

Stockport Metropolitan Borough Council

**Special Educational Needs and
Disability (SEND)**

**Implementation Plan to
Transfer Statements and
Learning Difficulty
Assessments**

2014/2018



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Special Educational Needs and Disability Implementation Plan 2014-2018

1. Background and Context

Stockport has always placed a high priority on developing inclusive practices where we recognise and value every child's strengths, abilities and needs.

This plan has been co-produced with parents and carers in Stockport. The purpose of this plan is to recognise and build on this good practice by outlining Stockport's transitional arrangements to incorporate our new responsibilities housed within Part 3 of the Children and Families Act 2014 and the accompanying Special Educational Needs and Disability Code of Practice: 0-25 (June 2014), leading us to full implementation by April 2018.

Whilst being clear about what we want to achieve and how we aim to achieve this over the next four years, we will be flexible in our approach so that we can respond to our local priorities and on-going legislative and funding changes. To this end, the plan will be reviewed and renewed at the end of each financial year in co-production with partners, parents, carers and young people.

We will work with professionals, families, young people and local communities to work together ensure services are well coordinated and joined up. We will also ensure parents; carers and young people have greater confidence by giving them better access to information and greater opportunities to participate in decision making.

2. Our Main Principles

As Stockport continues to implement the new SEND reforms, we will ensure that we co-produce the development of all aspects of the Code of Practice, with parents, carers, children and young people.

Stockport have developed a definition for coproduction with families and partners which is:

'Co-production happens when all partners together design, develop, carry out and review recommendations, plans, actions and materials as a collective.'

The participation of children, young people and their parents/carers in planning on an individual basis is central to ensuring clear outcomes are identified and that children and young people with a special educational need and/or disability are empowered and can achieve their full potential. To ensure family's voices are central to all our work, we will ensure we have regard to:

- The views, wishes and feelings of the child or young person, and the child's parents/carers
- The importance of the child or young person, and the child's parents/carers, participating as fully as possible in decisions, and being provided with the information and support necessary to enable participation in those decisions
- The need to support the child or young person, and the child's parents/carers, in order to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood.

It is a requirement of local authorities to develop a SEND transition plan in consultation with parents, young people and professionals and to publish the first version of this plan by September 1st, 2014. This ensures parents; carers and young people have access to information about when they will be transferred to the new system and what the transfer process will entail.

3. Timescales for transition to the new SEND system

Stockport's aim is for all children and young people with SEND to benefit from the new SEN and disability system as soon as possible. Stockport however want this transition to happen at a pace that is achievable and which maintains the quality of support both to children and young people making the transition and those still on the previous system. We will aim to make the new arrangements available to children and young people as quickly as possible and by April 1st 2018, all children and young people who were eligible for statements and learning difficulty assessments under the previous system will have an education, health and care plan in place, which has been co-produced.

Improving preparation of young people for adulthood is a principle aim of the new SEN system. Young people who are in further education and training will have been transferred to the new system by 1st September 2016.

4. What the new SEND reforms will mean for families

4.1 The transition to Education, health and care plans from current statements and learning difficulty assessments.

The Children and Families Act provides for new statutory assessments and planning arrangements for children and young people with special educational needs and or disability (SEND). As from the 1st September 2014, it will be no longer possible to request a statement for a child or young person who does not already have one, and no new learning difficulty assessments (LDA) can be commenced.

From the 1st September 2014, Stockport will consider all requests for an assessment of SEND for children and young people who do not have an existing statement under the new legislation. Those requiring a statutory plan to secure relevant provision to meet their special educational needs will be issued an education, health and care plan (EHCP).

In this transition plan, we will set out the arrangements to gradually transfer those young people with a current statement or learning difficulties assessment over to the new arrangements. The legal test of when a child or young person requires an EHCP remains the same as that for a statement under the Education Act 1996 and therefore Stockport commits to ensuring all those children and young people currently in possession of a statement will be transferred to an education, health and care plan by April 2018. No child or young person will lose their statement and not have it replaced with an EHCP simply because the system is changing.

