



What parents need to know

about the SEN and disability reforms

March 2016

Written by parents, for parents!

This guide is relevant to you if your child or young person:

- has a Statement of Special Educational Needs (SEN)
- has a Learning Difficulty Assessment (also called a Section 139a)
- is receiving SEN Support
- is struggling at nursery, school or college and may need extra help

Background

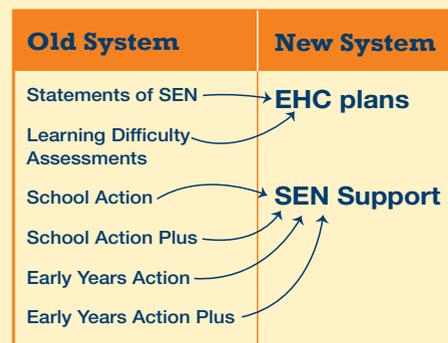
A new law called **The Children and Families Act**, which came into force in September 2014, is changing the way in which children and young people with Special Educational Needs and Disabilities (SEND) receive support.

The new legislation aims to create a system which is better integrated, more responsive and which leads to better life **outcomes** for children and young people with **SEND**.

Local authorities (LAs) have been given extra funding to help them implement the reforms.

The new legislation is accompanied by a new **SEND** Code of Practice. This tells schools,

nurseries, colleges, local authorities, health and social care providers how to interpret the law. These agencies must consider the Code and should normally follow it, unless there is an exceptional reason for not doing so.



The Local Offer

The Children and Families Act requires LAs to publish a “local offer” – that is, a website with information about the support and services available to children and young people with SEND aged 0-25 years in their area.

You can access Sheffield’s local offer at www.sheffielddirectory.org.uk

The website includes information on:

- Childcare
- Sport and leisure activities
- Short breaks and other social care services
- Support groups
- Education (including detailed information about **SEND** provision at individual schools, colleges, etc.)
- Transition to adulthood
- Health services
- Transport

Families without an internet connection can access the information in the local offer by calling Customer Services on **0114 273 4567** or SSENDIAS on **0114 273 6009**.

Sheffield’s local offer includes a “rate and review” feature which enables users to rate individual services (including schools). You can also give feedback on **SEND** provision in Sheffield generally. The **LA** must publish a summary of the comments it receives, and say how it is going to address any issues raised. This should help to improve provision over time.

Not sure what the words in red mean?

Look them up in our ‘Jargon buster’ on page 9-12!

SEN Support

In mainstream schools, the support categories School Action and School Action Plus have been replaced by a single category called “SEN Support”.

The same has happened with the equivalent categories used by nurseries (Early Years Action and Early Years Action Plus).

SEN Support has also been introduced in further education colleges and sixth forms.

Having just one category instead of two does not mean that everybody will get the same level of support. Settings should adopt a graduated approach, continually revising and refining provision as they gain a deeper understanding of the learner’s needs and the approaches that work best for him or her.

A learner should be placed on SEN Support if they have a learning difficulty or disability which means that they need provision that is different from, or additional to, what is normally available to learners of the same age. They don’t need a formal diagnosis to qualify!

The legal definition of SEN has not changed. No child or young person should lose their support simply because the system is changing.

Schools and nurseries must inform parents if they are making special educational provision for their child.

School staff should meet with parents of learners with SEN at least three times a year

to review progress. These meetings should be led by the class teacher or form tutor, supported by the **SENCO** (Special Educational Needs Co-ordinator), and should be longer than most parent-teacher meetings. You should be given a written summary of the **outcomes**, actions and support agreed at these meetings.

In the early stages of support, you may have school paperwork recording what is being done to support your child and the progress they are making. Schools are also encouraged to produce a **One-Page Profile** for children with **SEND**. For learners with higher support needs, information about needs, **outcomes** and provision should be recorded in a **MyPlan** (see page 10).

Schools and other settings can involve external specialists (e.g. **Educational Psychologists** or speech and language therapists) at any point; but they should always do so if, despite the provision of appropriate support, a learner makes little or no progress or continues to work substantially below the levels expected for their age. Parents should be involved in any decision to involve a specialist, and they should receive written information about the outcome.

