

CEASE TO MAINTAIN CRITERIA

GENERAL INFORMATION ON CEASING TO MAINTAIN STATEMENTS

There should be no assumption that having awarded a Statement or EHC Plan the LA will maintain that Statement or Plan until it is no longer responsible for the child/young person. Statements should be maintained only when necessary for the child/young person to make adequate progress. A decision to cease to maintain a Statement or EHC Plan should be made only after careful consideration by the LA of all the circumstances and after close consultation with parents.

The LA may consider whether the following criteria apply when deciding if it is appropriate to cease to maintain a Statement:

- Have the objectives of the Statement/EHC Plan been met?
- Can the needs of the child/young person be met in future within the resources of a mainstream setting?
- Do the special educational needs of the child/young person no longer significantly impede access to the National Curriculum?
- Does the child/young person no longer require daily adult supervision or substantial adaptation of teaching materials to access the curriculum fully?
- Can the child/young person cope with everyday social interaction at school?
- Has the child/young person no significant self-help difficulties that require more provision than is normally available within the schools?

Once a decision is made to cease to maintain a Statement/EHC Plan, the LA must write to the child's parents to give notice of the decision. The parents must be informed of the right of appeal to the SEN Tribunal, along with and the time limits for lodging the appeal, the availability of parent partnership, information and advice and disagreement resolution services, and the fact that the parents' right of appeal cannot be affected by any disagreement resolution procedure. The LA must always explain the reasons for the decision and also ensure that parents have copies of any evidence that led to that decision. It is good practice to offer a meeting to explain the rationale for the decision and to discuss the provision the child or young person will receive once the Statement/EHC Plan has ceased.

Such a meeting should be held before the Statement or EHC Plan and its provisions actually cease. Provision must be maintained if parents lodge an appeal to the SEN Tribunal until after the Tribunal makes a decision.

Aspects of the Process

When considering whether a Statement or EHC Plan may cease to be maintained, it is appropriate not only to take account of specific criteria but also the continued processes of reviewing, monitoring and setting of specific programmes for the pupil.

COGNITION AND LEARNING**CRITERIA FOR CEASING TO MAINTAIN STATEMENTS AND EHC PLANS****Mild and Moderate Learning Difficulties**

Pupils with general difficulties experience significant problems across the majority of the curriculum. Their general level of development and academic attainment is significantly below that of their peers. They may also experience difficulties with speech and language, have poor social skills and may show signs of emotional and behavioural difficulties.

Severe or Profound Learning Difficulties

Pupils with severe, profound or multiple learning difficulties are often identified before they reach statutory school age. Evidence of their difficulties will already exist, as child health and social service teams will probably already know them.

Children/young people who demonstrate features of moderate, severe or profound learning difficulties require specific programmes to aid progress in cognition and learning.

Learning Difficulties

The LA's criteria for providing a Statement for children and young people with learning difficulties describe severity levels in terms of the degree to which the individual falls behind his/her age peers in general development and academic attainments.

The table below indicates typical attainment levels required across all three core subjects to meet the criteria to cease to maintain for each school year. These levels should be maintained for a period of time (at least two terms) with continued signs of progress.

NC year group	P Scale / NC level
Y1	P7
Y2	P8
Y3	1c
Y4	1b
Y5	1a
Y6	2b
Y7	2a
Y8	3b
Y9 plus	3a

Specific Learning Difficulties/Dyslexia (Literacy)

Pupils experiencing mild and moderate specific learning difficulties should have their needs identified and met within the resources normally available to schools - having taken advice from LA personnel - whilst those pupils with severe or complex specific learning difficulties may need additional or different provision within a mainstream school.

Only a small minority of those pupils experiencing specific learning difficulties will have problems of sufficient severity to meet LA criteria for receiving a Statement of SEN.

As noted in the definition, it would be anticipated that pupils may experience difficulties in:

- reading accuracy/fluency;
- spelling.

There may also be evidence of difficulties in:

- the development of phonological skills;
- reading comprehension;
- reading rate;
- writing rate;
- working memory;
- sequencing;
- word recall;
- motor difficulties.

Specific learning difficulties may coexist with other barriers to learning. It is recognised that an individual may have more than one difficulty. So, for example, pupils presenting behavioural or emotional difficulties may also experience specific learning difficulties.

