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Introduction

Staffordshire County Council is responding to the changes identified within the Children and Families Bill and this will mean some big changes to the children and young people of Staffordshire.

The Government wants all children and young people with SEN and their families to benefit from the new arrangements as soon as possible. From 1 September 2014 it will no longer be possible to request a new SEN assessment under the Education Act 1996 for a child or young person who does not already have a statement, and no new Learning Difficulty Assessments (LDAs) under the Learning and Skills Act 2000 can be commenced. From that date, local authorities must consider all requests for an assessment of SEN for children and young people who do not have an existing statement under the new legislation. Those requiring a statutory plan to secure the relevant provision to meet their special educational needs should be issued with an Education, Health and Care (EHC) plan.

Staffordshire are committed to ensuring that all children and young people with SEN and disability receive the right support at the right time and in the right way so that they are able to realise their aspirations and lead fulfilling lives.

Children and young people with statements and young people in further education or training who are receiving provision to meet their special educational needs as a result of a LDA will be gradually transferred over to the new arrangements.

We will ensure that the best service possible is maintained for children and young people with SEN and their families during the transition to the new system. We want to be sure that the changeover to Education, Health and Care (EHC) plans happens at a pace that allows for a smooth transition whilst at least maintaining the quality of assessments and services. To achieve this, a phased approach to transfer will be adopted. This document sets out the details on how Staffordshire County Council plans to meet the requirements following the ‘Transitional and saving provisions’ made under section 137 of the Children and Families Act 2014.

The legal test of when a child or young person requires an EHC plan remains the same as that for a statement under the Education Act 1996. Therefore, it is expected that all children and young people who have a statement and who would have continued to have one under the current system, will be transferred to an EHC plan – no child or young person will lose their statement and not have it replaced with an EHC plan simply because the system is changing. Similarly, local authorities have undertaken LDAs for young people either because they had a statement at school or because, in the opinion of the local authority, they are likely to need additional support as part of their future education or training and would benefit from a LDA to identify their learning needs and the provision required to meet those needs. Therefore, young people who are currently receiving support as a result of a LDA and remain in further education or training during the transition period, who request and need an EHC plan, must be issued with one.
Guidance provided from the DfE states that to ensure momentum is maintained during the transition period, and to minimise disruption for families and provide them with some certainty, where possible local authorities should transfer children to the new SEN and disability system at points in their education at which a significant review of the statement would have otherwise taken place. Local authorities are expected to transfer children and young people from statements to EHC plans in advance of them transferring to the next phase of education, and at the significant year 9 review point. However, in order not to overwhelm the new system, in 2014/15 local authorities will be able to consider whether to transfer children in year 6 to EHC Plans, but must take into account the wishes of families. Later transition may make for a more stable situation for children whose secondary provision has already been agreed.

Statutory guidance issued in August 2014 (Transition to the new 0 to 25 special educational needs and disability system) stipulates the requirements and expectations relating to the transfer of different groups of children and young people to the new SEN System.

The statutory requirements for Local Authorities are;

- To transfer the statements of those children and young people moving from school (including sixth forms) to a post 16 institution or apprenticeship to an Education Health Care Plan in the year 2014/15. These must be completed by 31st May 2015.

- To transfer (on request) the LDA’s of those young people who intend to be in education beyond 31st August 2016.

- To transfer the non-statutory EHCP’s of those who do not have a statement of SEN.

### Transition Year 1 – Academic Year Sept 2014 to August 2015

With effect from 01st September 2014 all statements of SEN will be maintained in accordance with Part IV of the Education Act 1996.

Pupils who are in the following year groups who are leaving school to enter Further Education or Training will be transferred to the new system in 2014/15 and undergo the Transition Process, as detailed on page 6 of this report.