If your child continues to make **less than expected progress** even though the setting has been doing all it can to understand their needs and provide the right kind of support, then the parents or the school should request an **EHC needs assessment** (see page 7). If appropriate, the information in your child’s **MyPlan** will be used to determine if an **EHC needs assessment** is required.

TIP: If you are concerned about any aspect of your child’s progress, talk to their class teacher or form tutor. You can also ask the school’s **SENCO** for advice. To find out how your child’s school identifies and supports learners with **SEND**, search for the name of the school on the local offer website.

Statements of SEN and Learning Difficulty Assessments are being replaced with Education Health and Care (EHC) plans, which are intended to be more holistic and person-centred.

An EHC plan is a formal legal document which describes a child's educational, health and social care needs and sets out the provision required to meet those needs and achieve agreed long-term **outcomes**. Any provision specified in the relevant sections **must** be provided.

EHC plans can be maintained up to the age of 25 provided the young person remains in education or training. This includes college courses and apprenticeships but not higher education (university).

The threshold for EHC plans is the same as for statements; that is, where the special educational provision required by the child cannot reasonably be provided from the resources (money and expertise) normally

available to mainstream settings. This only applies to a small minority (2-3%) of youngsters.

Children must have a statement or an EHC plan to attend a **special school** or **Integrated Resource** (a specialist unit attached to a **mainstream school**).

“No child or young person should lose their Statement of SEN and not have it replaced with an EHC plan simply because the system is changing.”

Department for Education

If your child currently has a statement...

Existing statements will gradually be converted into EHC plans. The conversion will normally be done in the year before your child moves to the next education setting (e.g. before they move from primary to secondary school) and in Year 9. To find out when your child's statement is due to be converted, visit the local offer website and search for “transition plan”. All existing statements must be converted into EHC plans by April 2018.

If your child has a statement, you don't have to request a conversion; the **LA** will write to you when it's your child's turn to move over to the new system.

The conversion process

The process starts when the **LA** sends you a formal notice of the transfer review and invites you to attend a transfer review meeting, giving you at least two weeks' notice.

This meeting will normally be held at school in place of the **annual review** meeting. Before the transfer review meeting, you will be asked to complete a form about your child's views, interests and aspirations.

The purpose of the transfer review meeting is to produce your child's EHC plan, based on your child's aspirations, information from their statement, and health and social care assessments where applicable. You must be asked if you would like a personal budget (see page 9).

Existing assessment information from the statement can only be used if the **LA**, the parents and the person who wrote the report all agree that it is “sufficient”. If not, the **LA** has to request up-to-date information, which

must be provided within 6 weeks. Parents can request/submit additional advice from other professionals.

You will be sent a draft plan and invited to comment on it. A final plan must be issued within 20 weeks of the start of the transfer review, or by the statutory deadlines for phase transfers, whichever is earlier. The statutory deadlines are: 15 February for infant-to-junior and primary-to-secondary transitions, and 31 March for secondary-to-post-16 transitions.

TIPS:

If you'd like someone to support you through the conversion process, contact Core Assets and request an **Independent Supporter**, or ask **SSENDIAS** for help (see page 12).

Take a look at your child's most recent assessment reports (e.g. Educational Psychology, Speech and Language Therapy, Autism Team, CAMHS) – do they describe your child accurately, do they specify **outcomes**, and are they sufficiently specific and quantified about the provision your child requires? If not, ask the **LA** to request new reports.

Make a list of the professionals you think should be invited to the transfer review meeting, and give this to the **SENCO**.

Submit any private assessment reports you think would be useful to the SEN Assessment and Placement Team (see page 12).

Talk to your child about their aspirations for the future. If they are unable to communicate these, think about what their likes and dislikes tell you.

Think about the **outcomes** your child should be working towards (see page 9).

Carefully check the draft EHC plan against your child's statement; in particular, check that section B lists the same special educational needs as Part 2 of the statement, and that section F sets out the same special education provision as Part 3. Make sure that nothing is missing, and that any changes which have been made were agreed at the transfer review meeting.

IPSEA (Independent Parental Special Education Advice) have published a useful checklist which helps you check the plan section by section; you can download it from www.ipsea.org.uk

If your child currently has a Learning Difficulty Assessment...

Learning Difficulty Assessments (also known as LDAs or Section 139As) were issued when a young person's statement was due to be ceased because they were moving from school into further education.