Cease to maintain criteria for Specific Learning Difficulties/Dyslexia (Literacy)

Pupils are given Statements in relation to specific learning difficulties/dyslexia when it has been demonstrated that:

- they show serious, persistent underachievement in one or more aspect of literacy or numeracy compared to their performance in general;
- underachievement has persisted despite appropriate measures having been taken within school to alleviate the problem;
- the extent of a pupil's specific difficulty is sufficiently severe as to prevent access to the curriculum at an appropriate level.

When a pupil progresses to the point where either the underachievement is no longer apparent to the same degree or the extent of his/her difficulties is no longer sufficiently severe as to prevent appropriate access to the curriculum then it should not be necessary to maintain the Statement.

The same P Scale/National Curriculum Levels as are outlined in the table above in relation to learning difficulties, should also apply to specific learning difficulties. In such cases, however, the assessment levels would only apply to the specific area of need, eg SpLD (Lit.), SpLD (Num.).

Social, Emotional and Mental Health

<p>Criteria It is only those young people with long term significant problems that will require an assessment based on:</p> <ul style="list-style-type: none">➤ persistence over time;➤ intensity/severity;➤ duration;➤ frequency;➤ perceptions of degree of inappropriateness. <p>Specific Criteria for Additional Resources/Statutory Assessment</p> <p>When their difficulties are to be defined as a special educational need, children often present particular problems of assessment in the absence of well-standardised, norm-referenced assessment procedures. It is essential therefore that there are common pathways for the assessment of emotional and behavioural difficulties so that the appropriate interventions and resources are identified and used effectively.</p>	<p style="text-align: center;">Cease to maintain criteria Social, Emotional and Mental Health</p> <p>A pupil's Statement may cease to be maintained if <i>the pupil's behaviour has reduced in severity to such an extent that it is no longer significantly impeding his/her ability to access the curriculum, or significantly impeding the access of others to the curriculum.</i></p> <p>Descriptive Features</p> <p>In order for a decision to be made to cease to maintain a Statement there has to have been a change/improvement in the pupil's behaviour and/or emotional state. This may manifest itself in the following behaviours:</p> <ul style="list-style-type: none">➤ reduced restlessness/hyperactivity/continual interruption;➤ improved concentration and less distractibility;➤ greater ability to remain seated for longer periods when appropriate;➤ a decrease in shouting or calling out inappropriately;➤ greater willingness to work with others in supervised situations;➤ increased ability to be with and relate to others in informal situations as demonstrated in the ability to sustain friendships and resolve conflict through discussion rather than verbal or physical aggression;➤ increased ability to contribute to class discussions, state an opinion with confidence and respond appropriately to the contributions of others;➤ increased capacity to accept direction, to co-operate and to observe rules;➤ increased ability to cope with constructive criticism;➤ improved respect for appropriate social boundaries in terms of relationships, aggression and sexual behaviour;➤ greater respect for property, eg people's possessions and the fabric of school buildings;➤ improved emotional stability in terms of a reduction in depressive symptoms/anxiety/mood swings/obsessive behaviour such that the presenting problem no longer forms a barrier to learning;➤ reduced instances of self-harming behaviours such as self mutilation, substance abuse, head banging and other habit disorders;➤ improved self-esteem. <p>The child/young person may show evidence of improved attainment and be more attuned to the school environment.</p>
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Where previous behaviour difficulties have caused problems in a variety of situations and with a number of different staff, there should be evidence of a general improvement in all areas. Background factors such as bullying at school, neglect, abuse or other major difficulties at home should have been effectively dealt with so as not to present a barrier to learning or to sustained progress.

It is important to note that a degree of misbehaviour is to be an expected part of normal child development and that when considering ceasing to maintain a Statement the pupil's behaviour should be placed in the context of what is normally expected of his/her peers. The pupil does not have to achieve perfection in order to meet criteria for ceasing to maintain.

Severity Criteria

When considering applying for the removal of a Statement the reduced severity of the behaviours described will need to be judged against:

- the degree of inappropriateness taking into account the age of the pupil and the context in which the behaviour occurs;
- the frequency of the behaviour;
- the intensity of the behaviour;
- the duration of the behaviour;
- its persistence over time;
- the degree of predictability;
- the appropriateness of intervention/support programmes.

Sensory and/or Physical Difficulties

Hearing Difficulties

The extent to which a mild loss is significant will depend not only on acoustic factors but also on the child's coping skills and abilities and the learning environment in which the child finds him/herself. This is also true of losses affecting one ear only. If the child/young person can access the curriculum with an appropriate acoustic environment within the classroom then Statutory Assessment should not be necessary.

