

Information for parents

The special educational needs and disability (SEND) reforms – England

contact a family
for families with disabled children



Introduction to the Children and Families Act 2014

From 1 September 2014 there will be changes to the way children and young people with special educational needs and disabilities (SEND) are supported. This factsheet is part of a series for parents, explaining what the reforms mean.

The SEND reforms are set out in part 3 of a new law called the Children and Families Act 2014. It applies to England only. There is also a new Code of Practice, the *Special educational needs and disability code of practice: 0 to 25 years*. The Code tells local authorities, schools and others how they must carry out their duties under the new law.

Key principles

The new law aims to improve the system by giving more importance to the views, wishes and feelings of children and young people and their families. It is based on these principles:

Participation

Local authorities and health partners must work with parent carers and young people to improve services in their area, for example through their local parent carer forum.

Outcomes

Local authorities must offer support in a way that enables children and young people with SEND to achieve the best possible educational progress, and helps them do what they want in their lives as they grow up.

Joint decisions

Local authorities must make sure that young people and their families get the right information and support to take part in decisions which affect them.

Joint working

Education, health and social care services must work more closely together when they are deciding on the support available for children and young people with SEN and disabilities in their area.

What are the main changes?

- Education, Health and Care (EHC) plans will replace statements of special educational need. Like the statement, the EHC plan will be a legal document specifying a child or young person's special educational needs, the special educational provision they will get, and the nursery, school or further education college they will attend.
- The EHC plan could begin at birth and continue until a young person is 25, if they still need the extra support to complete their education or training. The EHC plan will replace Learning Difficulty Assessments for young people over 16 in further education.
- The EHC plan will have more parts to it than the statement. It will describe:
 - the child or young person's views and future goals
 - the outcomes the child or young person is expected to achieve
 - health needs linked to the child or young person's special educational needs (SEN)
 - health provision the child or young person needs because of their SEN. If health provision is included in a plan, it must be provided.
 - social care needs and provision linked to the child or young person's SEN. There is a separate law covering social care assessments and provision, but details must be included in the EHC plan.

Need advice?

Call our freephone helpline

 **0808 808 3555**

helpline@cafamily.org.uk

Open Monday to Friday, 9.30am–5pm



- Parent carers and young people may be able to receive a personal budget to fund educational, health or social care provision set out in an EHC plan.
- Once a child is over 16 they will have a right to make decisions about the support made for them unless they lack the capacity to do so.
- Each local authority must publish a 'local offer'. This is information about all the support the local authority expects to be available for the children and young people with SEN and disabilities who live in their area.
- In mainstream schools, SEN Support will replace School Action and School Action Plus. See our factsheet *Extra support in mainstream school – SEN support*.
- Local authorities must ensure there is a source of independent information and advice available to parent carers and children and young people with SEN and disabilities.

The legal test for EHC plans remains the same as for a statement under the Education Act 1996. No child or young person should lose their statement and not have it replaced with an EHC plan simply because the system is changing.

When will the changes happen?

From September 1, no new requests for statutory assessments can be made. Parents will need to make a request for an Education, Health and Care (EHC) needs assessment.

Ongoing statutory assessments and appeals will continue according to the current law. Existing statements will remain in force until the local authority carry out a 'transfer review'. This is when your child's statement will be transferred to an EHC plan. This should be done at a time that is best for your child and should not disrupt their education.

Each local authority must publish a transitional plan showing how and when existing statements will be transferred to the new system. They must also provide information for young people in further education and training who are supported through a Learning Difficulty Assessment (LDA).

The process of transferring children and young people from statements to EHC plans will continue over the next three years. Children and young people who need an EHC plan will be transferred at different points depending on their stage of education. No statements will remain in place after April 2018.

This is one of a series of factsheets for parents, available on our website. Others include:

- Extra support in mainstream school – SEN support
- Education, Health and Care needs assessments
- Education, Health and Care plans
- The local offer – what is it?
- Changing from the old system to the new – how will it happen?

For more in the series visit www.cafamily.org.uk

Find out how you can get involved in the changes in your area by joining your local parent carer forum. Contact the National Network of Parent Carer Forums:

www.nnpkf.org.uk 020 7608 8708 info@nnpkf.org.uk
www.facebook.com/NNPCF www.twitter.com/NNPCF

**Got a question about the changes?
Call the Contact a Family freephone
helpline: 0808 808 3555
helpline@cafamily.org.uk
www.cafamily.org.uk**

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