

## Isle of Wight Council Local Authority

### SEN Assessment & Review Team (SEN)

#### Process to transfer Statements of SEN/LDA/s139a/s140 to Education, Health and Care Plans (EHCPs)

Please refer to “Transition to the new 0-25 Special Educational Needs and Disability System” (August 2014)

#### 1. Introduction

All current Statements of Special Educational Needs (SEN) need to be transferred to an EHCP by 1<sup>st</sup> April 2018. The DfE have also indicated that an EHCP should be in place by 1<sup>st</sup> September 2016 for young people in further education and training who receive provision as a result of a Learning Difficulties Assessment (LDAs/s139a/s140) (if they are continuing in further education or training beyond that date).

No child or young person should lose their Statement of SEN and not have it replaced with an Education, Health & Care Plan (EHCP) simply because the system is changing. The legal test of when a child or young person requires an EHCP remains the same as that for a Statement of SEN. It is therefore expected that all children and young people who have a Statement of SEN and would have continued to have one under the old system, will be transferred to an EHCP under the new system.

#### 2. Key Messages

- All new applications from 1 September 2014, for statutory assessments will be considered as applications for Education, Health and Care Needs assessments.
- It is anticipated that the vast majority of children and young people with Statements of SEN will convert to an Education, Health & Care Plan (EHCP) unless the Statement ceases.
- Children and young people with existing Statements of SEN will have a ‘Transfer Reviews (EHC needs assessment)’ to convert a Statement to an EHCP.
- In order to ease the pressure on local authorities from the volume of ‘Transfer Reviews (EHC needs assessments)’, the timescale for the completion of the transfer of a Statement of SEN to an EHCP started on or after 1 September 2015 has been extended to 20 weeks (2 week notice period and a maximum of 18 weeks to complete the transfer review itself). The timescales for transfers of Statements of SEN where the ‘Transfer Review (EHC needs assessment)’ started before 1 September 2015 have not changed – remaining at 16 weeks (2 week notice period and a maximum of 14 weeks to complete the transfer review itself).
- Between September 2014 and September 2015, Local Authorities are only required to transfer young people with Statements of SEN to the new arrangements if they are moving from school to a post 16 institution or apprenticeship.
- Local Authorities should aim to transfer children at the points in their education at which a significant review of the Statement would have otherwise taken place, for example primary to secondary school.

- Learning Difficulties Assessments (LDAs/s139a/s140) for young people leaving school to go onto post-16 education will no longer be written.
- Young people in further education and training who receive support as a result of a LDAs/s139a/s140 can choose to request an EHCP.

### **3. Isle of Wight Council's Transition Plan**

There are over 620 children and young people with Statements of SEN living on the Isle of Wight and approximately 150 young people with Learning Difficulties Assessments (LDAs/s139a/s140). The Isle of Wight Council is aiming to transfer children and young people as quickly as possible, but within timescales that are achievable. The Isle of Wight Council wants to effectively deliver the new system whilst maintaining high quality arrangements for those children and young people continuing with their Statements of SEN.

Between 1 September 2015 and 31 August 2016, approximately 251 Statements of SEN and LDAs/s139a/s140 will be transferred into an EHCP. All children and young people moving through significant transition points in their education, i.e. primary to secondary, secondary to post-16, will be transferred within this year. Appendix 1 attached to this document shows the specific year groups that will be transferred in each academic year over a three year period. There is also an update on the progress of the first transfers started on 1 September 2014.

### **4. Informing Parents**

Isle of Wight children with Statements of SEN, in the academic year 2015/16, in year groups 2, 6, 9 and 11 will be the second to transfer to EHCPs. Maintained and Academy schools have been notified of this intention. Schools will be contacted again at the beginning of the autumn term to explain in detail the actions they need to take in order to start the transfer review process. The Isle of Wight Local Authority has prepared a transfer review format and guidance for schools to use as part of this process.

Letters will go to all parents of Isle of Wight children with Statements of SEN to explain the plans for transferring Statements of SEN to EHCPs.

### **5. Transfer Reviews**

The process of transferring a Statement to an EHCP is called a 'Transfer Reviews (EHC needs assessment)'. This process can take up to 20 weeks to complete. In the vast majority of cases, following the EHC assessment (transfer review), an EHCP shall be issued and replace the Statement of SEN.

Schools will still be expected to review the child's current Statement of SEN in the usual way and in accordance with the timescales set out in the Education Act 1996. It is however, acknowledged that schools/professionals may use some of the updated information gained from the annual review to inform their contribution to the 'Transfer Review (EHC needs assessment)'.

The Local Authority will write to parents and give them at least two weeks' notice of the 'Transfer Review (EHC needs assessment)'. This letter will also provide parents with the date their 'Our Story' contribution needs to be received by and the timeframes other professionals are also required to submit their reports.

The 20 week timescale will begin when the Local Authority writes to parents. This letter will give parents at least two weeks' notice that the 'Transfer Review (EHC needs assessment)' will be starting; the Local Authority will then have 18 weeks to complete the transfer review itself. At the same time, Local Authority will be gathering information for the EHC needs assessment and co-ordinate information sharing. Advice/information previously provided for any purpose will be sufficient for the assessment where the parents, the professional who gave the advice and the local authority agree. In those circumstances the local authority **must** not seek new advice.

