

## Summary of SEND Code of Practice<sup>1</sup>

<b>SEN Support</b>	<p>School Action and School Action Plus are now merged.</p> <p>Schools should follow an “assess, plan, do, review” cycle, involving external professionals where necessary</p> <p><b>(Paragraphs 5.38 and 6.44)</b></p>
<b>Individual Education Plans (IEP)</b>	<p>No requirement to produce an IEP, but <i>“Schools should particularly record details of additional or different provision....A local authority that is considering or carrying out a statutory assessment of the pupil’s needs, will wish to review such information.”</i></p> <p><b>(Paragraph 6.73)</b></p>
<b>Requesting a statutory assessment</b>	<p>An assessment can be requested by parents (or their advocate), young person aged 16+ (or their advocate), early years practitioners, schools, post-16 institutions and many others, including foster carers and health and social care professionals.</p> <p><b>(Paragraph 9.8)</b></p> <p>Evidence will need to be gathered about the nature and extent of the child’s SEN, evidence of the action already being taken to meet the SEN, evidence that where progress has been made, it is only as a result of much additional effort and support at a sustained level over and above that which is usually provided.</p> <p><b>(Paragraph 9.14)</b></p> <p>Local authorities must inform parents of their decision (whether or not to assess) within <b>six weeks</b> of the request and must give reasons for the decision.</p> <p><b>(Paragraph 9.17)</b></p>
<b>Education Health and Care Plans</b>	<p>Local authorities must give parents and young person 15 days to consider draft and give views and ask for a particular school/other institution to be named.</p> <p><b>(Paragraph 9.41)</b></p> <p>Plans should be clear, concise, understandable and accessible to parents, child / young person and providers/practitioners.</p> <p><b>(Paragraph 9.61)</b></p> <p>Must be evidence-based and focus on how best to achieve outcomes.</p> <p>No set format, but must include the following lettered sections in any order:</p> <ul style="list-style-type: none"> <li>a) views, interests and aspirations of the child / young person and their parents</li> <li>b) description of SEN</li> </ul>

<sup>1</sup> Information taken from [Special educational needs and disability code of practice: 0 to 25 years \(draft for approval by Parliament\)](#)

	<p>c) child / young person's health needs related to SEN</p> <p>d) child / young person's social care needs related to SEN</p> <p>e)outcomes sought for child / young person, including outcomes for adult life</p> <p>f) special educational provision required</p> <p>g) any health provision reasonably required by the learning difficulty or disability (LDD) which result in the child / young person having SEN</p> <p>h1) any social care provision which must be made for a child / young person under 18 resulting from section 2 of the Chronically Sick and Disabled Persons Act 1970</p> <p>h2) any other social care provision reasonably required by the LDD which result in the child / young person having SEN. Includes adult social care provision being made to meet eligible needs under care Act 2014</p> <p>i)name and type of school</p> <p>j) details of personal budget if parents/young person have opted for this</p> <p>k) advice and information gathered during assessment (appendices).</p> <p><b>(Paragraphs 9.62- 9.69)</b></p>
<b>Naming an education provider</b>	<p>Children must be educated in accordance with their parents' wishes so long as this is compatible with the efficient education of others and does not entail unreasonable expenditure.</p> <p><b>(Paragraphs 9.78-9.94)</b></p>
<b>Personal budgets</b>	<p>Parents or young people over 16 can request a personal budget (funding to buy services or support set out in the Education , Health and Care Plan based on clear agreed outcomes) when Plan is written or at annual review.</p> <p><b>(Paragraphs 9.95 -9.124)</b></p>
<b>Reviewing an EHCP</b>	<p>First review must be within 12 months of the date of issue of the plan.</p> <p><b>(Para 9.166)</b></p> <p>For children under 5, local authorities should consider reviewing a plan at least every 3 to 6 months. This would complement the duty to review at least annually and such reviews may be streamlined, depending on the needs of the child.</p> <p><b>(Para 9.178)</b></p> <p>Parents/young person, school or other institution, local authority SEN officer, health representative and local authority social care representative must be invited and given at least 2 weeks' notice.</p> <p><b>(Para 9.176)</b></p>

