

# Reflections on the review of assessment for pupils working below the standard of national curriculum tests (The Rochford Review) with particular regard to pupils with special educational needs and disabilities

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## Introduction

In 2014 The Commission for Assessment without Levels (CAWL 2015) began a major review of statutory assessment arrangements for pupils in England. The subsequent report contained a number of negative observations about the relative value of assessing pupils by reference to national curriculum levels. Of particular interest was the comment, “Too often levels became viewed as thresholds and teaching became focused on getting pupils across the next threshold instead of ensuring they were secure in the knowledge and understanding defined in the programmes of study.” In response to these findings, the CAWL report supported the removal of national curriculum attainment levels. The report also questioned the validity of continuing to statutorily assess low attaining pupils by reference to the P Scale levels, extending the rationale used above by adding the comment, “Assessing pupils with complex needs and those with very low attainment can be more complicated than assessing other pupils and implementing the principles of assessment may sometimes need to be approached differently”. The CAWL report suggested that to continue the P level approach was likely to reinforce what the report described as school based “myths” associated with the inflated value which schools mistakenly believe Ofsted inspectors place upon P level progression data when they judge a school’s rigour in carrying out pupil assessment and the relative overall standard of pupil progress.

In September 2015, prompted in part by the findings of the CAWL review, the Department for Education (DfE) instructed the Standards and Testing Agency (STA) to commission a more in depth review of pupils working below the standard of national curriculum tests. This has since become known as The Rochford Review. Included in its terms of reference were specific requirements for the group to review the statutory assessment of pupils with special educational needs and disabilities (SEND) and make recommendations about:

- How P scales fit with the wider approach to assessment and whether they need to be revised;
- How proposed solutions might recognise achievement and progress made by all pupils;
- How any proposed solutions might support the ambitions of the most recent SEND reforms;
- How any proposed solution(s) might assist with school inspection and improving accountability for SEND provision;

Also, to:

- Consider what might be the wider implications for professional development requirements in the implementation of any proposed solutions.

Of particular importance were requests that the Rochford Review consider whether P levels remained fit for purpose and, should the review make recommendations to improve current statutory assessment arrangements, how any proposed solutions would support the ambitions of other SEND related assessment procedures such as those required by the SEND Code of Practice (2014) and The Children and Families Act (2014).

This paper does not seek to provide direct comment on the circumstances of disadvantaged pupils, or in any particular way about pupils working at entry levels to the standard of national curriculum tests. Instead, it has as its focus the statutory assessment of pupils who have severe learning difficulties (SLD), profound and multiple learning difficulties (PMLD) and complex learning difficulties

and disabilities (CLDD). The bulleted selections taken from the Rochford Review terms of reference, copied above, have been used to help provide a coherent structure to the paper as a whole.

### **How P scales fit with the wider approach to assessment and whether they need to be revised**

Both the Code of Practice and the Children and Families Act came into force considerably after the requirement for schools to statutorily assess pupils by reference to P levels. It is important to remember that when these additional demands were placed on schools, little guidance was offered about how to reconcile the different types of statutory assessment being requested on behalf of pupils with SEND. The most recent requirements demand a much broader approach to statutory assessment over that which could ever be facilitated whilst the emphasis on P level assessment remains so dominant. For example, the new legislation says assessment should:

- Be used diagnostically and build in a 'graduated approach' (ie., Assess, Plan, Do, Review);
- Be holistic and assess pupil progress in the wider areas of need;
- Consider progress relative to starting points alongside the nature of pupils' learning difficulties;
- Contribute to the early and accurate identification of pupils' special educational needs and any requirements for support and intervention.

As well as requiring a much broader holistic approach to the statutory assessment of pupils with SEND, these prompts also highlighted the need for schools to combine summative and formative assessment approaches in order to identify and intervene in areas of learning difficulty as early and as effectively as possible. Despite such lucid prompts, some schools have continued to maintain their focus on the production of summative P level data in narrow areas of learning. This is despite many parents/carers of children with SLD, PMLD and CLDD often claiming they find such software generated reports undecipherable and meaningless. In 2016 the DfE consulted with parents and carers about the statutory assessment of pupils with SEND and whether P levels remained fit for purpose. Over 90% of parents or carers replied saying that it was more important for them to hear reports about how well their children were making progress in relation to their own needs rather than how they were performing in the P levels.

