Transfer of Statements of SEN to Education, Health and Care Plans (EHCPs)

Introduction

Part 3 of the Children & Families Act 2014 came into force on 1 September 2014. This new law includes the gradual withdrawal of Statements of Special Educational Needs (SEN) and post-16 Learning Difficulties Assessment (LDA) (section 139a/Moving On Plan), as well as the launch of a new, joined up Education, Health and Care Plan (EHCPs) for children and young people, from birth to 25 years.

As well as this applying to new applications for statutory assessment of SEN, the Department for Education (DfE) has said that all current Statements of Special Educational Needs (SEN) need to be transferred to an Education, Health and Care Plan (known as an EHCP) by 1 April 2018.

An EHCP had to be in place by 1 September 2016 for young people in further education and training who formerly received provision as a result of a Learning Difficulties Assessment, if they are continuing in further education or training beyond that date.

What is the difference between a Statement/Learning Disability Assessment and an EHCP?

The new Children and Families Act 2014 replaces the current Statement of Special Educational Needs and Section 139a Learning Difficulty Assessment with the Education, Health and Care Plan (EHCP) running from birth to age 25 years for children with special educational needs.

The main differences are that the EHCP is:

- More person centred with more engagement and involvement from parents, carers, children and young people in the process
- More co-ordinated assessment process across education, health and care services
- Focusses on outcomes to be achieved for each child/young person
- Runs from birth to age 25 (previously birth to 19 year provision)
- Includes parents, carers, children and young people at the heart of the changes
- The legislation applies equally to all schools including academies and free schools.

Proposed timescales

Hampshire County Council had to transfer over 5,000 Statements and over 1000 Learning Disability Assessments and therefore this needed to take place over a period of time.
The DfE provided local authorities with instructions stating which groups of children and young people (CYP) need to be converted first, as well as guidance relating to the phasing of the transfers up to 2018.

We have written to both Maintained, Academy and Independent schools to explain the details of the actions they need to take in order to start the transfer review process for any pupils who still have a Statement at the beginning of the 17/18 academic year.

Hampshire has prepared a transfer review format and guidance for schools to use as part of this process. This will be shared with parents at the transfer review planning meeting to be convened by the school early in the autumn term.

**What will happen during the transfer to an EHCP?**

Hampshire schools have been asked to arrange a “Transfer Review Planning Meeting” to meet with parents/young people, in order to collect the information needed to transfer to a new EHCP. This will include completion of the new transfer review documents, and a discussion about outcomes for the child/young person. Parents and children/young people will have the opportunity to have their views heard at this meeting, and during the transfer process.

Hampshire schools have been asked to ensure the planning meetings are held in good time, so that the transfer review process can be initiated. The transfer process should be completed within 20 weeks.

**What happens if I do not want to transfer from a Statement to an EHCP?**

The DfE guidance indicates that all students must be transferred to an EHCP by April 2018, if still needed.

**Will every statement automatically convert to an EHCP?**

Just as now at an annual review meeting, consideration will be given as part of the transfer process as to whether an EHCP is still required.

**What are my rights of appeal during the EHCP process?**

Your rights of appeal remain, although you may be asked to consider mediation.

**Where can I go for more information?**

Further details can be found on the Local Offer pages at [https://fish.hants.gov.uk/localoffer](https://fish.hants.gov.uk/localoffer) and parents can contact the SEN Service should they have any questions or concerns. Parents can also access impartial information, advice and support via Support4SEND (previously known as the Parent Partnership Service).

**Support4SEND (previously Parent Partnership Service)**

Support4SEND provides impartial advice, information and support to parents and carers of children and young people with special educational needs (SEN) throughout Hampshire. The service is available to all families for whom special educational needs play a part. There is no formal referral process, and your child doesn’t need to have a formal diagnosis for you to receive support. All you need to do is call, email or write and discuss your queries and concerns. Support4SEND also has a number of trained volunteers who work with them to provide information, advice and support.

Tel: 01962 845870 Email: enquiries.support4send@hants.gov.uk
Independent Supporters

Independent Supporters are funded by The Department for Education, via The Council for Disabled Children as delivery partners. Their role is to support families and young people through the statutory process of transferring from a Statement of SEN to an EHCP. In Hampshire Independent Support is being delivered by Parent Voice and Support4SEND. All Independent Supporters receive nationally delivered training to carry out their role.

Tel: 0300 303 8604 (local rate) Email: independentsupport@roseroad.org.uk

Liz Flaherty

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