Year 11  
Year 12  
Year 13  
Year 14  

Maximum number of pupils to transfer in Year 1 = 785  Confirmed Leavers to date = 282

The expectation is that these transfers must be completed by 31st May 2015 and therefore the Transition Strategy will be reviewed at this time. Those pupils remaining in their current school will not be transferred this year, therefore reducing the potential number of students due to transfer in the first academic year.
Transition Year 2 – Academic Year Sept 2015 to August 2016

All statements of SEN will be maintained in accordance with Part IV of the Education Act 1996 until such a time the transfer process is completed and the child or young person has received an EHCP.

Pupils who are in the following year groups will be transferred to the new system in 2015/16 and undergo the Transition Process, as detailed on page 6 of this report.

Nursery
Year 2 – Where the child is undergoing a phase transfer
Year 4 – Where the child is undergoing a phase transfer
Year 6
Year 8 – Where the child is undergoing a phase transfer
Year 9
Year 11 – 14 School leavers only

Potential number of pupils to transfer in Year 2 = 600 + confirmed school leavers (estimated 300)

Transition Year 3 – Academic Year Sept 2016 to August 2017

Pupils who are in the following year groups will be transferred to the new system in 2016/17 and undergo the Transition Process, as detailed on page 6 of this report.

Nursery (Y-1)
Year 2 – Where the child is undergoing a phase transfer
Year 4 – Where the child is undergoing a phase transfer
Year 6
Year 8 – Where the child is undergoing a phase transfer
Year 9
Year 11 – 14 School leavers only

Potential number of pupils to transfer in Year 3 = 997 + confirmed school leavers

Transition Year 4 – Academic Year Sept 2017 to April 2018

During the academic year 2017/18 any child or young person who has not been transferred and is receiving support via a statement will undergo the transition process this academic year. This could include pupils in any of the following year groups:

Nursery through to Year 14.

Additional Information

Any requests from parents or a young person for a transfer to an EHC plan outside of these proposals will be considered on a case by case basis. Where there are significant benefits
to the child or young person in delaying or bringing forward the transfer the LA will endeavour to accommodate these.

Pupils in Years 12-14 in schools are able to request an EHC needs assessment at their statutory annual review of their statement and this will be considered by the council.

This information has been collated to enable parents, young people, schools and professional to establish when a young person is likely to transition to the new system. A report on progress and any revisions will be published annually. This information will be available on Staffordshire County Council’s website from 1 September 2014.

### Summary of Transfer Proposals

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| 160 Transfers Completed in 2014-15 | Target of approximately 900 Transfers in 2015-16 |

* Pupils in these year groups will only be transferred this year where they are due to leave school at phase transfer or to enter Further Education or training.
## Overview of the Transition Process

The transition is expected to be completed within a maximum of 20 weeks.

### Stage 1
- Keyworker will contact the school to confirm the date of the Transfer Review meeting. Parent will be invited to attend the meeting by school and will be given 2 weeks notice of any proposed meeting dates. Person Centred information is gathered in school prior to the transfer review meeting.

### Stage 2
- Transfer Review Meeting to be arranged. This will cover all aspects of the annual review meeting and must review Parts 2 and 3 of the current statement and evidence any changes requested. Potential outcomes are to be discussed and agreed with parents, staff and professionals at this meeting. Consideration to the continuation of the statement will also be given. Max 2 weeks

### Stage 3
- EHC Assessment. The LA will carry out an EHC assessment using the information provided by the transfer review meeting. If further advice is required from education, health or care professionals this will be requested and must be returned within 6 weeks. Max 12 weeks

### Stage 4
- Decision. Yes to transfer to an EHC Plan – Draft plan is sent to the parents for final approval. No to transfer to an EHC Plan – Person Centred Plan is sent to parents which details the support available without a Plan. Max 6 weeks

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**Final EHC Plan**
The Transition Process

During the transition period the annual review for pupils who currently have statements of SEN will be replaced by a transfer review

Stage 1: Meeting dates arranged and Person Centred Information Collated

A SEND Keyworker will make contact with the child or young person’s school to confirm the date upon which the Transfer Review Meeting is to take place. Ideally this will take place at the point the annual review of the statement is due. During this stage a one page profile will be drawn up in school in collaboration with the parents and child or young person. A one page profile is a summary of what is important to the young person and how to support them. It is the starting point in gathering the person centred information and will contribute towards the EHC plan and give details of the young person’s views and aspirations and what is important to them.