The shortcomings of the P level approach and the aforementioned Ofsted related "myth" about the relative importance of P level data, appear to have combined to inhibit the extent to which some schools have been able or willing to develop the kind of holistic assessment approaches required by the introduction of Education, Health and Care planning (EHC plans) which are at the heart of the new legislation. There is also an argument that over emphasis on P level assessment has unintentionally undermined teacher effectiveness, in some cases actually inhibiting the intellectual progress which pupils with SEND are able to make. For example, the CAWL report criticised the overemphasis placed by some schools on the need to 'push' pupils up through hierarchical national curriculum levels, stating that, "Depth and breadth of understanding were sometimes sacrificed in favour of pace". No doubt this is why the terms of reference for the Rochford Review included requests to consider whether P levels remained fit for purpose and how any revisions to statutory assessment might better support the ambitions of the most recent SEND reforms.

The national curriculum and its framework of statutory assessment were hailed as important steps forward in assuring equality of educational opportunity on behalf of disadvantaged pupils and those with SEND. The very notion of a national framework suggested that educational provision would become more inclusive as a result. This view probably inadvertently also helped propagate the Centre for Studies in Inclusive Education's proclamation that the provision of special education somehow violated a child's basic human rights and was disrespectful <http://www.csie.org.uk/>. Motivated by notions of equality and inclusivity, P level assessment was made statutory and repeated attempts were then made via publications such as the QCDA's 'Progression Guidance'

(2011) to prescribe national rates of progress which the authorities believed pupils with SEND ought to be attaining within the P levels, regardless of the nature of an individual pupil's difficulties. The Rochford Review spent a considerable amount of time debating what the terms 'equal opportunity' and 'inclusivity' actually mean in respect of the circumstances of the most disadvantaged and profoundly disabled pupils. The group came to the conclusion that ensuring everything is the same in statutory assessment does not mean such an approach is inclusive or is able to provide equal insight into the standards of learning being attained by all pupils. Instead, the review agreed that sometimes approaches to statutory assessment have to be varied in order to provide equal insight into the standards being attained by the most disadvantaged pupils and those with SEND. Members of the Rochford Review advocated that celebrating and empowering diversity would facilitate greater equality of opportunity for the lowest attaining pupils and a more tangible sense of inclusivity within statutory assessment.

Following the introduction of the new national curriculum in 2014 the statutory assessment of pupils at key stages 1 & 2 has continued to be very much subject based. The old national curriculum levels have gone, but in their place each key stage now has a set of standards in English and mathematics which pupils are expected to have mastered by the time they reach the end of each key stage. Traditionally, the concepts and skills inherent within P levels 5-8 have been regarded as representing the first stages in cognitive processing which equate to subject specific learning. As a consequence, the Rochford Review report recommended that pupils working at subject specific P levels of learning should have equal opportunity to be statutorily assessed in much the same way as all other pupils. However, because the new standards for English and mathematics were set above the level of P8, the report also needed to recommend that a small number of additional standards be added to extend the range of pupils who could in theory, be included in statutory testing. The report was cautious, however, in making this recommendation (particularly for pupils with English as an Additional Language) adding that participation in statutory tests should only occur when pupils working at P5-8 have been deemed ready to participate in statutory assessment and only in ways that respect a pupil's individual learning style, i.e., schools may choose whether, when and how to enter an individual pupil for statutory testing or whether to disapply a pupil from tests.

The principle of not entering a pupil for tests until s/he is deemed ready from an academic, linguistic and/or emotional perspective must be considered for pupils throughout their school careers. Although it is unstated, it can be assumed that the relevance of accessing pupils to age related key stage tests later in a pupil's school career actually diminishes as other measures of pupil progress gain priority. Regardless of the key stage a pupil has reached chronologically, a school will need to make its own judgements about when and whether to enter a pupil to statutory tests. If the decision is not to enter a pupil, then the school will need to have sufficient evidence with which to justify its decision and demonstrate what in-school assessment data it has used to inform that decision. For pupils with SEND, such evidence should include findings from diagnostic and formative assessments undertaken in EHC areas of need in order to demonstrate that the school is making every effort to minimise the negative impact of learning barriers on a pupil's academic progress.

