Report:

Transfer of Statements of Special Educational Needs and Learning Difficulty Assessments to Education Health and Care Plans

September 2014
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1. Introduction

In accordance with the Children and Families Act 2014 the Royal Borough of Greenwich (RBG) is required to transfer Statements of Special Educational Needs (SEN) over to Education, Health and Care Plans (EHC Plans) by no later than April 2018 and where appropriate transfer Learning Difficulty Assessments (LDAs) to EHC Plans no later than September 2016.

As part of this process RBG is required to consult with representative groups of children and young people with SEN, their parents and professionals in order to publish an agreed schedule of transfer no later than 1 September 2014.

This report outlines the consultation process that has taken place, the number of children and young people projected to be transferred per year group, the order in which they will be transferred, how all concerned will be advised of these plans, the transfer review process, where independent advice and information can be sought and who parents and young people can contact with queries.

Throughout, this report will give consideration to the Children and Families Act 2014, the SEND Regulations 2014, the 0-25 SEND Code of Practice and any other relevant supporting guidance and documentation that has been issued by the Department for Education.

It is envisage that during this process a majority of children will be transferred from a statement of SEN to an EHC Plan. However, as with the current review process, for some children and young people, it may be determined through the transfer review and EHC needs assessment that a child or young person needs can be met via SEN school support using delegated budgets.

The Department for Education’s Draft guidance on transitional arrangements (June 2014) states:

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**The process for transferring children and young people with statements to the new SEN and disability system**

To transfer a child or young person from a statement to an EHC Plan, a local authority **must** undertake a ‘transfer review’.

Until the transfer review is completed the local authority will remain under a duty to maintain the statement and arrange the special educational provision set out in the statement.
To conduct a transfer review, the local authority **must** undertake an EHC needs assessment in accordance with [article 5] of The Children and Families Act 2014. Local authorities should have regard to the 0-25 SEND Code of Practice in undertaking the EHC needs assessment.

Where the local authority decides not to secure an EHC Plan for a child or young person transferring from a statement, the local authority **must** notify the child’s parents or the young person within **10 weeks** of the start of the transfer review. Under these circumstances, the statement will not be ceased until the end of the period that a parent/young person can register an appeal with the tribunal, or if an appeal is registered:

- until the tribunal upholds the local authority decision, or
- until an EHC Plan is secured following an order by the tribunal

**The process for transferring young people who receive support as a result of LDAs to EHC Plans**

Local authorities **must** treat any request for an assessment under the Children and Families Act 2014 from a young person in further education or training who has had a LDA as a request from a new entrant into the system. Where necessary, a full assessment **must** be carried out and an EHC Plan drawn up in accordance with the process described in the new 0-25 SEND Code of Practice.

Remaining in formal education or training should help young people to achieve education and training outcomes, building on what they have learned before and preparing them for adult life.

Where a local authority decides not to conduct an ECH needs assessment or not to secure an EHC Plan, a young person has the right to appeal that decision. Where an EHC Plan is not secured, the provision being made as a result of the young person’s LDA should continue as planned.

2. **Consultation**
In order to reach agreement on the transfer of Statements of SEN and LDAs to EHC Plans RBG has consulted the following groups:

- RBG SEND Reform Steering Group
- RBG SEND Reform Operational Group
- Greenwich Parent Voice

Comments from all of these groups have been duly noted and are reflected throughout the content of this report. These groups will periodically be consulted with on this matter until April 2018.
3. Number of Transfers

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<th>Academic Year</th>
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*Note: These figures are correct as of August 2014 and are subject to change*

**Key**
- Transfer Statements of SEN in year group – Key Transitional Point
- Transfer Statements of SEN in year group
- Transferred on request of parent

The number of LDAs transferred to EHC Plans will be published at the point of review. All young people aged 18-23 in further education provision with an LDA will be advised that they can request a transfer to an EHC Plan at the beginning of the academic year 2014. Each request received will be individually assessed to ensure the RBG threshold for an EHC Plan is met, at which point the transfer process will commence.