An LDA does not confer the same rights as a statement. This is why young people who currently receive support as a result of an LDA are a priority group for the conversion.

Unlike statements, LDAs won't be transferred automatically. Young people with LDAs can request an **EHC needs assessment** at any time, provided they are still in education or training (includes apprenticeships). Any such request will be treated as a request from a new entrant (see next page).

The deadline for transferring LDAs to EHC plans is 1 September 2016. Young people with LDAs who will continue in further education or training beyond that point and who need an EHC plan, must have one.

While your child still has a statement or LDA

For a number of years, the old and the new legal system (including the associated Regulations and Codes of Practice) will run in parallel.

Existing statement legislation will remain in force until April 2018, and existing LDA legislation until September 2016.

As long as your child still has a statement, the LA must continue to make the provision described in it, they must continue to review it at least annually, and you have the same rights of appeal as previously. You can still request amendments to the statement at the **annual review** and at any other time.

If your child doesn't have a statement, but you think they may need an EHC plan...

Most children and young people with SEND will have their needs met without requiring an EHC Plan. However, if a learner is making less than expected progress even though the setting (nursery, school or college) has been doing all it can to understand their needs and to provide the right kind of support, then the parents or the setting should request an EHC needs assessment.

Requesting an EHC needs assessment

Before a LA can issue an EHC plan, it must carry out an **EHC needs assessment**. This is a full investigation of a child or young person's education, health and social care needs.

The people who can request an **EHC needs assessment** are: parents, young people aged 16-25, and representatives of schools and colleges. In addition, anyone else can tell the LA if they think an EHC assessment is needed (e.g. foster carers, GPs or nursery workers). Assessment requests should be submitted to the SEN Assessment & Placement Team (see page 12).

Considering a request

Once a request for an **EHC needs assessment** has been received, the LA must decide whether to carry out an assessment.

TIP: It is advisable to inform your child's nursery, school or college if you are thinking of requesting an **EHC needs assessment**, as they will play a major role in providing information and reports.

If you'd like someone to support you through the assessment process, contact Core Assets and request an **Independent Supporter**, or ask SSENDIAS for help (see page 12).

If your child has a **MyPlan**, the LA will arrange for key professionals (such as the area **SENCO**, a senior **Educational Psychologist** and an officer from the SEN Assessment and Placement Team) to come to their next **MyPlan** review. Everyone at the review will talk about whether an **EHC needs assessment** is necessary.

The key consideration is whether your child has made **less than expected progress**, despite the education setting having provided them with the right level and type of support. "Progress" is not limited to academic attainment, but can also include things like social skills, self-esteem or self-care skills. After hearing everyone's views, the key professionals will make a decision on the LA's behalf and explain their decision to the meeting.

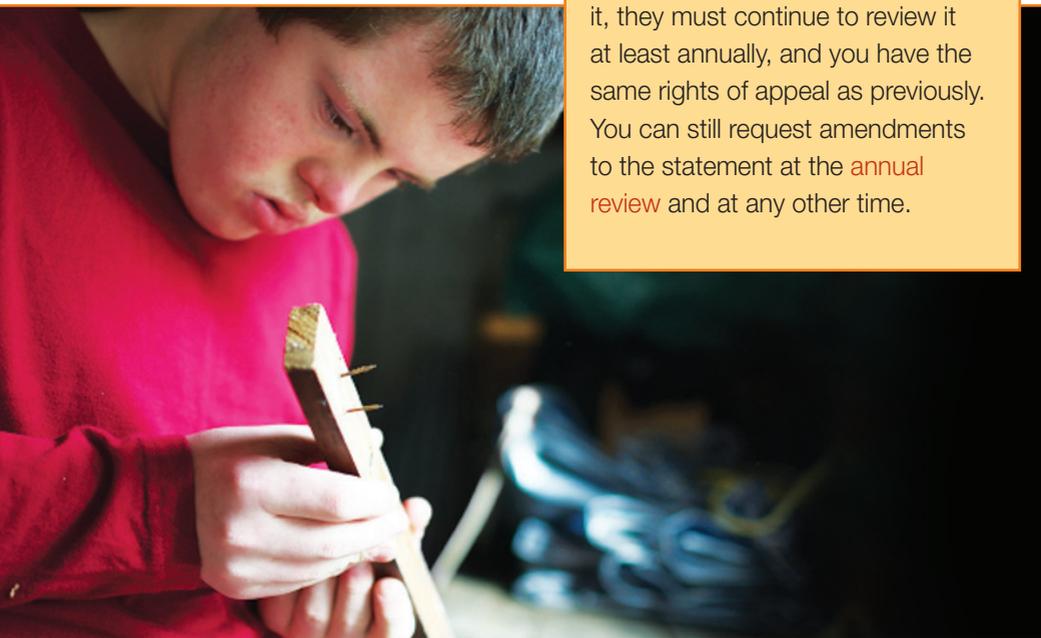
If the key professionals agree that an assessment is needed, then the process is started. If they decide that no assessment is required, the review meeting group will look at the **MyPlan** and decide how it can be changed to better meet your child's needs.