The one page profile is a key opportunity for the young person’s views to be heard and recorded and is a vital part of the process. The one page summary will be developed throughout a younger person’s education to provide a greater understanding to the professionals involved of the young person’s views and desires.

Stage 2: Transfer Review Meeting

The SEND Keyworker will liaise with school and parents regarding the date of the transfer review meeting. Parents must be given at least 2 weeks notice of the transfer review taking place and should receive updated information from the school within this period. There is an assessment timeline of a maximum of 20 weeks to complete the transfer process.

The purpose of the transfer meeting is to:

- Review parts 2 and 3 of the statement and progress towards the objectives and discuss and develop outcomes and steps towards meeting them.
- Gather any new and/or additional reports obtained by school or parents that can be used to support the assessment. This should include reports from education, health and care professionals.
- Confirm that reports to be submitted to the local authority are sufficient for the transfer process. Where additional reports are required the LA will need to obtain these from the relevant professionals.
- Review progress since the last annual review.
- Consider the need for the continuation of the statement.

NB – Where all reports are available at the time of the transfer review the timescale to complete the process should therefore be significantly reduced.

Once a transfer review has commenced the parents and young people will have appeal rights under the new SEND system and appeal rights relating to the statement will no longer be available to parents.
Information collated at the transfer review is to be submitted to the LA by the school within 2 weeks of the date of the meeting.

Stage 3: EHC Assessment

Upon receipt of the transfer review meeting paperwork, and no later than 2 weeks, the LA will undertake the EHC assessment using the information provided from the Transfer Review Meeting.

The LA must not seek advice required for an EHC assessment if such advice has previously been provided for any purpose and the person providing that advice, the LA and the child’s parents or young person are satisfied that it is sufficient for the purpose of an EHC needs assessment.

The LA will request advice from relevant professionals where sufficient advice is not available. Professionals will have 6 weeks in which to provide the advice requested.

Stage 4: Notification of Decision

An EHC plan, where agreed, will be sent to parents and finalised within 20 weeks of the transfer review meeting.

Where the decision is taken not to issue an EHC plan the LA will send to the parents and young person, within 10 weeks of the transfer review meeting, a Person Centred Plan which will include the information on the support available without an EHC plan. This is likely to incorporate support which is available through Staffordshire’s Local Offer. Parents and the young person will be offered a meeting to discuss the decision and informed of their right of appeal against the decision.

Young People with a Learning Difficulty Assessment

The DfE guidance states that from 1 September 2014 young people in further education and training who receive special educational provision as a result of a Learning Difficulty Assessment (LDA) can choose to request an education, health and care needs assessment. All young people who receive support as a result of a LDA remaining in further education or training beyond 1 September 2016 should have an EHC plan by that date where one is needed. Until that point, local authorities remain under a duty to have regard to statutory LDA guidance in relation to these young people.

A young person who is already receiving support via an LDA at a Further Education (FE) or training provider, may therefore choose one of the following options:

- To continue to receive the LDA support where required until the end of their studies/learning programme in FE or training or until 1st September 2016, which ever comes first, or
- To request an EHC needs assessment
If an EHC needs assessment is requested the LA has 6 weeks to consider this request and to make a decision. If the LA is in agreement to carry out an EHC needs assessment this will be carried out in accordance with the guidance described in the new SEND Code of Practice: 0 to 25 and will be completed within 20 weeks.

Sources of Information

Staffordshire SEN Family Partnership Service
14 Martin Street
Stafford
ST16 2LG

Telephone No: 01785 356921
Email: spps@staffordshire.gov.uk

SEND Assessment and Planning Service
County Buildings
Tipping Street
Stafford
ST16 2DH

Telephone No: 0300 111 8007