

Department for Education March 2018 edition of the 0-25 SEND, Alternative Provision and Attendance Unit Newsletter.

Annex A: Advice and clarification for families for specific situations around transfers from Statements to Education, Health and Care Plans

<https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/2018%20March%20newsletter.doc> via <https://councilfordisabledchildren.org.uk/help-resources/resources/department-education-send-newsletters>

1) (a) My child has a Statement and is transferring from school to FE in September 2018 but his/her EHC needs assessment hasn't been concluded. Will his/her Statement lapse when he/she leaves school?

Transition provisions set out in the transition regulations (SI 2014/2270) enable existing statements to continue in place under the Education Act 1996 until an EHC needs assessment is concluded. This applies regardless of whether the Statement would have lapsed under the previous system. This ensures no child or young person with a Statement will lose support because their review has not been completed by the deadline. For any child or young person in that position, local authorities will remain responsible for ensuring that the provision and placement in their statement continues to be made.

1 (b) I have a Statement and will have turned 19 years of age by the end of August. My transfer review is under way but it hasn't concluded. Will I still be able to access provision and an educational placement in September?

As in 1a above, local authorities are under a duty to complete the transfer review as quickly as possible. In this scenario, the local authority is expected to plan for the following academic year, in line with expectations set out in the 2015 Code of Practice, and to ensure that appropriate arrangements are made for September, pending completion of the transfer review.

2) I'm moving to another area in April and my child's, transfer review has not been completed, which means that he/she still has a Statement. What will happen and how can I guarantee a new special school place near my new home?

If your child has a Statement of SEN and moves to a new local authority, the transfer will be governed by the SEN Code of Practice 2001, which states, in paragraph 8:115, that the receiving local authority *may* bring forward the annual review of the Statement or conduct a new assessment, but they are not obliged to do so – they may decide to accept and implement the Statement in its current form. The authority must inform parents of their decision within six weeks of the date of transfer of responsibility between LAs. If the receiving authority decides that a new assessment is necessary, it would be open to them to carry out an EHC needs assessment with a view to issuing an EHC plan.

3) What will happen to local authorities that have Statements outstanding on 1 April 2018?

Where LAs have Statements of SEN remaining beyond the end of March, they will be in breach of a statutory duty. There will be follow-up, by DfE, with every LA in that position. Our focus is on getting high quality provision in place for children and young people, underpinned by high quality EHC plans. We want everyone to benefit from the new system as soon as possible but that cannot come at the cost of quality. Our actions will be proportionate to, and dependent upon, the position each LA is in.