The LA must enable you / your young person to participate fully in the **EHC needs assessment** process, and provide you with the information, advice and support you need to do so.

The LA must write to you within six weeks to tell you whether they are going to assess your child. If they decide not to assess your child, you have the right to appeal.

Carrying out the assessment

Once the LA has decided to carry out an assessment, they will start gathering information about your child.



The **LA must** seek advice and information from the following people: you, the parents; your child or young person; your child's nursery, school, college or other setting; an **Educational Psychologist**; health and social care professionals; specialist teachers if your child has a vision or hearing impairment; for a child in year 9 or above, advice about preparing for adulthood and independent living; and any other person requested by you or the young person.

In many cases, this information will already be available through the **MyPlan**. If it isn't, updated advice will be requested.

Advice and information requested by the local authority must be provided within six weeks of the request.

The **LA** must tell you within 16 weeks of the initial assessment request whether or not they are going to issue an EHC Plan. The key consideration is whether your child requires special educational provision (funding or expertise) which is over and above that which can reasonably be provided by a mainstream setting. If the **LA** decides not to issue a plan, you have the right to appeal.

Co-producing the plan

Once all the information and advice has been gathered, you will be invited to a multi-agency meeting. The purpose of this meeting is to develop the EHC plan together with the professionals involved in the assessment. This includes agreeing the **outcomes** your child or young person will be working towards and the support they need to help them achieve these. You will also be asked if you would like a personal budget (see next page).

The draft plan

The **LA** will send you a draft plan and invite you to comment on it. If you have requested a personal budget, the draft plan will include a proposed budget. You will also be asked to name the school or other education setting which you want your child to attend. The **LA** must consult the setting before naming it in the EHC plan. Once named in the final EHC plan, that institution must admit your child.

TIPS: Check that the description of education, health and social care provision is detailed, specific and quantified. It should clearly state who will do what, how often, for how long, and for what purpose. It is not enough to award x hours of teaching assistant support – the plan should be clear what the hours are for (activities) and how they will help your child achieve the **outcomes**.

Check that outcomes are **SMART** (**S**pecific, **M**easurable, **A**chievable, **R**ealistic, **T**imebound) and sufficiently ambitious.

IPSEA (Independent Parental Special Education Advice) have published a useful checklist which helps you check the plan section by section; you can download it from www.ipsea.org.uk

Ask the professionals to send you their draft reports before they submit them to the **LA**, and check that they are accurate, clear and specific.

The final plan

The **LA** must issue a final EHC plan within 20 weeks of the initial assessment request. Once an EHC Plan has been issued, the **LA** must secure the special educational provision specified in the Plan, and the **Clinical Commissioning Group** must arrange the health provision. An EHC plan must be reviewed at least annually.

Key concepts

New rights for young people

When a young person reaches the end of compulsory school age (defined as the last Friday in June of the school year in which they turn 16), some rights related to **EHC plans** transfer from the parents to the young person.

These are: the right to ask for an **EHC needs assessment**, the right to make representations about the content of their **EHC plan**, the right to ask that a particular education setting is named in their plan, the right to request a personal budget, and the right of appeal to the **SEND** tribunal.

If you think your young person lacks mental capacity to make these decisions, you should alert the **LA** and inform them that you want to act as your child's representative. When making decisions on behalf of your young person, you must comply with the **Mental Capacity Act**.

