The SEND Reforms – What they mean to Children and Young People with Statements and LDAs
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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 unless the Statement is no longer necessary.

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. All Wokingham Borough parents of children and young people with statements should have received a leaflet entitled ‘Converting Statements of SEN to Education, Health and Care Plans – Information for parents and carers’. The information is also available on the Local Offer**

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.
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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 September 2015 and April 2018**

In each year, local authorities **must** transfer children and young people to the new system:

- in Year 9
- before they move between
  - an early years setting to school;
  - infant to junior school
  - primary to middle school
  - primary to secondary school
  - middle to secondary school
  - mainstream to special school (or vice versa).

In 2015/16, local authorities **must** consider a request for an EHC needs assessment from a young person with an LDA, and the LA **must** issue an EHC plan if one was needed following an assessment.

**Between September 2016 and 31st March 2018**

In each year, local authorities should **give priority** to transferring to the new system those children and young people:

- in Year 6 not included in the list above (including where the child stays at the same institution)
- in Year 11
- leaving custody
- 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 **Transition to the new 0 to 25 special educational needs and disability system - Statutory guidance for local authorities and organisations providing services to children and young people with SEN - August 2014** and in the local authority’s Transition Plan, which can be found in the **Local Offer**.
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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. The review must be completed within 12 months of the date the Statement was issued or of the previous annual review.

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. The local authority must finalise the EHC plan, where one is needed, within 20 weeks of you being told that they are carrying out the transfer review or an EHC needs assessment.

For moves between school stages there are particular deadlines for the issue of EHC plans. These are:

- 31 March in the calendar year that the child or young person transfers from secondary school to post 16 institution
- 15 February in the calendar year of the child’s transfer in any other case.

Once the transfer process starts, your rights to appeal to the Special Educational Needs and Disability Tribunal 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. You can find out more in our leaflet ‘Education, Health and Care Plans’.

Key differences compared to Statements include:

- a greater focus on outcomes
- better involvement of parents and young people
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- 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. If a young person with an LDA requests it, the local authority must transfer them to an EHC plan by 1 September 2016 if they are staying in further education or training after that date.

You can find more information about EHC needs assessments in our leaflet ‘EHC Needs Assessments for Children at School or in Early Years Settings’.

What if I do not agree with the local authority?

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

SENDIASS offer impartial advice and support and can explain your options, including your rights to request reassessment and to appeal. You can also find out more in our leaflet What if I do not agree with decisions about SEN Provision?.

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Where can I get more information, advice or support?

*You can find the SEND Code of Practice at www.gov.uk/government/publications/send-code-of-practice-0-to-25

You will find the Department for Education guidance on the transition arrangements in Transition to the new 0 to 25 special educational needs and disability system - Statutory guidance for local authorities and organisations providing services to children and young people with SEN - August 2014

Every authority has a transition plan that sets out the local arrangements. You can see it in the Local Offer**.

** You can find the Local Offer at http://info.wokingham.gov.uk/localoffer

SENDIASS can 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
- information about EHC needs assessments
- advice and support during the process of assessment
- support in meetings with professionals
- details of the local arrangements for Independent Support
- details of other organisations, support groups and services that may be of help
- information, advice and support about your rights to make a complaint, seek independent disagreement resolution or mediation and appeal to the SEND Tribunal.
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For more information about this service visit:
www.wokingham.gov.uk/lo
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