Visual Difficulties

Some pupils with a visual acuity better than 6/18 may have a visual field loss that would also cause them to be recognised as visually impaired.

The levels, however, will only indicate a need for a request for Statutory Assessment to be made following appropriate support and adaptations which have been tried and have not led to significant progress.

For youngsters with sudden loss it may be appropriate to request Statutory Assessment at an earlier stage.

Cease to maintain Hearing Difficulties

Criteria for ceasing to maintain a Statement for hearing impairments are:

- that there is no longer any evidence of a marked discrepancy between the attainments of the child/young person in core subjects of the Foundation or National Curriculum and the attainments of the majority of pupils of the same age;
- that any remaining, or residual, hearing impairments do not significantly impair social, emotional or behavioural development;
- that the child/young person has access to more than 63% of speech sounds in ideal listening conditions with appropriately fitted hearing aids where recommended, or to function as if this is the case.

Cease to maintain criteria Visual Difficulties

The criteria for ceasing to maintain Statements for visual impairments are:

- that there is no longer any evidence of a marked discrepancy between the attainments of the child/young person in core subjects of the Foundation or National Curriculum and the attainments of the majority of pupils of the same age;
- that any remaining, or residual, visual impairments do not significantly impair social, emotional or behavioural development;
- that the visual acuity of the child/young person is now better than 6/18 and there is no evidence that their field of vision is significantly restricted;
- that review findings indicate that the child/young person is now able to learn effectively through visual methods, or to function as if this is the case.

Physical Difficulties

Children/young people may be classified as disabled but not all disabled children/young people will have SEN, and not all children/young people classified as having SEN will be disabled. However, there is a significant overlap between the two categories. Short-term medical and physical needs may be met by provision other than Statutory Assessment. Others, caused for instance by sudden onset, may require provision whilst the young person is being assessed.

Cease to maintain criteria Physical Difficulties

The Statement may cease to be maintained when physical difficulties are resolved to the extent that:

- the child/young person has no difficulty in accessing the areas of the school/setting necessary for them to participate fully in the curriculum;
- the child/young person no longer requires daily adult supervision and/or substantial adaptation of teaching approaches/materials to participate fully in the curriculum;
- the inability of the child/young person to participate fully in school life is no longer a significant source of emotional and/or physical stress;
- the child/young person has no significant self-help difficulties that require more than normally available adult supervision and support;
- the academic attainment levels of the child/young person, particularly in respect of literacy skills, fall within the normally expected range for age and ability.

Communication and Interaction

Communication and Interaction Difficulties

The term communication and interaction impairment covers a wide range of difficulties. The definitions below are for broad guidance to practitioners in their compiling requests for Statutory Assessments and for reference in deciding whether Statutory Assessment is appropriate.

When describing the child's functioning reference should be made to:

- Birth-3 Framework
- Curriculum Guidance for the Foundation Stage
- 'P' Levels
- National Curriculum Levels

Developmental Language Delay

This describes a delay in one or more aspects of a child's language development; once language has developed, it does so in the normal pattern and sequence.

Developmental Language Disorder

This refers to language development, which is delayed, unusual or interferes with the child's ability to communicate and to learn. It is a general term; there are different elements to language learning and, therefore, different areas of potential impairment.

Phonological/Severe Pronunciation Problems

Impaired intelligibility is one of the most common communication and interaction difficulties. Although most phonological difficulties appear to be resolved by the end of the first year in school, impaired phonological awareness underlies problems with the acquisition of literacy skills. For some pupils, dyspraxia may be a feature.

Cease to maintain criteria

Speech and Language Difficulties

There must be clear and recorded evidence that the pupil's speech or language impairment no longer impairs his/her progress in the curriculum, ability to take part in classroom activities and participation in all aspects of school life. Indicators of this may include evidence that:

- any discrepancy between National Curriculum Levels in Speaking and Listening and those in other aspects of English and other core subjects is no greater than one level (or two levels for key stages 3 and 4);
- there is no longer a major (ie statistically significant) discrepancy between the pupil's general level of non-verbal cognitive functioning and that found in language abilities;
- any remaining or residual speech and language difficulties do not significantly impair social, emotional or behavioural development;
- intervention programmes have been shown to be effective.

