

Top Children & Families Bill Myths – Statements & EHC Plans

This information sheet is designed to dispel some of the myths associated with the progress and implications of the Children & Families Bill, with a specific focus on the transition from Statements to the new Education, Health and Care plans. Below are some of the key myths we hear which are **NOT TRUE**.

- 1. Myth: ‘My LA has said they don’t issue statements any more as the system has changed’**
– Statements will continue to be issued until September 2014. Some local authorities (on the ‘Pathfinder’ programme) are issuing EHC plans early in place of Statements, but these plans will no legal status. After September only EHC plans will be issued and will be legally binding
- 2. Myth: ‘My school has said that they don’t have to follow the Code of Practice any more as there is a new one’** – The new Code of Practice has not been approved yet, so the current Code will continue to apply until the new Code replaces it which is likely to be September 2014.
- 3. Myth: ‘My child’s statement will end on 1st September 2014’** – From September 2014 there will be a transitional period (up to 3 years) during which statements can be transferred into EHC plans. A statement will remain valid until an EHC plan has been developed, or is agreed to be no longer necessary.
- 4. Myth: ‘I’ve been told that EHC plans are the same as statements and have the same legal duties’** – EHC Plans will have no legal force until September 2014. Like Statements, any specified and quantified Special Educational Provision in the plan will have to be delivered by the local authority and can continue up until the age of 25 if a young person stays in education or training.
- 5. Myth: ‘My LA has said that only pupils with statements who receive a certain level of funding will get an EHC plan’** – The threshold for EHC plans will be the same as those for Statements, that is where the special educational provision necessary to meet the child or young persons needs cannot be reasonably provided within the resources normally available to mainstream schools and early years settings.
- 6. Myth: ‘I have been told that if I’m not happy with anything in my child’s EHC plan I can appeal’** – The educational aspects of an EHC Plan can be appealed to the SEND tribunal (from September 2014) in the same way as those of a statement. Arrangements for challenging Social Care and Health are still to be finalised, but should be in place by September 2014.
- 7. Myth: ‘When I ask for my child to be assessed under the new system the LA must carry out a social care assessment now as well as an assessment of his educational needs’** – No this is not true. The duty to assess a child’s needs is only in relation to their educational needs not any social care needs they – or you as their carer – may also have. This type of assessment still has to be triggered separately by contacting your children’s social work team. Once it has happened any information should be recorded in the EHC plan.

Where can I find out more? IPSEA (www.ipsea.org.uk) is a registered charity offering free and independent advice to parents of children with special educational needs in England and Wales. IPSEA's general advice line is 0800 018 4016.

If you need to talk to someone you can contact your local parent partnership service who offer free, impartial, confidential information and advice to parents and carers of children and young people with special educational needs. You can find your local service here: www.parentpartnership.org.uk or call 020 7843 6058.

Contact a Family (www.cafamily.org.uk) have a Helpline for parents of children and young people with SEN - helpline 0808 808 3555 / email helpline@cafamily.org.uk.



The SEN Information Organisations Group is a group of organisations that provide information to parents and carers of children and young people with special educational needs (SEN).