When the reports have been received and a draft EHCP prepared, you or your child (if they are over 16) will be invited to attend a meeting with your Casework Officer, representatives from your child's school and other professionals supporting your child who can attend. The purpose of this meeting is for you and your child (if they are over 16) to contribute to the 'Transfer Review (EHC needs assessment)' and in particular to discuss and agree the outcomes to be achieved over the next year and phase of education. This meeting will take place in advance of the EHC plan being finalised. After this meeting has taken place, you will receive a draft EHCP. You and your child (if they are over 16) will then have a further opportunity to meet with your Casework Officer, make a preference for the school/college you would like named in the final EHCP and request the Local Authority considers preparing a Personal Budget.

The Local Authority must finalise the EHCP, where one is needed, within 20 weeks of the parents/carers being told the EHC assessment (transfer review) has started. In many cases, the assessment information contained within the current Statement of SEN is likely to remain accurate, and the Local Authority will be able to complete the process within the 20 week maximum.

If following the 'Transfer Review (EHC needs assessment)' it is decided, in consultation with parents, that an EHCP is not required, then the Statement of SEN shall cease.

## **6. Young People with Learning Difficulties Assessments (LDAs/s139a/s140)**

Between 1 September 2014 and 31 August 2016, young people up to the age of 25 in further education or training who receive support to meet their special educational needs as a result of an LDA/s139a/s140 can choose to either:

- Continue to receive their support as a result of their LDA/s139a/s140 (where it is still required) until the end of their time in further education or training or until 1 September 2016 whichever comes first, or
- Request an EHC needs assessment.

If the request is not made by the young person, the EHC needs assessment **must** only proceed with the young person's agreement.

Under the timescales set out, a Local Authority has six weeks following a request to consider whether it is necessary to carry out an assessment. When reaching its decision, the Local Authority should take into account evidence of the action already being taken by the post-16 institution to meet the young person's special educational needs. Where a young person is over the age of 18, the Local Authority **must** consider whether the young person requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete their education or training. Remaining in formal education or training should help young

people to achieve education and training outcomes building on what they have learned before and preparing them for adult life.

Where necessary, an EHC needs assessment **must** be carried out and an EHCP drawn up in accordance with the Children & Families Act 2014 and associated regulations.

A request from a young person to a Local Authority should result in an EHCP, where one is required, within 20 weeks from when the Local Authority notifies the young person that it intends to carry out an assessment and the young person consents. However, as Local Authorities **must** use assessment information contained within the LDA/s139a/s140, where it remains accurate, it is expected that the vast majority of transfers from LDAs/s139a/s140 will be completed well within the maximum 20 week period.

In cases where the Local Authority decides not to carry out an EHC needs assessment or does not issue an EHCP following an assessment, the young person has the right to appeal that decision. If an EHCP is not issued, the support described in their LDA/s139a/s140 should continue as planned.

## **7. Impartial SEN Information & Advice**

The SEN & Disability Information & Advice Support Service (Parent Partnership) offers free advice and guidance to parents, carers and young people with special educational needs. They offer a confidential service which gives impartial advice and information to help parents, carers and young people to make decisions. They can listen and help parents, carers and young people to liaise with schools and other services. Trained staff and volunteers can also help fill in forms and sit in on meetings.

The SEN Disability Information & Advice Support Service (Parent Partnership) can be contacted via email at: [parentpartnership@iow.gov.uk](mailto:parentpartnership@iow.gov.uk), via their website at: [www.iwpp.co.uk](http://www.iwpp.co.uk) or via telephone on (01983) 825548.

Alternatively parents, carers and young people can seek support from the Independent Support Programme which is a new Government funded initiative support parents, carers and young people who are either going through the new EHC needs assessment process or if they are transferring to an EHCP from a Statement of SEN or LDA. The Independent Support Programme will be working closely with the SEN & Disability Information & Advice Support Service (Parent Partnership), and they too offer free, independent and impartial information and support.

The Independent Support Programme can be contacted via email at: [independentsupport@peoplematteriw.org](mailto:independentsupport@peoplematteriw.org), via their website at: [www.peoplematteriw.org](http://www.peoplematteriw.org) or via telephone on (01983) 823898.

## **8. Transition Plan - Information & Queries**

Each child or young person and their family have an allocated Casework Officer within the SEN Assessment & Review Team who they can contact for further information and specific queries during the transition period. All parents have been advised who their Casework Officer is and their direct contact details. Alternatively, the team can be contacted via email at: [sen@iow.gov.uk](mailto:sen@iow.gov.uk) or by telephone on (01983) 823470.

All information relating to the transition process can also be found on the Isle of Wight Council's Local Offer web page at: [www.iwight.com/localoffer](http://www.iwight.com/localoffer)

## **9. Consultation**

The Department for Education's (DfE) revised statutory guidance on the transition to the new system was published on 28 August 2015.

As with the 2014/15 academic year, from 1 September 2015, the Isle of Wight Council has continued to arrange weekly information/training sessions for schools and services to attend and hear about the transfer review process. Feedback from these sessions will help inform the Isle of Wight Council's transition plan for future years.

In addition to parent information session held within their child's schools, information has also been presented to parents/carers at a couple of roadshow events and their feedback will help inform the Isle of Wight Council's transition plan for future years.