Even with modifications to the national framework for statutory assessment, there will always remain a small number of pupils for whom statutory testing will continue to be irrelevant, most likely for the whole of their school careers. These pupils are identified as being the most disadvantaged pupils and, particularly, pupils with PMLD and CLDD working at P levels 1-4 which academically is considered to be below the level of subject specific learning. From the outset of the P levels, assessment criteria at P1-3 have been graded as generic across all subjects because the learning matter equates to the very earliest stages of child development which children have to become competent in before they are ready cognitively to access subject specific knowledge. However, despite the generic categorisation of P1-3 assessment criteria, some schools have

continued to report the progress of pupils working at these levels by reference to individual subjects in preference to reporting progress in the earliest stages of child development. The challenge of how best to statutorily assess pupils who are working below subject specific learning was well highlighted in the interim report of The Rochford Review, but the interim report also included unanswered questions about how the achievement of pupils working below the level of subject specific knowledge could be assessed within an inclusive approach, whilst still supporting the ambitions of the latest SEND related legislation. Such questions were, however, answered in the final report of the Rochford Review.

### **How proposed solutions might recognise achievement and progress made by all pupils**

The national curriculum and its framework of statutory assessment have traditionally been based on interpretations of equality and inclusivity, requiring both curriculum and assessment methodology to be broadly the same for all pupils. However, simply treating all pupils equally has not guaranteed that statutory assessment has been fair, nor has it provided meaningful insight into the standards being achieved by the most disadvantaged pupils, especially those with PMLD and CLDD. Sometimes equality requires that curriculum content and assessment approaches have to be varied, particularly for pupils working below subject specific knowledge and understanding. For a generation of pupils the DfE definition of PMLD has included the statement, “Their attainments are likely to remain in the early P scale range (P1-P4) throughout their school careers”, demonstrating there has always been official recognition that these pupils are very unlikely to make linear progress. Inevitably this definition has resulted in ambiguity in the way practitioners view the relative value and inclusivity of the linear aligned P level approach. The Rochford Review discussed this anomaly and agreed to modify statutory assessment approaches to make them more meaningful and inclusive of the lowest attaining pupils. This was in keeping with the CAWL view that the principles of assessment may sometimes need to be approached differently for pupils with SEND. If the narrow focus on the statutory assessment of English and mathematics is temporarily put to one side, there remains an aspect of learning that is truly inclusive of all pupils and which can be assessed in a fair and meaningful way. This common aspect of learning is the extent to which pupils are actively engaged within the process of learning.

When used in this context, engagement represents variations in attention, interest and involvement which pupils demonstrate when they participate in new learning, enabling them to progress towards mastery in their acquisition of new knowledge and ultimately able to generalise new learning and apply it in practical ways. Engagement is a crucial aspect of learning, common to all pupils as confirmed by Hargreaves in 2004 who commented that, “Without engagement, there is no deep learning”. Engagement is fundamental to the process of learning for all pupils regardless of individual academic ability. Research undertaken by Iovannone et al (2003) had previously found that, “Engagement is the single best predictor of successful learning for children with learning disabilities”. Because engagement is central to how pupils of all abilities learn, measuring the different ways and extent to which pupils engage in learning can readily provide an inclusive approach to statutory assessment that is particularly relevant to the lowest attaining pupils.

Statutory assessment has a specific focus on English and mathematics in which the standard of a pupil’s cognition within these subjects is tested, but it needs to be remembered that cognition is always dependent on a pupil being able to engage in the learning process itself. Assessing the different ways in which pupils are known to engage in learning can provide a measurable guide to the likelihood of pupils acquiring new knowledge. Assessing how well pupils are engaged in learning provides a uniquely sharp focus on cognition. This is not only compatible with the assessment of pupils working at subject specific levels, but also provides a measure of whether the lowest attaining pupils are acquiring the prerequisite knowledge with which they may eventually progress to subject specific learning.

Research into engagement has been underway on an international scale since at least 2003 and various different aspects of engagement have been consistently identified. For example, in 2006 The Welsh Assembly Government published their well respected “Routes to Learning” in which a number of “indicators” of learning were described and the SSTA research project, “Complex Learning Difficulties & Disabilities” (2011) noted seven aspects of engagement within the teaching and learning of pupils who have CLDD. Numerous discussions were held within the Rochford Review about how changes in pupil behaviour could be used to serve as reliable predictors of learning and members eventually agreed to accept the definitions of the seven aspects of engagement as published by the CLDD research project, with only very minor amendments:

- **Responsiveness** – Changes in a pupil’s behaviour that demonstrate s/he is being attentive to a new stimulus. This sort of assessment is important for establishing what differing stimuli motivate a pupil to attend and is particularly relevant for assessing pupils with multiple sensory impairments who have reduced and/or atypical sensory acuities and perception
- **Curiosity** – How a pupil is building on an initial, fleeting reaction to a new stimulus, perhaps by reaching out or scanning for the source of a new stimulus
- **Discovery** – Changes in the way a pupil is interacting or responding to a new stimulus, sometimes accompanied by expressions such as enjoyment and excitement
- **Anticipation** – How a pupil is able to predict, expect or associate a particular stimulus with an event which is important for measuring a pupil’s understanding of cause and effect
- **Persistence** – The extent to which a pupil is sustaining attention towards a particular item or action and thus beginning to develop conceptual understanding
- **Initiation** – The different ways and extent to which a pupil is instigating an event in order to bring about a desired outcome
- **Investigation** – The extent to which a pupil is actively trying to find out more about an object or activity via prolonged, independent experiment

The CLDD research project provided considerable detail about how different aspects and levels of pupil engagement can be assessed objectively and further information is included in Professor Carpenter’s recent article, “Revisiting Engagement” published in the May 2016 edition of the online SEND magazine.

### **How any proposed solutions might support the ambitions of the most recent SEND reforms**

“Cognition and learning” is one of the four areas of need as highlighted in EHC plans, the others being:

- Communication & interaction;
- Physical & sensory;
- Social, emotional & mental health.

Having a sharp assessment focus on cognition and learning, facilitated by measuring pupil engagement, not only offers an inclusive solution to statutory assessment, but also provides a way of supporting the ambitions of the latest SEND legislation. Schools which make provision for pupils working below subject specific learning already have a long standing requirement to statutorily assess pupils in the area of cognition by reference to the P levels. Although the Code of Practice expects schools to also assess pupil development in all of the EHC areas of need, there is little evidence this is being done in England by reference to any benchmark or national standard. It makes sense, therefore, to adopt a new approach which continues to have cognitive development at its core, but that includes the requirement to undertake assessments in the other EHC areas of need. This enables the school to report on all aspects of progress and provides in-school assessment systems robust enough to inform a dialogue with parents, OfSTED, local authority commissioners and peer reviewers. “Routes to Learning” stresses the need for assessment to be sensitive to a pupil’s “preferred sense modalities” and ensure it bears “in mind the priority needs and physical and

sensory abilities of the learner” The Rochford Review very much supports the absolute importance of formative, holistic assessment for the lowest attaining pupils.

Pupils with the most profound and complex difficulties have idiosyncratic and severely restricted behaviours that make it difficult to assess their learning. Multiple and often severe impairments to their cognitive, sensory, physical, communication and social/emotional abilities, together with chronic health problems, often combine to form barriers which isolate pupils from engaging effectively in new learning. As a consequence, the way in which these pupils are taught needs to be informed by a sound appreciation of what motivates and empowers an individual pupil to engage in learning, together with any aspects that might serve as learning barriers without appropriate intervention. Assessing how well pupils are making progress within the four EHC areas of need is notoriously difficult as the gains and losses which pupils make are often so subtle as to confound the ability of teachers to undertake evidence based assessment. Moreover, assessments are often undertaken by a number of different agencies including therapists, clinicians, social workers and visiting teachers who may not necessarily work closely enough to provide clear, overarching insight into how the impact of a pupil’s profile of EHC related disabilities can be minimised in order to empower a pupil to learn more effectively. Teachers of pupils with these profound and complex needs have to be guided by accurate, formative and holistic information about what and how to teach in order to fully support pupils with SEN “to succeed in their education and make a successful transition to adulthood” (Code of Practice).

Data regarding how a pupil engages in the learning process can be used to both interpret and complement information gathered from more clinically biased diagnostic testing in areas such as communication, behaviour, sensory and motor function. Assessment of pupil engagement is not just concerned with monitoring whether a pupil is demonstrating engagement in each of the seven aspects described above, it also about measuring changes in the frequency and duration of engagement. The CLDD project developed an Engagement Profile Scale with which to measure variations in pupil engagement which international research has shown to be highly effective for facilitating improvements in pupil engagement. “Finding Ferdy” is an online article which describes research conducted by a multi-agency team in Canada. This concluded that when a school undertakes “purposeful inquiry around learner engagement, enhancement in student progress follows”. Data about pupil engagement can be used formatively to inform bespoke pupil learning pathways, refine distinctive pedagogical approaches and, from the perspective of statutory assessment requirements, to inform summative reports. In keeping with the national trend towards flexibility within curriculum and assessment design, it will be up to schools how they choose to use the Engagement Scale to the best advantage of their pupils and it is reassuring there is a large, international body of research which schools may draw upon to inform their practise.