Criteria relating to specific types of speech and language problems are included below:

Phonological/Articulatory Difficulties

The pupil's phonological skills are at an adequate level to allow him/her to access all areas of school life. Any remaining or residual difficulties should not significantly impair social, emotional or behavioural development.

<p>Expressive Language Expressive language means the language children use to express themselves and includes their ability to use an appropriate vocabulary, find word labels for objects, structure sentences grammatically and convey meanings to others.</p>	<p>Expressive Language Difficulties The pupil's expressive language skills are at an adequate level to allow him/her to access all areas of school life. The pupil should be able to express his/her feelings and ideas. Any residual grammatical difficulties should not significantly impair the pupil's ability to communicate. There should be evidence that strategies are being used, by the pupil, to overcome any residual expressive language difficulties such as word finding, word order or restricted vocabulary.</p>
<p>Receptive Language/Language Comprehension Language comprehension means the child's understanding of the language he or she hears and includes his or her ability to understand vocabulary, obtain meaning from the way that sentences are structured (the grammar of the language) and understand the messages that are being conveyed.</p>	<p>Receptive Language Difficulties The pupil's receptive language skills are at an adequate level to allow him/her to access all areas of school life. There should be evidence that strategies are used, by the pupil, to overcome any residual difficulties in understanding spoken language, for example, difficulties in understanding abstract concepts or ambiguities.</p>
<p>Social Communication/Semantics and Pragmatics Semantics refers to interpreting the meaning of ideas and the communication context in which the child is functioning. It is about 'knowing what is being talked about'. Pragmatics refers to understanding the social uses to which language is put, being able to use language in different ways on different occasions and having an appropriate sense of audience. Apparent semantic-pragmatic disorder may result from specific difficulties with development of language, or be an indication of a more pervasive disorder.</p>	<p>Social Communication Difficulties The pupil's communication difficulties are at an adequate level to allow him/her to access all areas of school life. The pupil should be able to communicate with other pupils and adults within his/her school environment. Any residual difficulties, such as turn-taking, topic choice and maintenance, and semantic confusions should be well understood and strategies used to maximise the pupil's communication skills.</p>
<p>Autistic Spectrum Disorder (ASD) The autistic spectrum is seen to consist of a range of conditions such as classical autism and Asperger's syndrome. Children/young people with an ASD are often identified by the time they are 3 years old and a diagnosis of autism is likely to be made before the age of 5. The SEN Code of Practice stresses the importance of early identification, assessment and early</p>	<p>Autism Spectrum Difficulties Most children and young people who have Statements for autistic spectrum impairments will have problems at the severe end of the spectrum. Such individuals will generally have serious developmental problems affecting educational and social functioning together with severe communication difficulties and will require a continuing high level of support to function satisfactorily. However, there are groups of high functioning individuals with autism and Asperger's Syndrome whose</p>

intervention. It is considered good practice for children/young people to undergo a multi-agency assessment leading to a diagnosis.

This section sets out processes for addressing the needs of children/young people with an ASD. It must be recognised that many children/young people with an ASD have these needs compounded by other learning difficulties.

Autism

ASDs represent a wide range of learning needs, many of which can be addressed without the need for Statutory Assessment.

The main features of an ASD are:

- impairments in social understanding
- impairments in social communication
- impairments in flexibility of thought
- difficulties in sensory integration

- and other associated psychological operations.

levels of difficulty may not require a Statement throughout their school life.

In these cases a decision to cease to maintain a Statement will depend in a general sense on the individual *having achieved independence in an accepting and understanding his/her environment.*

Specifically the following criteria should be met:

- the child/young person's ability to make relationships with other people, to behave appropriately in social situations and to understand other points of view falls within acceptable limits in normal contexts;
- the child/young person's use and understanding of complex and inferential language - including that involving metaphor and ambiguity - is not longer so impaired as to interfere with normal social and educational functioning;
- the rigidity and inflexibility typified by obsessional interests, insistence on sameness and intolerance of change is sufficiently under control for the child/young person to cope with the variability of life in school without major upset.

All children/young people who fall within the autistic spectrum, and whose Statements cease to be maintained, may still need support within school in the form of, for example, an IEP, or its equivalent, offering differentiated access to the curriculum, a holistic and informed approach to their continuing idiosyncrasy and social naivety, and specific pastoral support. Periodic review of progress and of the decision to cease to maintain a Statement is particularly relevant in such instances in that any major changes in social and educational context, together with developmental changes as occur in adolescence, for example, may precipitate crises.