sections. It should be noted that for children who present complex needs more than one set of additional criteria might apply.

General Factors Determining if a Statement Should Cease

- ❑ The objectives of the child’s statement have been achieved, or nearly achieved, following progress that has been maintained for a period of at least **three** terms.
- ❑ The special educational provisions required to maintain adequate progress can or should be made by the school from delegated funds, including any necessary adaptations to teaching materials.
- ❑ The levels of attainment across core subject areas, as measured by National Curriculum (NC) assessments and/or standardised tests, are at or above the thresholds set out in Table A.

Cognition and Learning

Table A: Indicative Achievement Criteria for Ceasing Statements

Cognition and Learning			
Year group	Age	Core Subjects NC Levels	Standard Measures
Foundation (R)	5	-	>4 years
1	6	P7/8	>5 years
2	7	1b	>5 years 9 months
3	8	1a-2c	>6 years 6 months
4	9	2a/2b	>7 years
5	10	3c	>8 years
6	11	3c	>8.6 years
7	12	3b	>9.0 years
8	13	3a	>9.6 years
9	14	4	>9.9 years
10	15	4	>9.9 years
11	16	4	>9.9 years

Additional Factors Determining if a Statement Should Cease Cognition & Learning

- ❑ The pupil is using strategies, at the independent level, to access the curriculum despite his/her learning difficulties, on a regular basis.
- ❑ Any emotional and behavioural difficulties associated with the child’s learning difficulties or disability, including poor concentration and off-task behaviour, are not such that they significantly impede access to the curriculum. i.e. s/he is on- task for 50% or more of the average time for others in the same class.

- The child reports s/he is able to engage with everyday social interactions, and communicate effectively, in school and has no major self-help difficulties that require adult support. This opinion is supported by parents, school staff and other professionals.

Behaviour, Emotional & Social Development (BESD)

Table B: Indicative Criteria for Ceasing Statements

Behaviour, Emotional and Social Development	
Difficulty	Achievement Criteria
Isolation and/or Withdrawal	<ul style="list-style-type: none"> • two terms of speaking and communicating effectively with adults and peers • engages with peers on a regular basis • with low levels of adult and peer support will engage with curriculum activities and demonstrate learning • for children <11 years social skill development is delayed by less than two years and for those <16 the delay is less than 3.5 years • multi-disciplinary intervention has reduced to monitoring child's progress
Significant Eating Disorders/Substance Abuse	<ul style="list-style-type: none"> • all learning difficulties are catered for at SA & SA+ • eating disorder/substance abuse does not warrant specialist intervention • multi-disciplinary intervention has been reduced to monitoring child's progress
Challenging Behaviour	<ul style="list-style-type: none"> • level of challenging behaviour, and the means by which it can be managed, no longer impairs functioning of pupil and class or causes teaching and learning to stop
Irregular Attendance	<ul style="list-style-type: none"> • child is attending school on a regular basis and attendance level is >80% over the last term
Behaviours of Serious Concern	<ul style="list-style-type: none"> • the child has not shown any behaviours that place self and others at risk for two terms • multi-agency intervention has reduced to monitoring child's progress • no exclusion event in last two terms
Bullying and Abuse (perpetrator or victim)	<ul style="list-style-type: none"> • multi-agency intervention has reduced to monitoring child's progress • bullying and abuse have not been reported for at least two terms
Mental and Physical Health	<ul style="list-style-type: none"> • multi-disciplinary assessment identifies recovery from a sudden or deteriorating mental and physical health condition that, previously, severely affected behaviour in school
Low Self-esteem	<ul style="list-style-type: none"> • self-harming behaviour has ceased for two terms • destructive behaviour when faced with failure e.g.

	destroying own work has reduced significantly <ul style="list-style-type: none"> • severe and dangerous reaction to praise/criticism has not been evident for two terms • has gained confidence and willingness to engage socially with school and community
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Additional Factors Determining if a Statement Should Cease Behaviour, Emotional and Social Development
<p><input type="checkbox"/> Relevant criteria in Table B apply (see nature of BESD described in child's statement)</p> <p><i>Note:</i></p> <p>It is advisable for any child who has had a statement in respect of BESD to have an IEP supported and monitored by the continuing involvement of outside agencies, for at least one-year. This plan would involve:</p> <ul style="list-style-type: none"> • a formal programme of management devised by the school and implemented by all staff within the school who come into contact with the child; • regular meetings with parents/carers to support the programme; • systematic evaluation of the impact of the programme; and • evidence of monitoring with written records updated at regular intervals.

Communication & Interaction

Additional Factors Determining if a Statement Should Cease Speech, Language and Communication Needs
<ul style="list-style-type: none"> <input type="checkbox"/> The child has developed social interaction skills that enable him/her to form purposeful relationships with peers and adults. <input type="checkbox"/> The child's expressive and/or receptive language development is no longer significantly below that of the majority of children of his/her own age. <input type="checkbox"/> Speech is intelligible and alternative or augmented forms of communication are no longer required. <input type="checkbox"/> The need for Speech and Language therapist input and specialist teaching strategies has greatly reduced since making the statement.

Additional Factors Determining if a Statement Should Cease Autistic Spectrum Disorder

- ❑ Pervasive difficulties in following instructions, classroom routines and in maintaining attention to task no longer make it impossible for child to participate in all or most ordinary classroom activities.
- ❑ There has been a marked reduction of highly atypical behaviour, such as obsessive, challenging and/or withdrawn behaviours, an inappropriate use of language, difficulties in motor imitation or control, abnormal responses to sensory experience and signs of distress or emotional disturbance without obvious cause.
- ❑ The child has developed social interaction skills that enable him/her to form purposeful relationships with peers and adults. The child is not socially withdrawn or rejected by others.

Sensory & Physical Needs

Additional Factors Determining if a Statement Should Cease Visual Impairment

- ❑ The child's visual difficulty has been sufficiently resolved through the provision of appropriate aids or medical intervention.
- ❑ The visual difficulty no longer impedes the child's mobility.
- ❑ The child no longer requires significant modification and adaptation of the curriculum to take account of his/her visual difficulties.
- ❑ The visual difficulty is no longer impeding social and emotional development.

Additional Factors Determining if Statement Should Cease Hearing Impairment

- ❑ The impact of a child's hearing difficulty on learning has been resolved through the provision of appropriate communication aids or medical intervention.
- ❑ The pupil's levels of attainment as measured by standardised tests of language and literacy is age appropriate.
- ❑ The child's hearing difficulty is no longer impeding social and emotional development.

Additional Factors Determining if a Statement Should Cease Multi-Sensory Impairment

As the needs of children with MSI are severe, complex and long term it is unlikely that their statements would cease while they are at school. Where either the provision of aids or medical intervention has resolved or improved areas of sensory deficit to such a degree that a child can no longer be considered to have MSI, his/her Statement would be amended accordingly.

Additional Factors Determining if a Statement Should Cease Physical Disability

- ❑ The child no longer requires daily adult supervision to fully participate in the curriculum.
- ❑ The child no longer requires substantial modification of the curriculum to participate fully.
- ❑ The child has no significant self-help difficulties that require more than provision normally available in the school.
- ❑ There are no access difficulties within the school.
- ❑ The child's inability to participate in school life is no longer a significant source of emotional and physical stress.
- ❑ The child no longer requires a programme of mobility or motor skills training.
- ❑ The medical condition has improved or has been managed to the extent that it no longer operates as a barrier to learning or poses a Health and Safety risk.
- ❑ Absence and hospitalisation are no longer issues that affect learning and achievement in school.