



## Guidance Notes for:

### Appendix B – Educational Advice

#### Background and purpose

These guidance notes are written for educational settings when making a request for a Statutory Needs Assessment or completing their Educational Advice as part of a Statutory Needs Assessment requested by the parents, young person or other professional. If the authority agrees to initiate a Statutory Needs Assessment the information contained within the Appendix B - Educational Advice will be used as the educational advice and will form an appendix to any EHC Plan that may be issued. This document has been designed as guidance for Education, Health & Care (EHC) Plans in Enfield. It is intended as a helpful guide based on our most frequently asked questions and sets out what belongs in each section in accordance with the legislation and framework as well as gives helpful information for completing educational advice. Please read this document carefully before completing the statutory needs assessment form

The local authority will require clear information to use as the basis for a decision about if a statutory needs assessment is required. The decision will take in to account:

- Evidence of *significant difficulties*
- All the evidence must combine to *demonstrate purposeful and relevant action* by the school(s) or settings over a sustained period.
- Evidence that the *resources required to meet need exceed those already available* through the local offer

#### Child or young person's details

Please check with your safeguarding lead if you are unsure of social care status.

#### Parental rights and responsibilities

For children born in England or Wales, if the parents of a child are married when the child is born, or if they've jointly adopted a child, both have parental responsibility. A mother automatically has parental responsibility for her child from birth. A father usually has parental responsibility if he's either:

- married to the child's mother
- listed on the birth certificate (after a certain date, depending on which part of the UK the child was born in)

Both parents keep parental responsibility if they later divorce.

If a child is born outside of England or Wales and comes to live in the UK, parental responsibility depends on the UK country they're now living in.

Same-sex partners will both have parental responsibility if they were civil partners at the time of the treatment, e.g. donor insemination or fertility treatment.

More information is available here for anyone outside of those circumstances:  
<https://www.gov.uk/parental-rights-responsibilities/who-has-parental-responsibility>

## Attendance data

Please ensure that we are including all periods of absence from education, even when they are outside of exclusions.

When giving information about any previous settings attended, this needs to be factual and not based on any opinion. Remember that this document will form an appendix to the EHCP and be shared with all on panel / consultations.

Movement from settings and across areas can be a safeguarding flag so if you are aware of multiple moves, please keep this in mind.

## Voice of the Young Person

Pupils over the age of 16 should be referred to as young people and not children.

For all young people, whether they have an education, health and care plan or not, the starting point must be their wishes and feelings. Where possible, we always try to ensure we have the voice of the young person. We want to know what they want to do in the future and how they want their education to look now. Where the voice of the young person cannot be obtained then we will try to obtain this with the help of an advocate or parent. Sometimes, young people may make unwise decisions and in this instance, it is not about making a judgement, it is about ensuring they have their voice heard. We can provide steer, support and signposting if needs be. But it is important to remember that they can make their own decisions as the young person is now an adult in the eyes of the law.

## Mental Capacity

From age 16, the Mental Capacity Act 2005 applies, and the young person's voice should be heard, providing they have capacity to make the specific decision under consideration. The Act makes it clear who can take decisions, in which situations, and how they should go about this. It enables people to plan for a time when they may lose capacity. Unless a Mental Capacity assessment has taken place to deem otherwise, we always assume a young person has capacity to make their own decisions, and therefore should be fully involved in all aspects of the process, from submitting their own requests for assessments to lodging their own appeals.

## Definitions of learning difficulties

The Special Educational Needs Code of Practice for children with SEND (2015) uses the terms:

- Profound and multiple learning difficulties,
- Severe learning difficulties,
- Moderate learning difficulties

The terms profound, severe and moderate make a distinction between different levels of need.

### **Profound and Multiple Learning Difficulties**

Children with profound and multiple learning difficulties (PMLD), can be some of the most disabled individuals in our communities. They have a profound intellectual disability, which means that their

intelligence quotient (IQ) is estimated to be under 20 and therefore they have severely limited understanding. In addition, they may have multiple disabilities, which can include impairments of vision, hearing and movement as well as other challenges such as epilepsy and autism. Most people in this group need support with mobility and many have complex health needs requiring extensive support. People with profound intellectual and multiple disabilities may have considerable difficulty communicating.

