Essex County Council Guidance on transition to the new 0 to 25 special educational needs and disability system

New legislation (The Children and Families Act 2014) is coming into place from 1 September 2014 in relation to children and young people with special educational needs.

A government guidance document “Transition to the new 0 to 25 special educational needs and disability system” requires local authorities to publish information in relation to transition arrangements for converting Statements of Special Educational Need and Learning Difficulty Assessments (LDAs) into Education, Health and Care Plans (EHCPs). The document can be found at [click here](#) to view it. A further document “Implementing a new 0 to 25 special needs system: LAs and partners Duties and timescales - what you must do and when - July 2014 [click here](#) was published in July which provides further information.

It is expected that all children and young people who have a statement and who would continue to have one under the current system, will be transferred to an EHCP – no child or young person should lose their statement and not have it replaced with an EHCP simply because the system is changing.

The document makes the following requirements on local authorities:

- in 2014/5 to transfer young people who receive support as a result of a LDA who request an EHC needs assessment; children and young people who have been issued with draft EHC plans before 1 September 2014 and 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)*

- to aim to make the new arrangements available to all children and young people as quickly as they are able to. This must be by **1 April 2018** at the latest for children with statements and for those with LDA’s by **1 September 2016**;

- where possible children should transfer to the new SEN system at points in their education at which a significant review of the statement would have otherwise taken place;

- to prioritise the transfer children and young people in years subsequent to 2014/5 from early years to school; infant to junior school; primary school to secondary school; all year 6 pupils; secondary school to post-16 institution or apprenticeship; all other children and young people in year 11\(^1\); mainstream to special or vice versa and those moving between one authority and another;

So in 2014/5 the government requirement for transfer is minimal *. However, In Essex there are a large number of statements and LDA’s to transfer and therefore we believe we should endeavour to prioritise other cohorts of children as detailed in the grid below. However, we also have to consider the logistical arrangements of undertaking so many transfers (potentially 10,000 or more). Therefore, in addition to the priorities identified by central government Essex also considering a number of other cohorts to be priority to be completed in year 1 and 2 where possible which are:

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\(^1\) not just those who are moving into further education
- children and young people where the education placement is at risk. There will be a requirement to involve professional support (perhaps from an educational psychologist, specialist teacher or clinical specialist). The one planning environment [click here](#) is a good approach to complex casework and would support problem solving and decision making. If this approach is being used, a transfer to an EHCP is the natural outcome;
- children who are educated other than at school. We plan to carry out these transfers in years 1 and 2;
- children and young people who attend an out of authority school or post 16 provision. “out of authority” means a non-maintained school, although it may actually physically be in the county of Essex. We plan to carry out almost all of these reviews in years 1 and 2;
- Children and young people who have a statement and who are also looked after by the authority. We plan to carry these out in years 1 and 2;

and cohorts for whom it may be easier to arrange for transfers, such as:

- children and young people attending special schools – there will be large numbers, so giving information to parents, carers and schools will be easier. Local authority staff can rationalise work by only needing to be in one place. Teams of local authority staff could work with particular schools. These will be carried out in years 1 and 2;

Out-County Placements

- Send information about Essex EHCP transition plan and principles to all out-county schools;
- Ensure the 2014-5 review is attended by a representative from Essex and that they hold the review using the principles of person centred reviewing, and that any gaps in information are identified. Once that information is to hand the transition review will be held (in either year 1 or 2) and a draft EHCP will be created.

Central government has given local authorities funding to support the SEN reforms and in particular the transition from Statements /LDA’s to EHCP. In direct relation to the transition Essex will be using this money towards:

- enhancing staffing within the educational psychology service
- enhancing staffing within the statutory assessment service
- enhancing staffing in parent partnership service
- providing additional staff in social care specifically to support transfers
- funding for special schools to facilitate transfer reviews
- information and training for internal and external staff development
- information and training for health, voluntary organisations and post 16 provisions
- funding for parent carer forum (FACE) to support reforms
- funding to develop the local authority’s local offer portal
- training to support schools with their “schools offer”

How will transitions be organised?

The guidance requires local authorities to:

- conduct a transfer review by undertaking an EHC needs assessment in accordance with article 5 of [The Children and Families Act 2014 (Transitional and Saving Provisions](#)
Order 2014. Local authorities should have regard to the 0-25 SEN Code of Practice in undertaking the EHC needs assessment;

- finalise an EHCP, where one is needed, within 14 weeks of the start of the transfer review.