Autonomy can be regarded as the stage a pupil has reached after s/he has been suitably engaged in learning and proven to have “mastered” a new concept or skill. The new national curriculum is very much based on the premise of “mastery learning” which is a term with a long history in special education. Behavioural teaching approaches, such as task analysis, break down learning targets into incremental, formative steps in which a teacher uses prompts to help facilitate pupil engagement. Prompting is a behavioural teaching technique used very successfully with pupils with learning disabilities and the technique is structured so that prompts are gradually withdrawn as a pupil begins to show mastery of what is being taught. “Routes to Learning” incorporates the use of prompting in its assessment of pupils with PMLD and CLDD and provides some good examples which schools may find helpful. For some pupils with SLD and virtually all those with PMLD and CLDD, learning is entirely directed on a 1:1 basis by a member of staff familiar with an individual pupil’s profile of EHC areas of need. At this most basic level, a pupil is entirely dependent on an adult’s ability to work empathetically and use motivating approaches that make special allowance for a

pupil's impaired abilities and/or nuances. It is at this stage in particular where the need to assess a pupil's variations in engagement is absolutely crucial, as monitoring these changes will indicate whether or not a particular approach is empowering a pupil to acquire new learning. Should a pupil consistently demonstrate a high degree of 'investigation' during a specific learning activity, this could be used as evidence of the pupil demonstrating mastery in the acquisition of a new concept or skill and becoming sufficiently autonomous to be able to generalise and apply the new item of learning in other ways.

### **How any proposed solution(s) will be used for accountability and inspection**

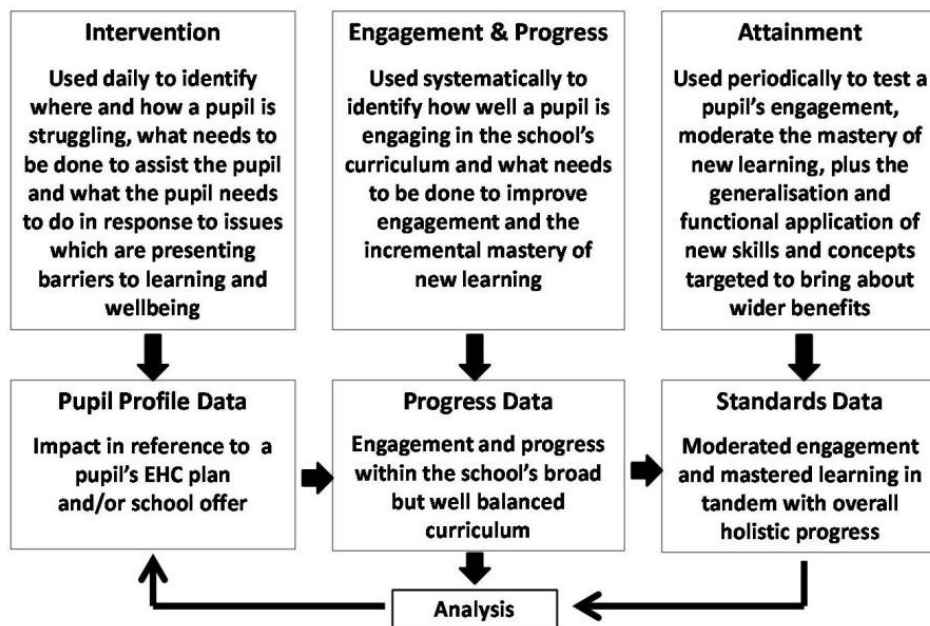
It is important the Engagement Scale is not regarded as just a new way of proving pupils are progressing as quickly as possible through sets of pre-defined learning objectives - otherwise there is the risk of continuing the CAWL observation that "depth and breadth of understanding might be sacrificed in favour of pace". Learning objectives for the lowest attaining pupils must always be personalised to correspond to an individual pupil's holistic learner profile. A PMLD pupil is likely to have a number of SEND related "issues" which, for example, may include the need for careful postural care which inevitably must feature highly in everyday provision to help the pupil maintain physical wellbeing and ensure s/he is in a good physical position to interact with others and with their environment. Continuing with this particular example, it may also be the case that a pupil begins to develop increasing contractures of the wrists which, unless intervention is taken, will prevent the pupil being able to use his/her hands and so become more disabled. In response, learning objectives will need to be set to assist the pupil to maintain hand function, but not as part of an isolated clinical routine, but rather as a planned, personalised outcome arising from participation in motivating lessons and activities, perhaps worded as follows, "Pupil will engage in coactive exploration of materials and substances during mark making activities as described in the following activities:

- Can use a flat hand to explore surfaces and materials;
- Can grasp an object placed in his hand;
- Can participate in making marks on surfaces;
- Can produce work through mark making using a variety of media.

In this example, maintaining a pupil's hand function is an essential part of his/her learning pathway because it is only by using their hands to explore objects that a pupil can reliably develop concepts about size, shape, texture and weight (ie., the foundations of cognitive learning). It is the teacher's task to use other information about the pupil's interests, abilities and preferences to organise lessons that will be sufficiently motivating and empathetic to engage the pupil effectively in the process of learning. The statutory assessment of pupil engagement can be undertaken as an integral aspect of any lesson, regardless of curriculum content, but unless assessment is undertaken formatively and holistically, evidence of positive pupil outcomes will not be forthcoming. This is why the Rochford Review was asked to consider how changes in statutory assessment for these pupils might support the ambitions of EHC plans – cognition and learning cannot be separated from the other EHC areas of need without compromising a pupil's potential for improvement.

To help fulfil the Code of Practice ambition for pupils with SEND "to succeed in their education and make a successful transition to adulthood", it is also essential that in-school assessment has a strong focus on how well pupils are able to generalise newly mastered learning and how effectively they are able to apply these newly acquired concepts or skills in order to gain enduring benefits. The education of pupils working below the level of subject specific learning has to be rooted in a premise that effective learning can only come about via a combination of formative and summative assessment. The reason for undertaking the statutory assessment of these pupils is not simply to promote their speedy acquisition of cognitive learning targets - it is about facilitating long term, beneficial outcomes in the wider EHC areas of need. The aforementioned reams of P level reports currently being generated need to be replaced with pupil progress data that will undoubtedly still

include reference to statutory assessment findings, but reported in tandem with data about the holistic progress of pupils gathered from records of combined formative and summative assessment as represented in Diagram 1, below:



The ultimate goal of the education service, particularly for pupils who are significantly disadvantaged and those with SEND, should be to secure outcomes for pupils that will be enduring and beneficial in adult life. Engagement is the common denominator which enables pupils of all abilities to be effective learners. Engagement, therefore, needs to be a constant feature when a school seeks to assess the depth of learning which a pupil is acquiring. Depth of learning for pupils with SLD, PMLD and CLDD can be defined by reference to three stages:

- Stage 1: **Accessed** to new learning which is adult directed, task analysed and prompted;
- Stage 2: **Mastered** learning in which a pupil can understand or do something autonomously without support provided by an adult;
- Stage 3: **Generalised** learning in which a pupil can apply newly mastered concepts and skills.

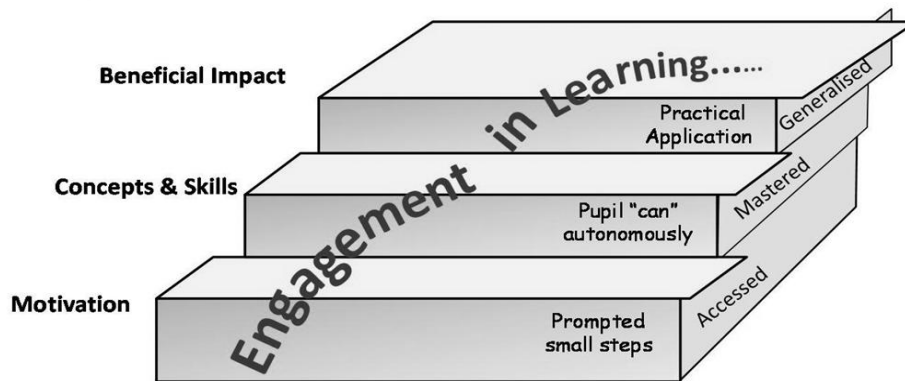
It is implicit in the Rochford Review that pedagogy, curriculum and assessment are closely inter-linked in the education of pupils with SLD, PMLD and CLDD which is why combining formative and summative assessment is so important. What and how these pupils are taught is largely dictated by what an individual pupil requires in terms of:

- Motivation and support to engage in learning;
- A menu of personalised, incremental concepts and skills;
- Opportunities to apply new concepts and skills in practical, functional ways;
- Long term outcomes that will be enduring and improve social inclusion in adult life.