All remaining LDAs in September 2015 that meet the RBG threshold will be duly transferred by September 2016 and details of this will be published in September 2015.
4. Schedule of Transfer

The schedule of transfer which has been consulted on tracks the school year groups over a 3 year period, ensuring that the requirement to transfer Statements of SEN is met by September 2017. RBG will use the remaining time up to April 2018 to complete the transfer any out of borough statements of SEN and others that have not previously been done due to extenuating circumstances.

- Where appropriate children and young people will have their Statement of SEN transferred to an EHC Plan at key transitional points. These will be:
  - children in reception for the academic years 2014/15 and 2015/16
  - children and young people in year 5 and year 9 for the academic years 2014/15, 2015/16 and 2016/17
  - young people in year 11 for the academic years 2014/15 and 2015/16
  - and young people in year 12 in the academic year 2014/15
  - *where appropriate year 6 children will be offered a transfer to an EHC Plan in 2014/15, those who do not request a transfer will be transferred in year 7 2015/16

- Additionally the following year groups will be transferred:
  - Year 2 will be transferred during the 2014/15 academic year
  - Year 7 will be transferred during the 2015/16 academic year
  - Year 3 will be transferred during the 2016/17 academic year

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**Key**
- Transfer all Statements of SEN in year group – Key Transitional Point
- Transfer all Statements of SEN in year group
- Statement previously transferred at a key transitional point
- Will be transferred at a later date
5. Notification

RBG has made the following arrangements to ensure that all those concerned are notified of the 2014/15 transfer schedule:

- All RBG schools will be written to by 1 September 2014 with a list of children that are expected to be transferred from a statement of SEN to an EHC Plan at the point of annual review during the academic year 2014/15.
- All parents who have children with statements of SEN in the year groups due to be transferred in 2014/15 will be written to no later than 24 October 2014. Parents will receive a detailed letter outlining the process, a parent information leaflet and process map.
- Parents of year 6 children will be written to no later than 24 October inviting them to request a transfer of their child’s statement of SEN to an EHC Plan.
- All young people aged 18-23 years in further education with a LDA will be written to no later than 24 October 2014 and invited to request a transfer to an EHC Plan on the basis that they meet the required RBG threshold.
- The Transfer Report will be posted on the RBG website no later than 1 September 2014.

6. Transfer Review Process

The plan for transferring Statements of SEN and LDAs to EHC Plans will be reviewed annually with a revised plan published each September until 2017. The review will include parents, children, young people, professionals and schools.

Progress of this plan will be discussed at SEND Reform team meetings, the operational group, the steering group and the children with disabilities JCG (Joint commissioning group).
7. Information and Advice

If parents and young people require information and advice on the transfer of Statements of SEN and LDAs to EHC Plans they can contact:

**The SEN Team**

Throughout the transfer process families and young people will have a named LA officer allocated who they can contact either: by phone, email or pre-arranged meeting to discuss any concerns or queries they may have regarding the transfer process.

If concerns continue or the family or young person feel the matters remain unresolved they are able to request mediation.

In addition the Parent Partnership service is also available to offer support.

**Parent Partnership Service**

The Parent Partnership Service can give you impartial and confidential advice about special educational needs.

Parents and carers can contact a Parent Partnership Officer (PPO) at any time if they are concerned about their child. A PPO can give help and advice over the phone and may also give practical follow-up support, such as:

- help with filling in forms
- help in understanding procedures
- help within school, such as in meetings
- support in annual reviews
- help to make sure the views of parents and students are heard
- support through the education process.

**Drop in advice sessions**

Greenwich Parent Partnership Service offers drop-in sessions at children's centres across the borough. You do not need to make an appointment but consultations are limited to approximately 15 minutes.

A Parent Partnership officer will be on hand to support parents and carers with any concerns they might have about your child's special educational needs.

Tel: 020 8921 2549
8. Contact Details

All general enquiries regarding this report or RBG’s plan for transferring children and young people with Statements of SEN and LDAs should be made to:

The SEND Reform Team
Tel: 020 8921 3350
Email: send-pathfinder@royalgreenwich.gov.uk