So all transfers will require what is effectively a re-assessment of need, undertaken in line with legislation and within a 14 week timescale. The Essex approach to EHC needs assessments is to work very closely with parents, carers, children and other agencies. The format for new requests can be found at click here with meeting 1 happening about 4 weeks after the initial request for assessment and meeting 2 (the meeting which fundamentally agrees the content of the EHCP) happening about 12 weeks after the initial request (or 6 weeks into the 14 week timescale). It is the case that many statements will be up to date; they may have been fairly recently amended or be fairly recent new assessments. In these cases it is likely that the transfer will be relatively easy and can be undertaken following a person centred annual review. For children and young people with more complex needs or where the statement is older (say more than 2 years) it is probable that a meeting 1 will also be necessary to determine what additional information is required. From September 2014 the LA will support annual reviews for pupils with statements, or who are supported through an LDA to be undertaken in a person centred way, which will help to support the transfer process.

With the above caveats in mind, listed below is the latest possible time which Essex expects to transfer the statements of each child or young person to an EHCP. Those which are highlighted are the cohorts central government are requiring us to prioritise in 2014/5

Pupils with statements

<table>
<thead>
<tr>
<th>Year Group as at 1 September 2014</th>
<th>Latest date statement will be transferred into an EHC Plan</th>
<th>Max numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>-2</td>
<td>Between 01/09/2015 and 15/02/2016</td>
<td>0</td>
</tr>
<tr>
<td>-1</td>
<td>Between 01/09/2016 and 01/04/2017</td>
<td>5</td>
</tr>
<tr>
<td>0</td>
<td>Between 01/09/2017 and 01/04/2018</td>
<td>243</td>
</tr>
<tr>
<td>1</td>
<td>Between 01/09/2017 and 01/04/2018</td>
<td>368</td>
</tr>
<tr>
<td>2</td>
<td>Between 01/09/2017 and 01/04/2018</td>
<td>445</td>
</tr>
<tr>
<td>3</td>
<td>Between 01/09/2017 and 15/02/2018</td>
<td>481</td>
</tr>
<tr>
<td>4</td>
<td>Between 01/09/2016 and 15/02/2017</td>
<td>475</td>
</tr>
<tr>
<td>5</td>
<td>Between 01/09/2015 and 15/02/2016</td>
<td>482</td>
</tr>
<tr>
<td>6</td>
<td>Between 01/09/2017 and 01/04/2018</td>
<td>584</td>
</tr>
<tr>
<td>7</td>
<td>Between 01/09/2016 and 31/08/2017</td>
<td>636</td>
</tr>
<tr>
<td>8</td>
<td>Between 01/09/2015 and 31/08/2016</td>
<td>675</td>
</tr>
<tr>
<td>9</td>
<td>Between 01/09/2016 and 01/04/2017</td>
<td>657</td>
</tr>
<tr>
<td>10</td>
<td>Between 01/09/2015 and 31/03/2016</td>
<td>728</td>
</tr>
<tr>
<td>11</td>
<td>Between 01/09/2014 and 31/05/2015*</td>
<td>744</td>
</tr>
<tr>
<td>12</td>
<td>Between 01/09/2016 and 31/03/2017*</td>
<td>533</td>
</tr>
<tr>
<td>13</td>
<td>Between 01/09/2015 and 31/03/2016*</td>
<td>200</td>
</tr>
<tr>
<td>14</td>
<td>Between 01/09/2014 and 31/05/2015</td>
<td>136</td>
</tr>
</tbody>
</table>

*Where the child/young person is moving into further education or training from school. Where a child is educated out of year group, their statement will be transferred to an EHCP, at whichever time the local authority and parents decide is the most beneficial for the educational needs of that child or young person.
Annual figures - this is a minimum rather than a maximum, and does not take account of transfers which will have been brought forward – are detailed below:

<table>
<thead>
<tr>
<th>Period</th>
<th>Figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 2014 to August 2015</td>
<td>880</td>
</tr>
<tr>
<td>September 2015 to August 2016</td>
<td>2085</td>
</tr>
<tr>
<td>September 2016 to August 2017</td>
<td>2306</td>
</tr>
<tr>
<td>September 2017 to 1 April 2018</td>
<td>2121</td>
</tr>
</tbody>
</table>

Pupils with Learning Difficulty Assessments
Essex currently has some 2,600 young people who have been in receipt of an LDA. Learning Difficulty Assessments (LDA) have to be transferred to ECHPs through the process described above at the latest by September 2016. LDAs have been a very effective vehicle for supporting young people in colleges and further educational institutions. An Information Advice & Guidance assessment will be undertaken to support the conversion of a Learning Difficulty Assessment to an EHCP or to produce an exit action plan signposting to opportunities that will support progression or sustain pathways to employment and adulthood. The Essex plan is to review each LDA on a case by case basis to decide whether and when the LDA needs to be transferred to an EHCP.

