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Dear Parents

## NEW ARRANGEMENTS FOR SUPPORTING CHILDREN AND YOUNG PEOPLE WITH SPECIAL EDUCATIONAL NEEDS (SEN) AND DISABILITIES

The system for supporting children and young people with SEN and Disability is changing. In September, all local councils published a local offer setting out what support is available in your area to all 0-25 children and young people with SEN and disability.

Statements of special educational needs and Learning Difficulty Assessments (LDA) are being replaced with a **single Education, Health and Care (EHC) plan** for children and young people with complex needs. The EHC plan will place much more emphasis on personal goals and will describe the support your child will receive while they are in education or training. Under the new system, which is designed to work better around a family's needs, councils must be able to offer a co-ordinated education health and care plan assessment and issue an EHC plan within 20 weeks where one is needed. Those with an EHC plan also have the legal right to ask for a personal budget, which they will agree with their council.

Councils must also make sure there is a source of independent information, advice and support for parents and children and young people with SEN and disabilities. **Families will also be able to access new Independent Supporters** to help with EHC needs assessments, and transfer from statements to EHC plans. Families must have access to mediation services so disagreements can be resolved locally. Families still have the right to go to the SEND Tribunal to resolve disputes if they want to do so, but must have a certificate from the council to show they have at least considered mediation first.

### Support for those without EHC plans

For those with SEN or disabilities who do not need an EHC plan, we are introducing SEN support, which replaces School Action and School Action Plus. Schools and nurseries must work with the child's parents or carers when agreeing what support they will provide and what this support will achieve, drawing in additional resources as needed, setting clear targets for progress, and tracking how it is working. Many schools are doing this through working with children and young people to develop one page profiles which explain what is important to the child or young person, what they want to achieve and how the school will help.

### Transferring over to the new system

School pupils and those in the early years on School Action/ School Action Plus should have transferred to SEN support by the end of the spring term 2015.

For those children and young people who already have statements or learning difficulty assessments, the council must have a plan to transfer them over to EHC plans, which has been developed with parents, so that:

- Young people who currently receive support as a result of a Learning Disability Assessment (LDA) who request an EHC plan and need one are issued with one within 20 weeks of an assessment being requested;
- Young people who currently receive support as a result of an LDA who continue in further education or training beyond 1 September 2016 have an EHC plan where one is needed;
- Children and young people with statements are transferred to EHC plans by 1 April 2018 (although some councils might decide to do it faster).

We are phasing in the changes in order to ensure that support is maintained through the transition period and the new system is not overwhelmed. You can find out more information about how this will work in the guidance about transition (<https://www.gov.uk/government/publications/send-managing-changes-to-legislation-from-september-2014>).

### **Keeping current protections**

The new law does not change the definition of SEN, and the legal test for when a child or young person requires an EHC plan is the same as that for a statement under the Education Act 1996. So **no child or young person should lose their statement and not have it replaced with an EHC plan simply because the system is changing.** Equally, I expect 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.** If a council decides to cease a statement and not replace it with an EHC plan or not issue an EHC plan to a young person who receives support as a result of an LDA then dispute resolution arrangements must be in place locally for parents and young people, including mediation and the right to appeal a decision to the SEND Tribunal.

### **An offer which improves over time**

From my own conversations and visits in recent months, I've been hugely impressed with the commitment and enthusiasm local councils and their partners are showing for the changes. They've said the new legislation has revitalised their practice, and enabled them to work much more collaboratively with parents. Parents who have been through the EHC assessment and planning process are saying that it has been a positive experience – one which focuses on their child's strengths rather than their limits. There will inevitably be teething problems, and in the early days and months the new system may not be all that families want and expect. If that is your experience, I can assure you, it will improve over time.

**If you have any further questions about the reforms, do read the Parents' Guide we have produced** (<https://www.gov.uk/government/publications/send-guide-for-parents-and-carers>). It sets out in more detail how the reforms will work and has been developed in partnership with parent representative bodies, such as the National Network of Parent Carer Forums, Contact a Family and Special Needs Jungle. It includes information about where you can go for more information and help. You can also speak to your council's local information, advice and support service - you can find contact information for these here: [www.parentpartnership.org.uk/find-your-pps/](http://www.parentpartnership.org.uk/find-your-pps/).

In bringing in these important changes, we've listened in particular to parents, children and young people, to make sure we do what works best for them. As we all move forward together, I will ensure we continue to do so.



**EDWARD TIMPSON**