

SEN Census Guidance - FAQ Document – October 2023

1. **Could you repeat for MLD - was it under 70 on standardised scores?**

Pupils with a moderate learning *disability* will have attainments significantly below expected levels in all core areas of the curriculum, despite appropriate interventions (for example 3-4 years below in Years 5 upwards). Their needs will not be able to be met by normal differentiation and the flexibilities of the curriculum. There is an expectation that a cognitive assessment by an EP will have been carried out and that, alongside the school data, the CYP's profile of results from standardised assessments, will generally include standard scores of 70 or below in several areas – across both the CYP's cognitive and attainment profiles.

The SEN Census refers to moderate learning *difficulty* (MLD) rather than disability and the following information relates to this. Pupils will have a learning profile showing attainments well below expected levels in all or most areas of the curriculum, despite appropriate interventions and high quality teaching. They will have much greater difficulty than their peers in acquiring basic literacy and numeracy skills and in understanding concepts. They may also have associated speech and language delay, low self-esteem, low levels of concentration and underdeveloped social skills. It is important to appreciate that low attendance may impact on progress and this is not a SEN, although it may be indicative of unmet needs.

The school environment/curriculum can present a range of barriers to participation and learning for pupils with MLD. The SEN Code of Practice says that pupils who demonstrate features of MLD, require specific programmes to aid progress in cognition and learning. In particular, pupils with MLD may need support with: understanding instructions and the requirements of tasks " acquiring sequencing skills – for example, when following a recipe or science experiment " understanding how they affect and relate to their immediate surroundings " personal organisation over the short, medium and long term, and " visual and auditory memory for information, processes and instructions. "

Careful assessment of baselines and monitoring of progress will help ensure that their progress can be recognised and built upon.

MLD is not a catch all for children whose needs are not yet understood. The graduated approach should identify the needs of children and what interventions will be most supportive. Settings should seek to understand the needs of children on SEN Support to ensure that the interventions implemented are suited to their SEN. If the setting is unable to identify the primary need then external support should be sought to ensure that the setting is targeting support in the right area.

It should be noted that the average range is broad and there will always be a significant number of children who are working below the mid average range, who do not necessarily have a SEN.

2. **So, if you have a child who is behind in all areas but not 3 to 4 years behind (or only staying on track with additional to and different from provision), what do we record them as? Currently we have put them as moderate learning as nothing else fits.**

As an example, If a child in Year 5 is working around 2 years below ARE across the curriculum and needs support above and beyond what is usually provided in lessons, does this mean they should not be on the register as they do not meet the criteria for MLD on the census?

The CoP tells us that 'a pupil has SEN where their learning difficulty or disability calls for special educational provision, namely provision different from or additional to that normally available to pupils of the same age.' It's important to remember, however, that High Quality teaching includes a high level of differentiation and that there are groups of pupils who require different or additional special education provision who do not necessarily have SEN. These may include those receiving pupil premium, children with English as an additional language, looked after and previously looked after children, pupils open to social care and students with disabilities and medical needs. An intervention may be part of the support you provide to a child on the SEN register, but the fact they are receiving intervention support is not a reason to place them on the register.

The CoP is clear that 'slow progress and low attainment do not necessarily mean that a child has SEN'. So, not achieving age-related expectations should not automatically lead to placement on the SEN register. This would undermine the importance of differentiation as integral to outstanding teaching.

Settings need to consider the reasons for underachievement and respond to them, but SEN is only one possible reason.

3. If a Y5 pupil is working about 2 years below peers, do we assume that they should not be on SEN register, but if they were 3+ years behind they would?

Please see response above. CYP should only be placed on the SEN register if they are having provision that is different from or additional to that normally available to pupils of the same age.

4. SpLD would this be children who are screened by STT 'At Risk'? We can't always afford to have full Dyslexic report on every child who is at risk? Would they go down as SpLD still?

Yes, they would go down as SpLD: As a Local Authority, we have made the decision that SpLD does not have to be formally diagnosed for the purpose of the SEN Census Primary Area of Need. There is no requirement for a pupil to have a specialist assessment to be recorded in the main SEN types. However, you would obviously not be able to specify what that Specific Learning Difficulty is without a specialist assessment. This will be helpful for those cases where you have perhaps had a core assessment from STT and the ST has stated in their conclusion that should concerns persist after a period of well-founded intervention, they would be happy to carry out further assessment in order to determine whether there is a specific reason for the C/YP's difficulties. It may be that the ST has recommended a referral to the Visual Processing Clinic before any further assessment can be carried out and you may be waiting for the child to be seen. It would be expected that you would be putting in place the well-founded recommendations that have been recommended and that progress would be being closely monitored so that if concerns persist, further assessment can be carried out – at which point you may be able to categorize further to say that the C/YP has a formal diagnosis of dyslexia or dyscalculia.

5. Where do the children sit who the STT says Dyslexic tendencies or at risk of? Not actually told they have a SpLD

See above

6. Previous advice from local authority was not to have anyone coded as NSA which over inflated MLD. Are the local authority happy to have schools use NSA now if assessments are yet to happen or be concluded.

The graduated approach to SEN should identify a primary need. NSA should only be used in rare circumstances where a pupil is placed on SEN support (Code 'K'), but the school is still assessing what the primary need is. This might occur, for example, where a child on SEN support has transferred into the school shortly before school census day. The school should reach a view on the primary need of a child based on a range of information including school assessment, external assessment/advice, learning profile, diagnoses, general development, standards of teaching, the success of targeted interventions, VSEND tool and Inclusion Toolkit, differentiation, frequent review of progress, dynamic approach to interventions, and classroom observations.