Young people will have a learning difficulty assessment (LDA) in place because they had a statement at school or because, or in the opinion of the local authority, they are likely to need additional support as part of their future education or training; and would benefit from an LDA to identify and meet their needs.

Stockport commits to ensuring that those young people who are currently receiving support as a result of their LDA and remain in further education or training during the transition period, who request and EHC plan, will be issued with one. Services for Young People Officers will complete an EHC plan if it is identified that the young person will stay in education beyond Sept 2016 and if they are in receipt of high needs funding. The needs of the young person from now to the completion of the EHCP will be met by the LDA.

There will be robust review arrangements in place for all children and young people who have an EHCP to ensure the outcomes documented and provision outlined is still fit for purpose and is up to date. The review date for each EHC plan will be documented within each individual plan and will be no more than annually.

5. Questions and Answers

5.1 What will happen if the statement process is already underway or being reviewed before the 1st September 2014?

In cases where the assessment or reassessment for a statement is in progress on the 1st September 2014, then it will continue under the current statement arrangements unless there is an agreement between the parent/carer or young person and the local authority to treat it as an EHC assessment.

In advance of the 1st September 2014 we will have conversations with families who may find themselves at this point on the 1st September 2014 to attempt to seek an agreement to move towards an EHC plan. This will ensure that children and young people will benefit from the new system as soon as possible and help to reduce the burden on families and local authorities of needing to conduct transfer reviews for these children and young people later. Stockport will commit to not repeating any on-going assessments if they are to be transferred into an EHC plan in this initial period.

If the decision is taken to treat the on-going assessment as an EHC needs assessment, and where triggered by a request where an EHC plan is needed, it will be issued within 26 weeks of the original request for an assessment for a statement.

5.2 What will happen if the learning difficulty assessment process is already underway or being reviewed before the 1st September 2014?

If a young person is transferring to an LDA from July 2014, it is expected that the LDA will be transferred to and EHC plan. The plan would more than satisfy the legal requirement. In these circumstances, Stockport will secure an EHC plan for a young person, where one is needed within 14 weeks of the 1st September. The transfer time will be identified by working with the local colleges to agree a suitable transfer time to ensure the EHCP is in place for Sept 2016, the needs of the young person during this time will be met by the LDA.

5.3 How will Stockport transfer those currently with a statement/LDA to and EHC plan?

During the transition period (up to April 2018), a child's or young person's statement will remain in place until:

- The local authority decides to cease the statement following an annual review
- The statement is ceased because the young person leaves education/training
- The child or young person has a transfer review and
 - an EHC plan is secured
 - the local authority decides he/she does not require an EHC plan

5.4 What happens as I continue to have a statement?

During the transition period, Stockport will continue to:

- Where necessary, maintain statements
- Review statements, at least annually
- At year 9, draw up and annually review the transitions plan
- Make 'parent partnership services' and disagreement resolution arrangements available to the parents/cares of children and young people who have statements.

5.5 What is my responsibility as a parent/carer and how will I be involved if my child has a statement during the transition period?

During the transition period, the parents/carers of children and young people with statements must continue to be:

- Invited to provide evidence for annual reviews, be sent copies of evidence others have provided and be invited to the annual review
- Provided with an amendment notice where there is a proposal to amend a statement and an amendment statement is sent to them be advised of their right to appeal
- Advised of their right, following a review, which does not result in an amendment to a statement, to appeal to the tribunal
- Advised of their right to appeal to the tribunal where the local authority proposes to cease to maintain a statement and not replace it with an EHC plan.

5.6 When will my child's statement be transferred to the new SEN and disability system?

To ensure momentum is maintained during the transition period, and to minimize disruption for families and provide them with some certainty, Stockport will transfer children and young people to the new SEN and disability system at points in their education at which a significant review of the statement would have otherwise taken place.