### **Severe Learning Difficulties**

Children with a severe learning difficulty often use basic words and gestures to communicate their needs. In the future, many will need a high level of support with everyday activities such as cooking, budgeting, cleaning and shopping, but many can look after some if not all their own personal care needs. Some people have additional medical needs and some need support with mobility issues.

### **Moderate Learning Difficulties**

Children with moderate learning difficulties are likely to have some language skills that mean they can communicate about their day to day needs and wishes. People may need some support with caring for themselves, but many will be able to carry out day to day tasks with support.

### **Specific Learning Difficulties**

This includes a range of conditions such as dyslexia and dyscalculia. Children or young people may experience co-existing conditions such as DCD (Developmental Co-ordination Disorder), DLD (Developmental Language Disorder), speech and language needs or autistic spectrum disorder.

## School, family and environmental, parents and carers and other relevant factors

You should complete these sections using safe and unemotive language. All adults supporting children and young people with an EHC Plan should have access to view it so we want to ensure that for safeguarding, the language does not put them at risk but that it still conveys their level of needs appropriately.

Enfield Children's Services produce a document called the '*Threshold Guidance – A guide for Multi Agency Partners*' that includes the '*London Continuum – Level of Need indicators*' that you may find useful to support you in completing these sections. A copy can be found here:

[https://enfield.proceduresonline.com/files/ch\\_thresh\\_guidance.pdf](https://enfield.proceduresonline.com/files/ch_thresh_guidance.pdf)

## Attainment data & assessments

In most cases, you should provide data from 3 periods of Assess, Plan, Do & Review. The length of these cycles will vary dependent on the pupil's needs and the interventions being put into place. If it is relevant to do so, you may include historic data whereby there has been a drastic change in needs that shows how progress may have changed, for example, following an Acquired Brain Injury. In all cases, the recent data should be included.

You may also choose to include other assessment data such as for spelling, CATS, Boxall profile, Welcomm (EYFS SLCN assessment), BPVS, SDQ, NFER, Strength and Difficulties Questionnaire (SDQ) or the Salford Reading Test.

With all Post-16 data, please provide data from the pupil's starting points and their progress against this.

## Special educational strengths & needs

When completing the 'What are you worried about? (Difficulties including how they impact on their everyday life)' section, you should make clear the significantly greater difficulties that this Child or Young Person has accessing a mainstream curriculum, than most others the same age.

Section 20 of the Children and Families Act states that "A child or young person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been spoken at home."

### **Communication and interaction**

This section is where children and young people have difficulty in communicating with others; because they have difficulty saying what they want to, understanding what is being said to them or they do not understand or use social rules of communication. They may have difficulty with one, some or all the different aspects of speech, language or social communication at different times of their lives. They may also experience difficulties with language, communication and imagination, which can impact on how they relate to others.

### **Cognition and learning**

Support for learning difficulties may be required when children and young people learn at a slower pace than their peers, even with appropriate differentiation. Learning difficulties cover a wide range of needs, including moderate learning difficulties (MLD), severe learning difficulties (SLD), where children are likely to need support in all areas of the curriculum and associated difficulties with mobility and communication, through to profound and multiple learning difficulties (PMLD), where children are likely to have severe and complex learning difficulties as well as a physical disability or sensory impairment. Specific learning difficulties (SpLD), affect one or more specific aspects of learning. This encompasses a range of conditions such as dyslexia, dyscalculia and dyspraxia.

### **Social, emotional and mental health difficulties**

This section is where children and young people experience social and emotional difficulties such as becoming withdrawn or isolated, displaying challenging, disruptive or disturbing behaviour. These behaviours may reflect underlying mental health difficulties such as anxiety or depression, self-harming, substance misuse, eating disorders or physical symptoms that are medically unexplained. Other children and young people may have disorders such as attention deficit disorder, attention deficit hyperactive disorder or attachment disorder.

The Department for Education publishes guidance on managing pupils' mental health and behaviour difficulties in schools –

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/755135/Mental\\_health\\_and\\_behaviour\\_in\\_schools\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/755135/Mental_health_and_behaviour_in_schools_.pdf)

### **Sensory and/or physical needs**

Some children and young people require special educational provision because they have a disability which prevents or hinders them from making use of the educational facilities generally provided. Those with vision impairment (VI), hearing impairment (HI) or a multi-sensory impairment (MSI) will require specialist support and/or equipment to access their learning, or habilitation support.