7. I put NSA when in process of paediatrics assessment, but without confirmed diagnosis.

Please see above.

8. Can we record as ASD without a diagnosis? Or would you put Speech and Language if no diagnosis?

No: there must be a medical diagnosis of ASD in order to record that as the Primary need. Speech, Language and Communication needs should be recorded if there is no formal diagnosis but the likely diagnosis of ASD is the presenting primary need.

9. We've been told before not to use 'other'?

This category **must not** be used when the pupil has an Education, Health and Care (EHC) plan. The 'Other' category can only be used for pupils at *SEN Support* for very unusual special educational needs that are substantially different from any of the types of needs described.

With ongoing assessment as part of the graduated approach and the assess, plan, do, review cycles that should be taking place, it is expected that schools should very rarely have to use this category. It must also only be used temporarily (maximum of a 12 month period) as robust assessment should take place to identify the primary need in a timely way.

10. There needs to be an additional category if MLD cannot be used.

The categories were specified by the DfE and we cannot change them.

11. ADHD has always gone down on our census as SEMH? This is confusing as you are saying SpLD?

ADHD has features relating to both mental health and specific learning difficulties. It frequently results in learning challenges for the individuals concerned, with a measurable impact on educational and occupational outcomes. Given its impact on learning and education, ADHD can be conceptualised as a specific learning difficulty. However, learning difficulties reflect only one aspect of ADHD, which include a wider range of psychosocial (e.g. occupational failure, behavioural problems, driving accidents) and mental health problems

(e.g. sleep difficulties, low self-esteem, emotional instability, development of comorbid anxiety/depression). ADHD can be a primary need within either category of Cognition and Learning or Social, Emotional, and Mental Health, depending on the presentation of the child.

12. We have children with a diagnosis of ASD but they are not on the SEND register. Do we still need to specify this as SEN on census?

The needs of many children with a diagnosis of ASD, dyslexia or ADHD can and should be met through High Quality Teaching. The definition of SEN should be needs-led and based on providing provision to meet children's needs and if this can be done without additional SEN provision, there's no need for a child to be on the SEN register. Some schools choose to have a "watch register" or a form of secondary needs awareness list for such pupils but this is not a requirement.

13. Please could you clarify ADHD not on the register as well managed also? Are they N?

See above

14. I thought N was acknowledging SEND but with No Provision. Eg Epilepsy managed by medication, therefore no SEND provision required.

All pupils without SEN must be recorded as N – no special education need or disability. Schools are expected to have policies for supporting pupils with medical conditions. The policy should:

- recognise that medical conditions can be life threatening;
- understand the impact it can have on a child's ability to learn; and
- make clear that every child with a medical condition is different and should be treated as an individual.

Many schools have a medical register in order to facilitate the review of any support that is offered to such children.

15. Global Developmental Delay is stated on Community Paediatric report - is this MLD?

No – a medical professional cannot diagnose Moderate Learning Difficulties.

16. What about if you have had a specialist assessment for pupils significantly below but MLD isn't specifically diagnosed in the assessment?

Discuss the profile with the specialist assessor and ask for clarification.

17. How can schools afford all the assessments when you have so many children presenting when there is no money in the budget?

There is no requirement for a pupil to have a specialist assessment to be recorded in the main SEN types. The school is, however, expected to identify a CYP's presenting needs and put in place appropriate support to address these.

18. If we are saying the area of need is cognition and learning - which category do we use in census?

The following 4 categories come under the broad area of Cognition and Learning:

- Specific learning Difficulty (SpLD)
- Moderate Learning Difficulty (MLD)
- Severe Learning Difficulty (SLD)

- Profound and Multiple Learning Difficulty (PMLD)

19. Could we have a 'school defined need' - as we do for Free School Meals? We certainly can't afford STT and EP assessments for all pupils with needs.

No: There is no requirement for a pupil to have a specialist assessment to be recorded in the main SEN types. The school is, however, expected to identify a CYP's presenting needs from the categories set by the DfE and put in place appropriate support to address these.

20. Do parents need to consent to a child being on SEN Support.

No, but they do need to be informed.

21. If we put a child on VSEND then is this automatically classed as on the send register? we have many children for whom we are starting the process of individual targets and paediatrician referrals, is it ok for them to be on the send register without diagnosis? Refer to code of practice, child has SEN if they require support outside of QFT and reasonable adjustments

A child does not have to be on the SEN register if VSEND is being used as VSEND can be a useful tool to determine whether a child has a SEN, or to identify suitable interventions within the setting's universal provision.

22. What if STT reports do not specify that a child has MLD - they tend to outline their strengths and areas to develop but do not say what code we should use on census?

STT have not in the past specified whether a child has MLD in their reports. Often, the standardised assessments in a core assessment may not be enough to make that judgement so it is important to have a discussion with your ST if you consider Cognition and Learning to be the Broad Area of Need so that they can take into consideration the background information about the child and consider the school data in conjunction with their assessment results.

23. Maybe STT could help by giving a code for schools to use if relevant?

Based on all the information you have, STT will be happy to discuss with you certain children they have assessed however the decision needs to come from the setting.

24. I am now confused, a student who is above 70 SS and there is no diagnosis, would not be marked as SEND? I may have missed a bit of your presentation.

Not unless they need support.

25. Our children are only 2/3 yrs old so we are at the start of their assessment journey, most of them therefore have no specialist assessment yet.

Please refer to the Early Years part of the Census Guidance page 4; only N,E, and K are reported.