

# Guidance on transfer reviews

## (transfer of Statements of Special Educational Needs and Learning Difficulty Assessments to Education, Health and Care Plans)

### Introduction

1. The Local Authority's (LA's) Transition Plan sets out its plan for the conversion of Statements of Special Educational Needs (SEN) and Learning Difficulty Assessments (LDAs) to Education, Health and Care Plans and the timescale for doing this, including the year in which it is proposed that the transfer review process will be held for each year group (See SEND Information Handbook Section 10).
2. This guidance note covers how transfer reviews should be set up, who should attend the transfer review meeting as part of the process and how the meeting should be conducted.

### Setting up the transfer review process

3. The LA (SNAS) will notify schools, as now, prior to each term, which reviews are due to be held that term. To transfer a child or young person from a Statement of SEN to an EHC Plan the LA will then 'initiate' the transfer review process. The LA will do this by writing to the school and the parent/carer or young person at least 2 weeks in advance to notify them that the process is starting. As part of the transfer review process the parent/carer and young person will be invited to the transfer review meeting by the school.
4. The transfer review will replace the annual review in the year that the child or young person transfers to the new system. To minimise disruption for families, the transfer review meeting with the child's parent/carer or young person should take place when the annual review would otherwise have taken place. The year in which the child/young person transfers is set out in the summary table available in Section 10 of the SEND Information Handbook and on the local offer website. For children/young people not transferring during the year in question, annual reviews will continue to be carried out using the procedures for review of a Statement. The school will set up an annual review meeting as part of this, recording the meeting on the Statement annual review form.
5. In effect, an 'EHC needs assessment' must be carried out as part of the transfer review process. However the DFE guidance is clear that LAs must not seek any advice required for this assessment if such advice has previously been provided and it is sufficient for the purposes of an EHC assessment. It must however allow for outcomes to be established for

the EHC Plan and for provision to be identified to achieve those outcomes.

6. Schools will need to consider in advance of the transfer review meeting what existing information there is and what additional information it might be necessary for the assessment and plan co-ordinator to seek and liaise with assessment and plan co-ordinator about this.

7. Schools should also aim to consider prior to the meeting, the child/young person's personal profile, strengths and needs and have discussed this with the parent/carer and young person in advance preferably in a face-to-face meeting. This would involve drafting parts of the Plan.

### **Who should be invited to attend the transfer review meeting**

8. The school should invite the parent/carers and young person to attend the review and it needs to be set on a date and at a time which they can attend, as they are at the heart of the new approach. It would be helpful to set the date and time around their availability.

9. The assessment and plan co-ordinator should also be invited to the review meeting as they will assist in drawing up the outcomes, provision and budget elements of the plan. The assessment and plan co-ordinator should therefore also be consulted in advance about the date as they will be attending a number of these and other EHC TAC meetings.

10. Any key member of staff within the school or professional from outside who is currently involved should also be invited, including the educational psychologist. If it is impossible for one of the outside professionals to attend, that professional should alternatively submit a report so that the process is not delayed. The Schools and Community Psychology Service has guidelines for when they should attend with information on the sorts of input they can provide where they are unable to attend in person.

### **The transfer review meeting**

11. The school representative should chair the transfer review meeting as lead professional as is the case now with annual reviews, unless it is decided that another professional should chair the meeting (the parent/carer may request this).

12. The available assessment evidence and current information should be reviewed to ensure that there is nothing additional that is required. Ideally the school will already have considered this with the parent/carer and/or young person before the review meeting.

13. The transfer review meeting should refer to the child or young person's current Statement of SEN in relation to drawing up the outcomes and provision to be included in their plan so it is crucial that copies of the most recent Statement are available to those at the meeting.

14. Parts A-D of the plan should be completed if not already done, although it is suggested that this is drafted by the school in conjunction with the parent/carer and/or young person prior to the review meeting so that a draft is available for discussion and any amendment at the meeting.

15. The transfer review meeting should then consider the outcomes for the child/young person and agree the provision to meet those outcomes, completing parts E-K of the EHC

Plan. This will generally be done by the assessment and plan co-ordinator where they are able to attend.

16. All young people and parents/carers of children/young people transferring to an EHC Plan must also be offered the opportunity to request a personal budget. This should also be discussed as part of the transfer review meeting.

### **Action needed following the transfer review meeting**

17. Once the transfer review meeting has been concluded, the LA's assessment and plan co-ordinator will ensure that the draft Plan is ready and issue this to the parent/carer or young person for any further comments prior to issuing a copy of the finalised EHC Plan to them and to the school or other institution named in the Plan. In some cases it may be necessary for a Local Authority Panel to consider the draft Plan before it is issued if there are complex resourcing issues or disagreement about what is appropriate.

### **Other points to note**

18. Once the transfer process has started, appeal rights under the 1996 Act are replaced by those under the 2014 Act (in practice these are effectively the same except that the young person can appeal in their own right if they are over 16 (and are judged to have the mental capacity to do so). The latter would require a referral to Social Care and/or the Health Service to determine.

19. The transfer review process must be completed within a period of 20 weeks. The start of the process is from when the LA (SNAS) notifies the school that the transfer review process is starting and ends when the final version of the EHC Plan is issued to parents/carers and others, including the school.