	<p>School must seek advice and information prior to the meeting from all parties invited, and send it to all invited at least 2 weeks before the meeting. <b>(Para 9.176)</b></p> <p>School must send report of meeting to all invited within 2 weeks of the meeting. <b>(Para 9.176)</b></p> <p>Within 4 weeks of the review meeting, the local authority must decide whether it will keep the Plan as it is, amend it or cease to maintain it and notify the parents/young person and school or other institution. <b>(Para 9.176)</b></p> <p>From Year 9 onwards, review must consider what provision is required to assist in preparing for adulthood and independent living. <b>(Para 9.184)</b></p>
<b><i>Amending a plan</i></b>	<p>If local authority proposes to amend a Plan, it must send the parent or young person a copy of the existing (non-amended) plan and an accompanying notice with details of the proposed amendments and copies of evidence to support them, and must give parents/young person 15 days to comment. <b>(Paras 9.193-9.198)</b></p>
<b><i>Ceasing a plan</i></b>	<p>Local authorities may cease to maintain a plan when any of the following apply:</p> <ul style="list-style-type: none"> <li>• the local authority is not longer responsible for the child or young person (e.g. child has moved to another local authority);</li> <li>• it decides that special educational provision is no longer needed; a young person aged 16+ starts paid employment (including employment with training but not apprenticeships);</li> <li>• the young person goes into Higher Education;</li> <li>• the young person aged 18+ leaves education and no longer wishes to engage in further learning; or they wish to continue in learning but the local authority believes maintaining a plan is not appropriate</li> </ul> <p><b>(Para 9.194 )</b> Local authorities must not simply cease to maintain plans once a young person is 18 or over. <b>(paras 9.199-9.204)</b></p>
<b><i>Transport</i></b>	<p>Current principles will still apply: if parents' or child / young person's preferred place is further away than nearest available place to meet needs, local authority is not obliged to provide transport to place further away. Could either name nearer school or name further one and ask parents to pay all or part of transport costs. <b>(para 9.214 )</b></p>
<b><i>Resolving disputes</i></b>	<p>Local authorities must make independent disagreement resolution services available, but use of the service is voluntary. Disagreement resolution can help resolve, or prevent from escalating, non-Tribunal matters (e.g. failure to make provision as set out in a Plan). <b>(Para 11.6)</b></p> <p>This is different from mediation which applies specifically to parents or young person who are considering appealing to the Tribunal (only some</p>

	<p>types of appeal) <b>(Para 11.5-11.13)</b></p> <p>Mediation services must also be independent of the local authority. <b>(para 11.15)</b></p> <p>Mediation aims to enable appeals to be disposed of more quickly and amicably. Parents and young person must contact a mediation adviser before registering an appeal about education / health / care needs assessments or the SEN element of an Education, Health and Care Plan. <b>(para 11.5)</b></p> <p>If parents want to go to mediation, Local authorities must attend. <b>(para 11.26)</b></p> <p>Mediation can also be used for health and social care elements of a plan. No tribunal for these elements <b>(para 11.31-11.37)</b></p>
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### Transitional arrangement from Statements, LDAs and eligibility for EHC plans<sup>2</sup>

<p>The legal test of when a child or young person requires an EHC plan remains the same as that for a statement under the Education Act 1996.</p>	<p>Therefore, it is expected that all children and young people who have a statement and who would have continued to have one under the current system, will be transferred to an EHC plan – no child or young person should lose their statement and not have it replaced with an EHC plan simply because the system is changing.</p>
<p>Young people with a LDA</p>	<p>The expectation is that young people who are currently receiving support as a result of a LDA and remain in further education or training during the transition period, who request and need an EHC plan, will be issued with one.</p> <p>It remains our intention to ensure that all young people who receive support as a result of an LDA who need an EHC plan have one by September 2016.</p>
<p>Overall timeframe for transition</p>	<p>The DfE have say:</p> <p><i>We are keen for all children and young people to benefit from the new SEND system as soon as possible but, to ensure quality is maintained, this must be balanced against local authorities' capacity to deliver</i></p> <p><b>DfE expect all Statements to be phased by April 2018.</b></p>

<sup>2</sup>[Implementing a new 0 to 25 special needs system: LAs and partners Duties and timescales - what you must do and when \(DfE/DH July 2014\)](#)

<p>Planning for and phasing the roll-out of EHC plans</p>	<p>Local authorities should consult with parents, young people and professionals to develop a local plan setting out the order in which children and young people with statements and LDAs will transfer to the new system.</p> <p>To ensure that momentum is maintained across all areas, all local authorities will be required to ensure that some groups of children are transferred to the new system by particular points during the transition period.</p> <p>Local authorities should aim to prioritise children and young people for transfer to EHC plans prior to key transition points – such as entry to primary school, primary to secondary school, and secondary school to further education - and at year 9.</p> <p>However, in order not to overwhelm the system in the first year of implementation, between September 2014 and September 2015 local authorities will only be required to transfer:</p> <ul style="list-style-type: none"> <li>• young people who receive support as a result of a LDA who request an EHC needs assessment;</li> <li>• children and young people who have been issued with draft EHC plans before 1 September 2014;</li> <li>• young people moving into further education or training from school in September 2015 (in 2014/15 this must be completed before 31 May 2015, and by 31 March in subsequent years)</li> </ul>
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### **Key messages**

- Anyone wanting to know how the new proposals may affect their children now or in the future should call the **Contact a Family helpline for advice 0808 808 3555**.
- As local authorities and their partners in England start to implement changes, no child and young person should be left without supported.
- Local authorities and their health partner should be proactive in giving information about local arrangements and telling parents where to go locally for help.
- Parents in the current SEN system must be told how and when their child's statement will be transferred to an EHC plan. Parents must not be left worrying and afraid their child's statement will simply end in September.
- Clear and accurate information must be available about parents rights – Contact a Family has education guides and independent specialist advice line to offer this help no matter what the child's need, condition or disability.

Contact a Family 209-211 City Road, London EC1V 1JN. Tel 020 7608 8700. [www.cafamily.org.uk](http://www.cafamily.org.uk)

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