Stockport will transfer children and young people from statements to EHC plans in advance of them transferring to the next phase of their education and at the significant year 9-review point.

Commencing 1st September 2014, Stockport will transfer children and young people with a statement to the new arrangements prior to them transferring from:

- Early years settings to schools (including where the child remains at the same institution)
- Infant to junior schools
- Primary to secondary schools
- Secondary to post 16 institutions or apprenticeships
- Mainstream to special school or vice versa.

We plan to transfer the following groups of children and young people each year:

- All children with statements in year 6, not just those transferring from one institution to another
- All children and young people in year 11, not just those moving to further education
- Those moving between one local authority and another

In 2014/15, Stockport should also transfer the following groups:

- Children with statements in year 9 in 2014/15

- Children and young people with a statement leaving custody between 1st September 2014 and 1st April 2015
- Children and young people issued with a non-statutory EHC plan before the 1st September as part of Stockport's pilot.

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5.7 How will transfers take place?

In each academic year, which Stockport intends to transfer a child or young person from the statement to the new SEN and disability system, the annual review of the statement will be replaced by the transfer review. The transfer review will be completed within 12 months of the date the statement was issued or previous annual review of the statement.

Where a transfer review is undertaken within 12 months of a transfer between phases of education, the transfer review will be completed before:

- 31st May 2015 for those transferring from secondary to post 16 education on the 1st September 2015 and in subsequent years before the 31st March in the calendar year of the transfer to post 16 institution
- 15th February in the calendar year of the child's transfer in any other case.

5.8 What is the legal status of my statement during the transition period?

The legal status of the current statement continues until the 1st April 2018, unless there is an on-going appeal in relation to a statement/transfer review. All statements will cease to have legal status from the 1st April 2018. For those children and young people who have not had their statement transferred to the new system by summer 2017, Stockport will notify families by the 1st October 2017 that their transfer review will take place in that school year.

5.9 When will my child's learning difficulty assessment be transferred to the new system?

Between the 1st September 2014 and 1st September 2016, young people in further education or training who are receiving additional support to meet their special educational needs as a result of an LDA, can choose either:

- To continue to receive their additional support as a result of the LDA (where it is still required) until the end of their time in further education or training.
- After the 1st September 2016 all LDA's will have ceased and been replaced by EHC plans where required.
- At any time during 1st September 2014 to 1st September 2016 a young person can request an EHC assessment.

From the 1st September 2014, Stockport will inform young people in further education or training who have a current LDA of their options. This information will set out how the new SEN and disability system can benefit these young people. Stockport will also provide information and advice to these young people about where they can obtain independent advice and support, including from an independent supporter.

5.10 As my child/young person needs a transfer review to move to the new system, what is this?

A transfer review must be undertaken to transfer a child or young person to the new system and to obtain an EHC plan. The transfer review will be outcome focused, exploring the ambitions and key points of success for that child or young person, it will also help families and professional to look at the most appropriate support that can be provided to meet those outcomes. This information will then be transferred to the new education, health and care plan.

Until the transfer review is complete, Stockport will remain under a duty to maintain the statement and arrange the special educational provision set out in the statement.

To initiate a transfer review, Stockport will notify the parent/carer of the young person and head teacher of the school attended at least two weeks before the transfer review commences. If there is an appeal in progress, a transfer review cannot take place.

Stockport is committed to not duplicating assessments and information. If Stockport and the parents/carers are satisfied that advice previously given is adequate in specific areas to input into the transfer review, then information will not be sought again.

It is anticipated that much of the assessment information contained within the statement will be recent and relevant, and Stockport will be able to complete the transfer review promptly.

Stockport will finalise an EHC plan, where one is needed, within 14 weeks of the start of the transfer review.

To complete the transfer review, Stockport will:

- Send a copy of the finalized EHC plan to the child or young person and the governing body, proprietor or principal of any school or other institution named in the plan; or
- Notify the child or young person's parents/carers of its decision that it is not necessary for special educational provision to be made for a child or young person in accordance with an EHC plan and notified the child or young person's parents/carers that it is ceasing to maintain the child or young person's statement.

