

Information for parents

The special educational needs and disability (SEND) reforms - England

contact a family
for families with disabled children



Changing from the old system to the new – how will it happen?

If you have a child with special educational needs (SEN) you may have heard that the law is changing from September 2014. The new law is part of the Children and Families Act 2014. This will change the way children and young people are supported in education (see the first factsheet in this series, *Introduction to the Children and Families Act 2014*).

Many of the changes will not happen straight away in September and some of them will happen in stages over the next three years. This means that until all the changes are complete, in some situations schools and local authorities must follow the law which was in place before (referred to in this factsheet as the 'old' law), and in other situations, they must follow the new law.

This factsheet summarises when the changes will happen and how the changes might affect you and your child.

If your child has no statement of special educational needs

If your child was getting extra support at school through School Action or School Action Plus, the school must continue to support them just as before. This level of support is now called **SEN support**. This has replaced School Action and School Action Plus. However, your child's school may continue to use the old system for a few more months until they have put the changes in place (see *Extra support in mainstream school – SEN support*).

From September 1 you can no longer ask for a **statutory assessment of your child's special educational needs** under the old law. You can ask for an **Education, Health and Care (EHC) needs assessment** instead (see *Education, Health and Care needs assessments*).

If a request for a statutory assessment has been made, or if your child is going through one

- If a statutory assessment has been requested **before 1 September**, the local authority will consider the request under the old law. However, with your agreement, the local authority can treat it as a request for an Education, Health and Care (EHC) needs assessment under the new law.
- If your child is **currently going through a statutory assessment**, this process will continue under the old law. The local authority can treat it as an EHC needs assessment, but only with your agreement.

If your child currently has a statement, or if they have a Learning Difficulty Assessment

- If your child has a **statement of special educational needs**, this will carry on until the local authority has done a 'transfer review'. This is when they look at transferring your child's statement to an Education, Health and Care (EHC) plan (see *Education, Health and Care plans*). It should be done at a time that causes least disruption to your child's learning.

Need advice?

Call our freephone helpline
0808 808 3555
helpline@cafamily.org.uk
Open Monday to Friday, 9.30am–5pm



The transfer review may result in an EHC plan. The legal test for EHC plans remains the same as for a statement of special educational needs under the Education Act 1996. This means that no child or young person should lose their statement and not have it replaced with an EHC plan simply because the system is changing.

The local authority will contact you to let you know when they are going to do the transfer review for your child.

- If your child is in further education with a **Learning Difficulty Assessment**, this will continue. You or your child can request an **EHC needs assessment** from 1 September, which is the first step to getting an EHC plan.

If your child has an Education, Health and Care plan as part of a pathfinder local authority

If your child has an EHC plan issued by a **pathfinder local authority** (a local authority that has been testing out the new system), this will not automatically have legal force after September. The EHC assessment process will still have to be carried out to change it to a full EHC plan.

If you are going through an Appeal

If a **tribunal appeal** is in progress, or if you appeal about a statement after 1 September it will continue under the old law. However, in some types of appeal the outcome of an appeal might be an EHC needs assessment. Please call our freephone helpline for further advice.

When will my child be transferred to an EHC plan?

Here is a summary of when the transfer review process should take place for children with existing statements. This is based on government guidance given to local authorities.

Your local authority must publish information about its own transfer arrangements by 1 September. This will explain how the process will happen in your area.

The general rule is that young people moving to further education college and children moving on to the next stage of their education should be transferred first.

By the end of the next school year 2014 – 2015

Local authority **must** transfer:

- children and young people with statements, before they move from school to a post-16 setting or apprenticeship
- children and young people without statements who have been issued with non-statutory EHC plans (for example, in local authorities testing the new system before it became law)
- young people with a Learning Difficulty Assessment (LDA) where an assessment has been requested, and who need an EHC plan.

By the end of the school year 2015 – 2016

Local authority **must** transfer children in **Year 9**, and children moving from:

- early years to school
- infant to junior school
- primary to middle or secondary school
- mainstream to special school
- special to mainstream school
- school to post-16 setting.

By 1 April 2018

All children and young people must be transferred to the new system.

If you're not sure what to expect and you would like to talk to someone please call our freephone helpline on 0808 808 3555 and one of our education advisers will be happy to discuss your situation with you.

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

www.nnpf.org.uk 020 7608 8708 info@nnpf.org.uk
www.facebook.com/NNPCF www.twitter.com/NNPCF

Got a question about your child's education?

Call the Contact a Family freephone helpline

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