The priority group in year one will be students who received an LDA between 2010 – 2013. Students in receipt of an LDA in 2014 will be the priority group for an assessment, leading to conversion to an EHCP or an exit action plan from the LDA during year two

There is every possibility that children and young people may fall into more than one category and have their transfer at the earlier time. For instance a pupil who is looked after in year group 3 will have their transfer by 31 August 2015 (the earlier time) rather than 1 April 2018.

As mentioned above we envisage that we will allocate teams of LA staff to work in special schools and similar teams to work with a group of mainstream schools. The team will plan with the schools/colleges and liaise with parents about the individual timing of the review and transition, within the broader plan. Colleagues in social care and health will be kept informed and involved where appropriate.

The guidance expects the LA to include a number of issues within its plan as follows

- the groups that were consulted in developing the plan;
  - Families Acting for Change in Essex (FACE) via direct contact, Facebook, Twitter etc
  - Children and Young People
  - The Children with Disabilities Strategy Group
  - Special School Head teachers
  - Head teachers
  - Health
  - Social Care
  - Essex Parent Partnership
  - Families in Focus
  - Local Authority groups
  - SENCO cluster groups

- the number of children and young people with statements and LDAs that the local authority expects to transfer to the new system in each year of the transition period;
  - See table inserted above
the order in which children and young people with statements of SEN in the area will be transferred to the new system (within the parameters set out below);

how and when parents of children with SEN and young people with SEN, and their educational institution, will be made aware of the arrangements for a child or young person’s transfer;

details of the transfer review process;

the arrangements for the transfer of young people from LDAs to EHCPs;

sources of independent SEN information and advice;

who parents and young people can contact if they have queries about transition to the new system, and who they can complain to if they are not been transferred to the new system in accordance with the local transition plan.

See table inserted above

The transition plan will form part of The Local Offer which can be found at [click here](#)

Area parents evenings or events will be held to inform parents/carers, to be offered to all parents. These will be collaborative events run between the local authority and FACE.

Letters will be prepared to be sent to all parents in the Autumn term 2014 – for maintained mainstream and maintained special schools the letters will be sent for the schools to distribute. For out of county, independent schools and children educated otherwise than at school, the letters will be sent directly from the local authority.

[click here](#)

See above

Essex Parent Partnership Service
FACE
Families in Focus
Independent Supporters*

As above and
Any of the SEN Area Offices [click here](#)

The complaints link can be found at: [click here](#)

[Working in Partnership](#)

The ethos of working in partnership with parents/carers, children and young people is at the heart of the new legislation. This plan is designed to both meet the requirements of the guidance but also to offer a degree of flexibility in its delivery. Support for parents/carers, young people and children is also important and funding has been identified by central government to provide independent supporters. In Essex iSEssex is the deliverer of the support. iSEssex is led by InterAct working with FACE, ECDP and Families in Focus.

*The role of the Independent Supporter*

The nature and duration of Independent Support to parents and young people will need to be time limited, task orientated and based on individual need, but it will be provided with the primary purpose of supporting the parent or young person during the EHC assessment and planning process, with the intention of:

- Focusing on the main task of helping to transfer a statement into an EHCP.
- Helping the parent or young person understand the local offer.
- Acting as a named contact person for the parent or young person throughout the assessment and planning process.
• Liaising across a range of agencies with the parent or young person to help gather the information required for an EHC.
• Providing information to parents and young people on personal budgets.
• Supporting the parent or young person in contributing to an EHC that is then ready to be signed off by a designated professional that has been agreed as part of a local referral protocol process.
• Signposting parents and young people to Parent Partnership Services or local information advice and support (IAS) services, when the issue is outside the remit of an Independent Supporter.

Within the programme, Council for Disabled Children (managing the process on behalf of Central Government) has a clear expectation that in each local authority area, all organisations that are funded to deliver Independent Support and the appointed Independent Supporters themselves will need to work with and complement pre-existing local services. This includes the local authority SEN arrangements that currently exist and Parent Partnership Services in their key role in providing impartial IAS.

**Independent supporters are referenced in the final draft code section 2.20**

Additional support

2.20 Families may receive help from an independent supporter, provided by private voluntary and community sector organisations, who is independent of the local authority. Independent supporters will be recruited locally and receive accredited training, including legal training, to help any family going through an EHC needs assessment and the process of developing an EHC. Local authorities should work with organisations that are providing independent supporters to ensure there are arrangements agreed locally to offer help from an independent supporter to as many families as possible who require it.