Parent/carers and young people will have the right to appeal under the new SEN and disability system from the point the transfer review commences. The appeal rights relating to statements will no longer exist.

If Stockport decides not to secure an EHC plan for a child or young person transferring from a statement, we will notify the parents/carers within 10 weeks of the start of the transfer review. Under these circumstances, the statement will not cease until the end of the period that a parent/carer or young person can register to appeal, or if an appeal has already been registered:

Until the tribunal upholds Stockport's decision or
Until the EHC plan is secured following an order of the tribunal.

5.11 How does this differ for LDA's?

Stockport will treat any request for an assessment from a young person in further education or training who has had an LDA as a request from a new entrant into the system. If necessary, a full assessment will be carried out and an EHC plan drawn up. A request from a young person should result in an EHC plan, where one is required within 20 weeks.

Stockport has 6 weeks following on from a request to consider whether to carry out an assessment.

If the young person in question is over 18, Stockport will consider whether the young person requires additional time, in comparison to other young people of the same age who do not have SEN, to complete their education and training. Remaining in formal education or training should help young people to achieve education and training outcomes, build on what they have learned before and prepare for adult life.

Where a decision is taken not to conduct an EHC needs assessment or not secure an EHC plan the young person has a right to appeal this decision. Where an EHC plan is not secured, the provision made as a result of the LDA should continue as planned.

5.12 What happens if my child/young person has been given an EHC plan as part of the pilot process prior to September 2014?

Some children and young people will have been issued with an EHC plan as part of the pilot programme in Stockport to help us be fit for purpose by September 2014.

Any child or young person with a pilot EHC plan will be transferred to statutory EHC plans in 14/15 in line with the review process set out above. In these cases, children and young people will continue to have the same rights as other children and young people with statements and Stockport will have the same duties to arrange the special educational provision set out in those statements until they have transferred fully to the new system.

Stockport will:

- Contact all parents and carers of young people with a pilot EHC plan before the 1st September 2014 to inform them they will be transferred to the new system by their next annual review, and the provision set out in their pilot EHC plan will continue to be made until they are transferred to the new system
- Make clear that, where existing information is recent and relevant in the pilot EHC plan, the transfer will be prompt.

5.13 How does this all apply if my child is in a young offender's institution?

The new system will only apply to young people in youth offending institutions from April 2015.

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6 Appendix 1

The baseline position for Stockport is summarised in table 1 below. From this data it is possible to forecast the number of transfer review meetings required to convert all CYP from Learning Disability Assessments and Statement for educational Need. The forecast is included in table 2 below.

At the time of this report there are 1,627 CYP who have a statement and 93 CYP with an LDA.

Table 1

Year Group/age	Number of statements	Number of LDAs
Nursery 2	1	
Nursery 3	37	
Reception	60	
1 (aged 6)	74	
2 (aged 7)	79	
3 (aged 8)	128	
4 (aged 9)	117	
5 (aged 10)	139	
6 (Aged 11)	134	
7 (aged 12)	139	
8 (aged 13)	147	
9 (aged 14)	156	
10 (aged 15)	154	
11 (aged 16)	196	
12 (aged 17)	21	27
13 (aged 18)	23	15
14 (aged 19)	22	8
15 (aged 20)		18
16 (aged 21)		9
17 (aged 22)		16
Totals	1627	93

*These figures were accurate at the time of publication but are subject to change weekly

7 **Table 2**

	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
The number of children and young people with statements		139 (*) 60(**)	154 (*) 37 (*)	156 (*) 1 (*)	147 (*)
The number of children and young people receiving support as a result of LDA and that Stockport expects to transfer to the new system in each year of the transition period		A total of 93 CYP with an LDA to transfer by September 2016	A total of 93 CYP with an LDA to transfer by September 2016		

(*) Year 6 cohort moving to Secondary education
 (**)Cohort moving from early years to Primary