



Education Rights Series

Factsheet 3

Transfer Reviews

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Transferring from a statement to an Education, Health and Care Plan

This factsheet applies to children in England only who have an existing statement of special educational needs.

Following the coming into force of the Children and Families Act in September 2014, all statements of Special Educational Needs will over time be replaced by Education Health and Care Plans (EHCPs). This happens through transfer reviews.

When will my child be transferred and do I have a choice?

Children and young people with existing statements are being transferred to the new system in a gradual way until April 2018. The legal threshold for an EHCP is the same as that for a statement so all children with statements will be eligible unless their needs have significantly decreased. The government has set a framework which specifies the year groups which the local authority (LA) is required to transfer each school year. These will mainly be children and young people at major transition points.

The priority group for the first year (2014/15) were young people leaving school to move to further education or training. In 2015/16 and 2016/17 the following groups **must** be transferred:

- school leavers
- all young people in year 9
- children moving from an early years setting to school
- children changing school at a phase transfer e.g. infant to junior, primary to secondary
- children moving from mainstream to special school and vice-versa

Within the wider framework set by the government, local authorities may set their own timetable for transfer. This timetable must be published on the LA website. There is no legal right to be transferred ahead of the timetable but your LA should consider any reasonable requests.

Some parents have been given the option for their child to transfer either now or at a later stage. While the Down's Syndrome Association can't give a hard and fast rule about what to do, you may like to consider the following:

- Are you happy with the existing statement? – If you have fought hard to get specific provision such as speech and language therapy, then you may want to leave well alone.
- If the statement does not reflect your child's needs or you are looking for a change of school you may want to move to an EHCP.
- Does your child have complex health needs that are not being properly catered for in school? – in this case you may want to consider moving to an EHCP
- How well prepared is your LA? If there have been a lot of teething problems in your area then you may prefer to wait until the local authority is up to speed. Your local Information Advice and Support Service may be able to advise

What is the procedure? Is a transfer review just like an ordinary annual review?

The transfer from statements to EHCPs happens by means of a 'transfer review'. This must involve a meeting of parents and professionals which normally takes the place of an annual review meeting. The meeting is often, but does not have to be, at the start of the process. It is important to be aware that the transfer review is not just a one off meeting or a rebadging of an existing statement, but **must consist of a full Education, Health and Care needs assessment**. Legally binding timescales apply to this.

Timescales

Notice given before 1st September 2015

- 2 weeks' notice for the start of the process
- 2 weeks' notice for the review meeting
- 14 weeks from start of process to final EHCP (This is the date by which the final EHCP must be in place)

Notice given on or after 1st September 2015

- 2 weeks' notice for the start of the process
- 2 weeks' notice for the review meeting
- **18 weeks** from start of process to final EHCP

The timescales have been extended from September 2015 to ease the pressure on local authorities. The overall timescale of 20 weeks matches that for EHC needs assessments for children without statements.

In addition there are specific dates to issue a final EHCP for particular groups:

- children at phase transfers e.g. early years to primary, primary to secondary school – by **15th February** in year of transfer
- school leavers moving to college – by **31st March** in year of transfer

Who must be involved?

The local authority must consider information and advice about the young person from the following people / agencies:

- Parents and the young person themselves
- Education - normally the school or college
- Health
- Educational Psychologist
- Social care
- Anyone the LA thinks necessary
- Anyone that parents or the young person reasonably requests.

If the existing information is up to date, the LA must not seek further reports. However this is subject to agreement from parents / young people. Many young people will have statements that are severely out of date. If you think that a new report is needed, then insist on it. There is also a new right for the parent/young person to request involvement from particular people. This might be for instance a speech and language therapist, an occupational therapist or mental health professional.

Although EHCPs are triggered by an educational need, health and social care are an integral part of the plan, so it is important to check that evidence contained in say medical reports is up to date. Many families may not have had any social care involvement when their children were younger, but could now be looking for help for instance to enable a teenager to develop more independence. It can be useful to ask for a separate social care assessment before the EHC transfer review.

Parents and young people should be closely involved in writing the EHCP. This involvement is particularly likely to focus on the young person's and the family's views and aspirations. It is also important to think about the outcomes that the young person will be aiming for over the next couple of years.

Once the draft plan has been drawn up you will be sent a copy and have 15 days to comment and submit your preference of school or college. This may of course be the school that your child already attends.

My son /daughter is over 16. Are there specific things to be aware of for this age group?

Yes there are some significant changes in the law affecting young people over compulsory school age. Please see our factsheet 'Young people over 16 with SEND' for full details <http://www.downs-syndrome.org.uk/for-families-and-carers/education/sen-and-the-law/education-rights-series/>

To help you prepare

- Check your local authority's transfer timetable. This should be published via the 'Local Offer' site
- Check your LA's published transfer procedure and any forms that are available
- Start thinking about what updated evidence may be needed from people involved with your child.
- Get some help if you need it – Find out what may be available from your local Information Advice and Support service (formerly Parent Partnership). They may be able to provide telephone or face to face support, published information or parent workshops. The government has also funded Independent Supporters in every LA to help families through the EHCP process.

Further information

From the DSA website

General education pages

<http://www.downs-syndrome.org.uk/for-families-and-carers/education/>

SEN and the law

<http://www.downs-syndrome.org.uk/for-families-and-carers/education/sen-and-the-law/>

From your local authority

Local Offer for Special Educational Needs and Disability. This will tell you what services and support you can expect to be available locally for children and young people with special educational needs or disabilities (SEND) - search for 'your LA name local offer'

From other organisations

Information Advice and Support Services (formerly Parent Partnership)

<http://www.iassnetwork.org.uk/>

Independent Support

<http://www.councilfordisabledchildren.org.uk/independentsupport>

DfE transitional guidance

<https://www.gov.uk/government/publications/send-managing-changes-to-legislation-from-september-2014>

IPSEA have a useful transition timeline document

<http://www.ipsea.org.uk/what-you-need-to-know/transition>

The Down's Syndrome Association

The Down's Syndrome Association provides information and support on all aspects of living with Down's syndrome. We also work to champion the rights of people with Down's syndrome, by campaigning for change and challenging discrimination. A wide range of Down's Syndrome Association publications can be downloaded free of charge from our website.

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