Diagram 1, together with Diagram 2 (below), are offered as aide memoirs to help remind schools how rigorous accountability for pupil assessment can be structured. Diagram 1 illustrates how a school can combine formative and summative approaches in order to have a positive impact on the content and outcomes associated with EHC plans and individual pupil learning pathways. A peer reviewer or Ofsted inspector could also refer to the guidance provided by these diagrams to test the scope and rigour of in-school assessment. Note that Diagram 2 suggests that in-school assessment should only be judged as being of a good standard if it encompasses depth of learning (ie., as represented by the three stages described above) and uses assessment data to inform personalised pedagogical approaches and learning pathways on behalf of individual pupils:



## Depth of Learning & Learning Outcomes

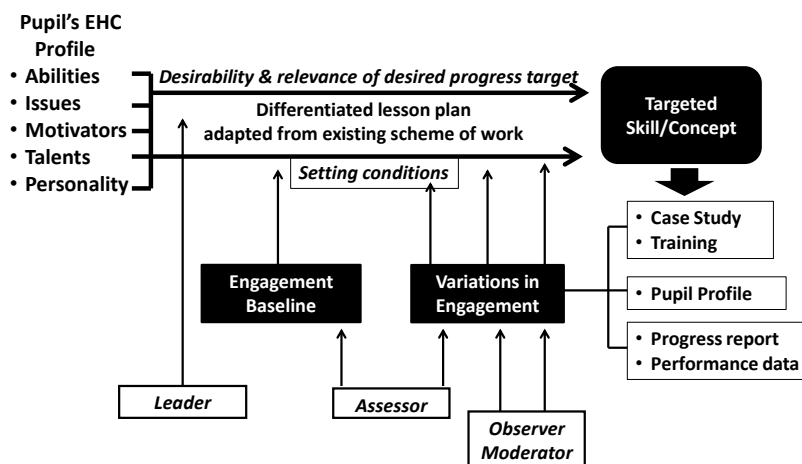


Lesson observations are common place in the everyday life of schools, although the formula governing how lessons should be judged has varied considerably over the years. Regardless of different formulae that may have been used to judge standards of teaching and learning, it is generally accepted that it is only by actually observing lessons that relative standards of pupil attainment can be endorsed. It is for this reason Ofsted inspectors invite school leaders to participate in joint lesson observations in order to establish commonality about relative standards of teaching and learning. Using pupil engagement as the principal measure with which to judge standards of teaching and learning would be a sensible way of helping facilitate high standards in the statutory assessment of pupils working below levels of subject specific learning.

Lesson observations to help inform judgements about the quality of in-school assessment could be based on the example provided in Diagram 3, below. In this model, a pupil is selected at random and an independent observer/moderator appraises how well the class teacher has:

- Used holistic information from a pupil's profile of EHC need to differentiate a lesson by task and outcome;
- Selected a relevant learning target(s) on behalf of a pupil which is part of an incremental pathway of learning;
- Adapted teaching and learning approaches dynamically during a lesson in order to optimise learning outcomes on behalf of that pupil.

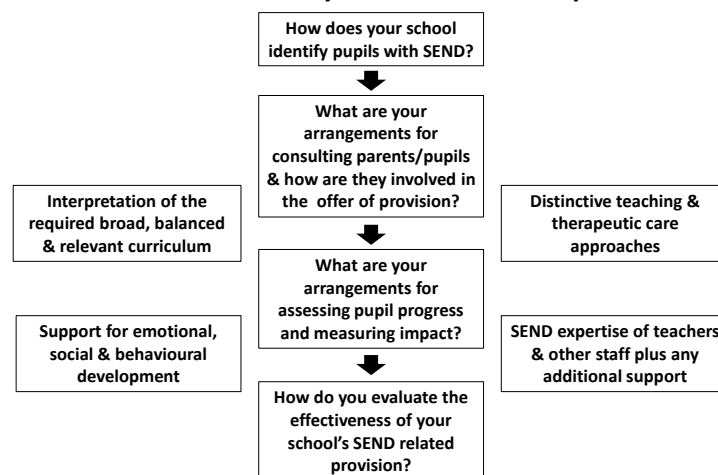
### Assessing engagement as an aspect of lesson observation & professional development