You can continue to support and represent your young person even if they have capacity, if that is what they want. However, the final decision rests with the young person.

Outcomes

The SEN reforms shift the focus from inputs (e.g. hours of teaching assistant support) to outcomes (what an intervention is expected to achieve). This applies to all learners with **SEND**, not just those with an **EHC plan**.

Outcomes are the stepping stones that move a child or young person closer to achieving their long-term aspirations. They should be measurable, specific to the individual, and will usually cover a period of several years.

For example, if your child's aspiration is to live independently, then their outcomes may focus on developing specific independence skills. For example, a suitable outcome could be that your child is able to catch the bus to college without support.

The provision of a service (e.g. three hours of speech and language therapy) is not an outcome.

Having the right education and training outcomes specified in an **EHC plan** is very important, particularly for young adults. This is because the decision whether a young person aged 19-25 still needs an **EHC plan** will hinge on whether they have achieved their education and training outcomes - and if they haven't, whether remaining education will help them achieve these.

Personal budgets

If your child has an **EHC plan**, you have the right to request a personal budget. A personal budget is an amount of money identified by the **LA** to deliver some or all of the provision set out in an **EHC plan**, where the parent or young person is involved in securing that provision. Its purpose is to give families more control over the services and support they receive.

A personal budget can be provided as a **notional budget** held by the **LA** or school/college, as a **direct payment** (cash payment), or a combination of the two.

Personal budgets and direct payments are **optional** for families. However, the **LA must** prepare a personal budget if asked to do so when a draft **EHC plan** is being prepared (both for statement-to-EHCP conversions and new entrants), or at the **annual review** of an existing plan.

Direct payments for health, education and social care provision are governed by different pieces of legislation, and can be refused for different reasons.

One-page Profiles

A One-page Profile is a great way of sharing vital information about your child with other people, such as teachers, GPs or support

staff. It tells people on a single page of A4 what your child's strengths are, what is important to them, and how they can best be supported.

All learners with an **EHC plan** or a **MyPlan** should have a One-page Profile, but they can also be used for those with lower levels of need – in fact, they are great for all children!

You can create a One-page Profile for your child yourself – you don't need to wait for the school to do it. You can find lots of templates and examples on the internet; have a look at: www.helensandersonassociates.co.uk or www.sheffkids.co.uk

Independent Support

Independent Support is a government-funded programme which provides extra help to parents and young people in relation to **EHC plans** – both for new entrants and for those transferring from statements or **LDAs**.

Support will be tailored to your needs and can include explaining the assessment / conversion process; helping you to get your views across, e.g. by accompanying you to meetings or helping you to fill in forms or write letters; helping you check the draft **EHC plan** before it is finalised, or providing information on **personal budgets** and direct payments.

In Sheffield, Independent Support is provided by Core Assets. Impartial information, advice and support, including resolving disagreements, registering complaints and formal appeals, is also available from SENDIAS. Both services are provided free of charge and accept self-referrals from parents and young people (see page 12 for contact details).

Co-production

Co-production is a new approach to delivering public services. It means that service providers and service users come together as equal partners to find shared solutions.

Co-production is more than consultation. Consultation usually limits people to commenting on a range of pre-defined options; co-production starts with a blank canvas.

Co-production can happen at an individual level, e.g. when parents and professionals produce a child's **EHC plan** together, and at a strategic level, e.g. when a parent carer forum works with a **LA** to improve local services.

For co-production to work, it is essential that all participants are involved from the start and share a clear understanding of what can and can't be changed (e.g. legal requirements, funding available).

MyPlan

A document used by **mainstream schools** in Sheffield to record a child's educational, health and social care needs, the **outcomes** they are working towards and the support provided. It looks similar to an **EHC plan**, but is non-statutory, which means it does not confer any legal rights.

Schools are expected to use a MyPlan for children who need quite a lot of extra support, or where parents have expressed a lack of confidence in the setting.

A MyPlan is also required as evidence for requests for top-up funding, and it can form the basis of an **EHC needs assessment**.

A MyPlan includes:

- A **One-page Profile**
- Details of the professionals involved
- A description of the child's needs, agreed **outcomes** and support provided
- A record of the child's progress

The MyPlan is a document that gradually builds to provide a comprehensive record of needs and support.