Some children and young people with a physical disability (PD) require additional ongoing support and equipment to access all the opportunities available to their peers.

## Using the SEN provision calculator

Please provide information on how you have spent your notional budget of £6,000, excluding routine staffing costs.

This section is landscape and is an embedded excel spreadsheet that will do some automatic calculations for you, using average mid-point rates to make it easier for you to calculate the current provision in place.

The lighter green sections are for you to free type and the darker green sections are for you to put in a number (ratio or total hours). You will also need to select the hourly rate in the second column based upon who is delivering it.

A table has been provided to help you calculate the decimal for time periods:

5 minutes	0.083 hours	35 minutes	0.583 hours
10 minutes	0.166 hours	40 minutes	0.666 hours
15 minutes	0.25 hours	45 minutes	0.75 hours
20 minutes	0.333 hours	50 minutes	0.833 hours
25 minutes	0.416 hours	55 minutes	0.916 hours
30 minutes	0.5 hours	1 hour	1.0 hours

An exemplar of the completed section is included here:

Recommended average hourly rates		SEN Provision Calculator					
Staff Member	Hourly Rate	Please provide information on how you have spent your notional budget of £6,000, excluding routine staffing costs. You may wish to liaise with your setting's business manager to complete this section, or enclose your own calculation.					
Blank	£0.00						
TA	£17.00						
HLTA	£18.00						
Pastoral	£29.00						
Class Teacher	£27.00						
Senco	£29.00						
EP	£83.00						
Miscellaneous	£0.00						

  

Intervention Specified in Section F (Free type)	Hourly Rate (select from drop down)	Adjustment for Ratio (1 adult to)	Per Session (auto calculates)	Frequency per week in Section F (Free type)	Total Weekly Hours	Weekly cost (auto calculates)	Annual cost (auto calculates for 39 weeks)
Circle of friends	£29.00	4	£7.25	Three times a week for 20 minutes at a time	1.00	£7.25	£282.75
Literacy group	£17.00	3	£5.67	Daily for 20 minutes	1.66	£9.41	£366.86
Maths group	£17.00	3	£5.67	Daily for 20 minutes	1.66	£9.41	£366.86
Reading	£17.00	1	£17.00	Three times a week for 10 minutes at a time	0.50	£8.50	£331.50
Pre-teaching	£17.00	1	£17.00	Daily for 20 minutes	1.66	£28.22	£1,100.58
Overlearning	£17.00	1	£17.00	Daily for 20 minutes	1.66	£28.22	£1,100.58
Playtime supervision	£17.00	2	£8.50	Daily for 20 minutes	1.66	£14.11	£550.29
Mealtime supervision (choking)	£17.00	1	£17.00	Daily for 30 minutes	2.50	£42.50	£1,657.50
Lunchtime play supervision	£17.00	1	£17.00	Daily for 30 minutes	2.50	£42.50	£1,657.50
	£0.00	1	£0.00		0.00	£0.00	£0.00
<b>Total Annual Interventions Cost</b>						<b>£7,414.42</b>	

If you are not comfortable to use it, you may wish to liaise with your setting's business manager to complete this section, or enclose your own calculation.

## Under the recommended outcomes: What are specialist resources?

This is specialist equipment that the child or young person will need that is over and above what is ordinarily available such as a braille, radio aid etc and not necessarily resources that are in your setting such as bean bags or ear defenders.

## Under the recommended outcomes: Job role of person delivering?

This is not the name of the person, but is the role that they hold for example teaching assistant or pastoral lead. If staff have had specialist training to deliver it, it can be included here but please ensure you only include the role of who is necessary, not just the role of the only person who is available to deliver it.

Training on specific approaches such as ELKLAN or team teach may already be noted further up in the document so do not need to be included here as it is about a specific intervention.

## Sending it back

The form can be sent via secure email to [EHCPRequests@enfield.gov.uk](mailto:EHCPRequests@enfield.gov.uk) using egress or any other secure emailing system. Please include 'request for statutory needs assessment' in the subject heading.

It is preferred that this is not posted as it can cause significant delays and risk that it goes missing, however, should you need to post this document, please contact SEN at 020 8379 5667 so that we can be aware you will be sending it.

Please do not email it directly to your Advisory Officer, we have set up a mailbox especially for requests to ensure they are properly logged and tracked.