This model assumes that a member of the class team (possibly a teaching assistant who works on a regular basis with the pupil being observed) is confident in his/her ability to monitor variations in pupil engagement. As well as appraising how well the teacher has differentiated the lesson by task and outcome, the independent observer may also have the opportunity to moderate the assessor's record of pupil engagement. It is strongly advised that school leaders routinely take up the role of observer, partially to moderate records of pupil engagement on a whole school basis, but also to inform professional development by reference to case studies gleaned from successful lessons. Because pupil engagement is absolutely dependent on a high standard of child centred teaching, it is an additional bonus that the ambitions of EHC plans are more likely to come to fruition as a consequence.

A good value for money option for helping assure the quality of in-school statutory assessment would be for suitably experienced peers from neighbouring local authorities to undertake 'first tier' inspections that include the role of independent observer as described above. Schools already have a statutory requirement to publish SEND related information so it makes sense for a peer reviewer to refer to such information before viewing any in-house pupil performance data or undertaking lesson observations:

**Current SEND Related School Information that should interface with the statutory assessment of complex learners**



After reviewing a school's published summary of its SEND provision and also its self-evaluation (SEF) commentary on SEND provision, a peer reviewer may then analyse samples of pupil performance data (together with supporting evidence) to ascertain the extent to which this information appears to reflect what the school is aspiring towards within its SEND provision. A visit to the school would then be used to undertake lesson observations and gather evidence about the standard of pupil engagement. A marked failure to engage pupils effectively would naturally raise questions about the general standard of SEND provision and the integrity of any SEF rating a school may have awarded itself - particularly so in regards to the statutory assessment of the lowest attaining pupils. At the very least, such an approach could be used by school leaders to inform SEF commentaries about the quality of in-school assessment and the progress being made by the lowest attaining pupils.

**Consider what might be the wider implications for professional development needs in the implementation of any proposed solutions**

Despite the well intentioned ambitions of The SEND Code of Practice and The Children and Families Act, recent NHS reports show a steady increase in children with SEND being detained in long stay secure hospital settings. This is being compounded by the fact there has been no decrease in the number of adults with SEND being detained in these sorts of institutions, despite instances of gross

abuse such as those discovered at Winterbourne Hospital. The increase in learning disabled children and adults being detained in secure, long stay settings is seriously worrying, as are the other outcomes in adult life which have recently been reported as befalling school leavers with SEND. Reputable researchers such as Hatton and Emerson et al (2011) have all too clearly identified what the outcomes are currently for a significant number of school leavers with SEND:

- Poorer health, poverty, poor housing conditions, social disconnectedness and overt discrimination;
- More likely to be NEET and unemployed throughout their adult life;
- Mortality rates (MLD/SLD) 3 times higher than for the general population;
- Gross over representation in prison.

Children and young people with SEND receive the majority of their specialist support from schools, and the outcomes described above are an indication that the P level approach to statutory assessment has been grossly inadequate for promoting effective provision. Social inclusion does not come about by treating all pupils the same it can only come about by an education service which is:

- Dedicated to minimising the disabling impact of SEND on an individual pupil basis;
- Empowering pupils with SEND to engage effectively in mastery learning;
- Ensuring pupils with SEND are able to generalise learning and apply newly mastered concepts and skills in practical ways.

Change is never easy to accept and members of the Rochford Review appreciate there must be many teachers and school leaders who have never known SEND provision without the overarching framework of the old national curriculum and its P levels, so it is understandable some practitioners may feel anxious about what is being recommended in the Rochford Review. Changes in statutory assessment will require qualified guidance, good sources of training and an ethos in which schools actively support one another. The network of Teaching Schools, particularly those located in special schools, is ideally placed to undertake a rolling programme of training for existing teachers, as well as ensuring the programme for student teachers incorporates essential aspects of distinctive pedagogy such as assessing and facilitating pupil engagement. Switching the emphasis within statutory assessment away from the discredited P level approach to that of statutorily assessing pupil engagement in cognition, in tandem with quality assured assessment in all EHC areas of need, would undoubtedly assist the most significantly disadvantaged and learning disabled pupils to achieve at optimal standards and help them accrue better outcomes in later life.

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