

Information for parents

When your child has special educational needs – England

contact a family
for families with disabled children



National Network of Parent Carer Forums
'Our Strength is our Shared Experience'

Introduction to the Children and Families Act 2014

Part 3 of the Children and Families Act 2014 changed the way children and young people with special educational needs (SEN) and disabilities are supported. There is also a code of practice, the **Special educational needs and disability code of practice: 0 to 25 years**, which accompanies the Act. The code tells local authorities, schools and others how they must carry out their duties under the new law.

This factsheet is part of a series for parents, explaining how to get support if a child needs extra help in education.

Key principles

The law gives importance to the views, wishes and feelings of children and young people and their families. It is based on these principles:

Participation

Local authorities and health partners must work with parent carers and young people to improve services in their area, for example through their local parent carer forum.

Outcomes

Local authorities must offer support in a way that enables children and young people with SEND to achieve the best possible educational progress, and helps them do what they want in their lives as they grow up.

Joint decisions

Local authorities must make sure that young people and their families get the right information and support to take part in decisions which affect them.

Joint working

Education, health and social care services must work more closely together when they are deciding on the support available for children and young people with SEN and disabilities in their area.

What are the main changes?

Education, Health and Care (EHC) plans are replacing statements of special educational need. Like the statement, the EHC plan is a legal document, specifying a child or young person's special educational needs, the special educational provision they will get, and the nursery, school or further education college they will attend.

The EHC plan could begin at birth and continue until a young person is 25, if they still need the extra support to complete their education or training.

The EHC plan has more parts to it than the statement. It describes:

- the child or young person's views and future goals
- the outcomes the child or young person is expected to achieve
- health needs linked to the child or young person's special educational needs (SEN)
- health provision the child or young person needs because of their SEN. If health provision is included in a plan, it must be provided.
- social care needs and provision linked to the child or young person's SEN. There is a separate law covering social care assessments and provision, but details must be included in the EHC plan.

Parent carers and young people may be able to receive a personal budget to fund educational, health or social care provision set out in an EHC plan. See our factsheet, *Personal Budgets in England* for more information.

Need advice?

Call our freephone helpline

0808 808 3555

helpline@cafamily.org.uk

Open Monday to Friday, 9.30am–5pm



Once a child is over 16 they have a right to make decisions about the support made for them unless they lack the capacity to do so.

Each local authority must publish a 'Local Offer'. This is information about all the support the local authority expects to be available for the children and young people with SEN and disabilities who live in their area.

In mainstream schools, SEN Support has replaced School Action and School Action Plus. See our factsheet Extra support in mainstream school – SEN support.

Local authorities must ensure there is a source of independent information and advice available to parent carers and children and young people with SEN and disabilities.

The legal test for EHC plans remains the same as for a statement under the Education Act 1996. No child or young person should lose their statement and not have it replaced with an EHC plan simply because the system is changing.

When will the changes happen?

Since September 2014, no requests for statutory assessments can be made under the old law. A request for an Education, Health and Care needs assessment can be made to the local authority. Parents, young people over 16, or someone on behalf of a school or college can make the request.

Existing statements will remain in force until the local authority carry out a 'transfer review'. This is when a child's statement will be transferred to an EHC plan. This includes

an assessment to decide if an EHC plan is needed. It should be done at a time that is best for the child and should not disrupt their education. See our factsheet *From statements to Education, Health and Care plans*.

Each local authority must publish a transitional plan showing how and when existing statements will be transferred to the new system. They must also provide information for young people in further education and training who were previously supported through a Learning Difficulty Assessment (LDA). All LDAs have now ended. Young people with SEN in further education can have an EHC needs assessment to decide if they should have an EHC plan.

The process of transferring children and young people from statements to EHC plans will continue until 31 March 2018. Children and young people who need an EHC plan will be transferred at different points depending on their stage of education.



This is one of a series of free factsheets for parents about extra help in education: Others include:

- *Extra support in mainstream school – SEN support*
- *Education, Health and Care needs assessments*
- *Education, Health and Care plans*
- *Help in the early years*
- *Preparing for adulthood.*

They are available free to download, and free to parents who contact our freephone helpline:



0808 808 3555



helpline@cafamily.org.uk



www.cafamily.org.uk/the-sen-process

If you're not sure about any aspect of caring for your disabled child and would like to talk to someone, please call the friendly parent advisers on our helpline.

Find out how you can have a say about services in your area by joining your local parent carer forum. Contact the National Network of Parent Carer Forums:

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