



Information Advice
& Support Service

The impact of the SEND reforms on children and young people with Statements

This information is about how the reforms to the **SEND Code of Practice** affect children and young people who have **Statements of Special Educational Need (SEN)**, and young people in further education and training who have special educational provision through a **Section 139A Learning Difficulty Assessment (LDA)**.

How has the law changed?

In September 2014 the Children and Families Act 2014 came into force. A new **SEND Code of Practice** covers children and young people with special educational needs and/or disabilities from birth to age 25. One big change is that **Education, Health and Care Plans (EHC plans)** will replace Statements of SEN and LDAs.

The **SEND Code of Practice** says:

The purpose of an EHC plan is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood. (9.2)

Local authorities **must** transfer children and young people who have a Statement to the new SEND system by 1 April 2018.

Every local authority should publish a **local transition plan**. This explains when and how Statements will be transferred to the new system, and gives information for young people in further education and training who receive support through an LDA.

How does this affect those with Statements?

Until 1 April 2018 local authorities must continue to comply with Part IV of the **Education Act 1996** (the old law) if the child or young person already has a Statement. The Statement continues and an annual review will take place until one of the following happens:

- the local authority decides to cease the Statement following an annual review;

- the Statement ceases because the young person leaves education;
- there is a **transfer review** and:
 - an EHC plan is agreed, or
 - the local authority decides an EHC plan is not required.

The **SEND Code of Practice** says:

During the transition period local authorities will transfer children and young people with statements onto the new system.... No-one should lose their statement and not have it replaced with an EHC plan simply because the system is changing.
(9.4)

Between 1 September 2014 and 1 September 2015

Local authorities **must** transfer children and young people to the new system before they move from school (including 6th form) to post 16 education or an apprenticeship.

Local authorities **must** also transfer children and young people to the new system if they had a draft EHC plan before 1 September 2014.

Local authorities should give priority to transferring children to the new system when they move from:

- an early years settings to school (including where the child stays at the same institution);
- infant to junior school
- primary to middle school
- primary to secondary school
- middle to secondary school
- mainstream to special school (or vice versa).

Local authorities should also give priority to transferring to the new system those children and young people:

- in Year 6
- in Year 9
- in Year 11
- leaving custody
- who had an EHC plan before 1 September 2014 (some EHC plans were issued as part of the **SEN Pathfinder** project)
- who move between one Local authority and another
- who receive Direct Payments under the SEN Direct Payments Pilot Scheme.

Between September 2015 and April 2018

Local authorities **must** transfer children and young people to the new system:

- in Year 9
- before they move from an early years setting to school (including where the child remains at the same institution);
- before they make any of the transfers between the types of school listed above.

Between September 2016 and 31st March 2018

Local authorities should give priority to transferring to the new system those children and young people:

- in Year 6
- in Year 11
- leaving custody
- who have an EHC plan issued before 1 September 2014 (some EHC plans were issued as part of the **SEN Pathfinder** project)
- who move between one local authority and another.

You can find out more about the transition arrangements for particular groups in the Department for Education guidance **Department for Education Guidance** and in the local authority's Transition Plan **here**

What is a transfer review?

A **transfer review** replaces the **annual review** in the academic year that the child or young person transfers to the new SEND system.

A transfer review involves an **EHC needs assessment** to decide what outcomes and provision should be included in the EHC plan. This should include education, health and social care needs. In many cases the assessment information in existing Statements will be used. In fact the local authority **must not** ask for further advice if the advice it has already is sufficient. The person providing that advice, the local authority, the child's parents or the young person must be satisfied that the advice is "sufficient for the purposes of an EHC needs assessment".

You, your child or the young person **must** be invited to a meeting as part of the transfer review.

A transfer review ends when the local authority sends you (or the young person) a copy of the EHC plan, or when it informs you (or the young person) that an EHC plan will not be issued.

Your rights to appeal under the Children and Families Act 2014 replace those that existed under the Education Act 1996 once the transfer process starts.

What does an EHC plan look like?

Every local authority can decide how to set out the EHC plan, but it must include 12 specific sections. Please see our EHCP Information Sheet for more information.

Key differences compared to Statements include:

- a greater focus on outcomes
- better involvement of parents and young people
- improved integration of health and social care provision
- continuation, where appropriate, to age 25
- more rights for young people.

How does this affect those with Learning Difficulties Assessments?

Local authorities must continue to have regard to the statutory Learning Difficulty Assessment guidance until 1 September 2016. They must transfer young people who get support through an LDA to the new SEND system by 1 September 2016 if they are staying in further education or training after that date.

Young people with an LDA who are in further education or training can also request an **EHC needs assessment**. You can find more information about EHC needs assessments in Please see our EHC Needs Assessment Information Sheet for more information.

What if I do not agree with the local authority?

The first step is to contact the local authority to discuss your concerns.

The Derby SEND Information, Advice and Support Service offers impartial advice and support and can explain your options, including your rights to request reassessment and to appeal. Please see our 'What if I don't agree?' Information Sheet for more information

Where can I get more information, advice or support?

You will find the Department for Education guidance on the transition arrangements at this **website**.

Every authority has a **transition plan** that sets out the local arrangements. You can the plan **here**.

Derby SEND Information, Advice and Support Service can also give you:

- information about the local transition arrangements, and advice on how they might affect you or your child
- information and advice about transfer reviews
- advice and support during the transition process and in transfer reviews
- details of other organisations, support groups and information services that could help
- information, advice and support about your rights to make a complaint, seek independent **disagreement resolution** or **mediation** and appeal to the **SEND Tribunal**.

How to Contact Us

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