



Special Educational Needs Reform: Information for Families

May 2014

This information leaflet is for families with a young person who currently has a Statement of Special Educational Needs (statement) or a Learning Disability Assessment (LDA).

Throughout the document we use the term **families** for anyone who cares for a young person and the term **young person** for any child or young adult with a statement or LDA.

Why am I receiving this leaflet?

Changes have taken place in the law and it is important that you are aware of how this may affect you. Legislation was passed in March and changes begin to take effect from September 2014.

How will these changes affect the current statement or LDA?

Statements and LDAs are being replaced by an Education, Health and Care plan (EHC).

From 1st September 2014 no new statements or LDAs will be created and we will instead begin to issue EHC plans. Any existing statements or LDAs will remain valid until an EHC plan has been developed for the young person or it is agreed that it is no longer necessary for them to have one.

It is very likely that those young people with a statement or LDA will have them transferred to an EHC plan but there is the possibility (just as there is now), that a review may result in the statement or LDA being discontinued rather than converted to an EHC plan.

This is particularly relevant if a young person's current statement states that 20 hours or less support should be provided weekly. Changes to school funding arrangements mean that in these cases the school has responsibility for funding any identified provision and therefore no additional funding is needed from the local authority. If this is the case, there will no longer be a need for a local authority to maintain a statement or EHC plan because all of the resources that the young person needed are already available to the school. This means that the local authority is likely to consider ceasing the statement and not converting it to an EHC plan.

When will change happen?

The new system begins in September 2014. We will then be gradually reviewing all existing statements and LDAs to convert them to EHC plans. All statements have to be converted by April 2018 and all LDAs by August 2016. We have to consult with families about the process of conversion and we will be publishing our approach to this by September.

What does an Education Health and Care plan look like?

An EHC plan is more than a statement or LDA. It brings together the health, education and care needs for young people aged 0 – 25 and sets out the provision that they need from education, health and care to meet these needs.

EHC plans are legally binding and young people up to the age of 25 will have the legal protections currently given by a statement. The Government hasn't developed a standard form but has provided guidance on what must be in a plan. Examples of plans used by pathfinder authorities and the draft Worcestershire EHC plan can be found on the SEN Reform Worcestershire website (see 'where do we go for further information').

Families will be involved in developing the plan and although we have a working draft this is just a start. There will be a new Code of Practice for Special Educational Needs that will govern the use of the plan and other support for young people. This code hasn't yet been published but it will be available on the SEN Reform Worcestershire website when it is.

What do I need to do?

Nothing at the moment as this leaflet is for information only. Someone from SEN Services will contact you if you need to take action. If a young person has a review coming up this will happen as usual and advice will be available about the conversion process.

We will prioritise young people who are transferring between phases or at post sixteen and we will publish a programme of conversion that will allow us to meet the 2016 and 2018 deadlines. It is possible that some young people will complete their education before the deadlines and may never need to have their statement or LDA converted. Others may have only just had a statement or LDA so may need to wait for a year or more before it is converted. In any case the legal protections for statements and LDAs remain in place until the dates specified. All young people will continue to receive the provision they are entitled to through their plan regardless of whether it is a statement, an LDA or an EHC plan.

What if we want to convert to an EHC plan straight away or what if we don't want to convert?

At the moment it isn't clear how we will respond to requests to convert early. We have over 3000 current statements and LDAs and we are currently appointing extra staff to support the conversion process. We will have to be clear with you about your options and should be in a position to do this by September. Updated advice will be published as soon as possible through bulletins on the SEN Reform Worcestershire website.

It is the case now and will be under the new system that the Local Authority will not always agree with families, schools or representatives about whether a young person's needs are such that we need to make provision through statutory assessment. Some young people's needs have changed to the extent that they may no longer need a statement or LDA and there may be many young people whose families are happy for their needs to be met through the provision that is ordinarily available within their school, college or setting.

We hope that where families are happy with provision and progression opportunities we could have a positive conversation about ending the statement or LDA rather than converting it and that in doing so we would recognise that the young person is making such good progress that an EHC plan is not needed.

If however, we reach a point where we disagree and we cannot resolve our disagreements through informal discussion and/or mediation then families will have better levels of protection and rights to go to the Special Educational Needs Tribunal Service than they do currently.

Will all young people who currently have a statement or LDA have an EHC plan?

We don't yet know whether there will be a significant difference between the thresholds for statements or LDAs and EHC plans. The Code of Practice should provide more clarity and will be published in the summer. The Government are clear, however, that if needs are such that a statement or LDA is needed then it is likely that a young person will need an EHC plan.

Will having an EHC plan rather than a statement or LDA change the amount or type of support a young person receives?

The EHC plan should make it easier to have an overview of the support a young person needs across education, health and social care. The support will only change if needs have changed just as changes would currently be reflected in a statement as a consequence of an annual review. If needs remain the same then the levels of support will remain the same through an EHC plan as they were through the statement or LDA.

What if a young person doesn't qualify for an EHC plan?

The Code of Practice applies to all young people with special educational needs and governs the way those needs are met either through an EHC plan or through the provision that is ordinarily available through schools and other universal services.

Children with special educational needs who do not have an EHC plan will have their needs in school met through ordinarily available provision. Schools have money in their budgets to provide for children who would have in the past been identified as school action or school action plus. These categories disappear under the new system and schools have money to provide for such children from what is known as their notional SEN budget. We will publish more detail before September on what the ordinarily available provision could look like and you will be able to see through the local offer what each school or provider can offer. More information on the local offer will also be published before September.

Are the timescales for getting an EHC plan the same as the current statement or LDA?

No, under the new arrangements we will have to complete a plan in 20 weeks from the decision to assess being made rather than 26 weeks and we will have to inform families of the decision within six weeks of receipt of a request to assess a young person.

Where do we get further information?

This document, links to other websites, sources of information and support as well as any subsequent updates will be available on the **SEN Reform Worcestershire** website: www.edulink.networcs.net/senreform

Worcestershire Parent Partnership Service is able to give independent and neutral advice providing information and support to families with a focus on young people who have been identified as having special educational needs.

Website: www.worcestershire.gov.uk/cms/parent-partnership.aspx

Telephone: 01905 610858

Worcestershire Early Help Hub can provide advice and support for families with children aged 0-19 and up to 25 for those with a disability.

Website: www.worcestershire.gov.uk/cms/family-advice-and-support.aspx

This document can be made available in alternative formats (large print, audio tape, computer disk and Braille) on request from SEN Services on telephone number 01905 765715 or by emailing SENReform@Worcestershire.gov.uk

To the best of our knowledge all information is correct at time of printing. May 2014

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