Less than expected progress

Making less than expected progress is often a first indicator that a learner may have SEN. It is also an important trigger for involving external specialists or applying for an **EHC needs assessment**.

Less than expected progress is defined as:

- Making significantly slower progress than peers starting from the same baseline

Jargon buster

Annual Review: A meeting held once a year to look at a child's statement or **EHC Plan**, to record the child's progress and plan for the year ahead.

Clinical Commissioning Group: An NHS organisation which brings together local GPs and health professionals to plan and fund health services for people in its area.

Educational Psychologist: A professional employed by the local authority to assess a child's special educational needs and to give advice to schools as to how the child's needs can be met.

EHC Needs Assessment: A legal process carried out by the LA to determine a child or young person's educational, health care and social care needs. It is the first step towards getting an **EHC plan**.

EHC Plan: A legally binding document issued by the LA describing a child or young person's education, health and social care needs and the support that will be given to them. Replaces statements of SEN and LDAs.

Integrated Resource: A specialist unit within a **mainstream school** to support children with specific needs, e.g. autism, hearing impairment, visual impairment.

LA: Local Authority – the local council.

LDA: Learning Difficulty Assessment, also known as a Section 139a. A document that describes what additional learning support a young person needs in post-16 education or

- Failing to match or better the child's previous rate of progress
- Widening the attainment gap, or failing to close it

This can include progress in areas other than academic attainment, e.g. social skills.



training. If your young person attends college and used to have statement while they were at school, then they almost certainly have an LDA.

Mainstream school: An ordinary school that provides education for children of all abilities, including those with **SEND**.

Mental Capacity Act: A law which sets out what happens when a person over the age of 16 lacks capacity and is unable to make a particular decision.

SENCO: Special Educational Needs Co-ordinator - a qualified teacher in a school or nursery who has responsibility for co-ordinating SEN provision.

SEND: Special Educational Needs and Disabilities.

Special school: A school that makes specialist provision for pupils with **SEND** who have a statement or an **EHC plan**.

Statement of SEN: A legally binding document drawn up by the Local Authority which describes a child's special educational needs and the extra help they should receive. If your child attends a **special school** or **Integrated Resource**, they will almost certainly have a statement. Statements are being replaced with **EHC plans**.

Useful contacts

Sheffield SENDIAS

(Formerly Parent Partnership)

Tel: **0114 273 6009**

Email:

ed-parent.partnership@sheffield.gov.uk

This service is part of Sheffield City Council and provides impartial information, advice and support to children and young people with SEND (aged 0-25) and their parents. They can support you in discussions with your child's education setting to ensure the right SEN Support is in place; advise and support you on matters relating to statements and **EHC needs assessments**; and help you resolve disagreements and lodge formal appeals. SSENDIAS can also tell you about local leisure activities and support groups and help you with disability-related grants, benefits, health and social care services.

Core Assets

Tel: **0800 028 8455**

Email: **ISreferrals@coreassets.com**

A private company which has been commissioned to provide information and support to parents and young people in relation to **EHC plans**, both for new entrants and for those transferring from statements

or LDAs. This service is called "Independent Support".

SEN Assessment and Placement Team

Tel: **0114 273 6394**

Email: **ed-sensupportteam@sheffield.gov.uk**

Postal address: **North Wing, Level 5, Moorfoot Building, Sheffield S1 4PL.**

This is the Council department that deals with statutory assessments, statements/EHC plans, **annual reviews**, SEN transport and specialist placements.

IPSEA

www.ipsea.org.uk

Tel: **0800 018 4016**

A national charity which offers free and independent legally-based information, advice and support to help get the right education for children and young people with all kinds of special educational needs and disabilities.

Contact a Family

www.cafamily.org.uk

Tel: **0808 808 3555**

A national charity which provides information and advice on any aspect of caring for a disabled child, including education and benefits.

About us

The Sheffield Parent Carer Forum is a parent-led charity which brings together over 1,000 families with children and young people (aged 0-25 years) with SEND from across Sheffield to provide mutual support, share information and influence policy and practice.

Membership is FREE and gives you access to:

- Free email bulletins and newsletters packed full of "insider" information
- Brilliant family events, like our pantos and family fun days

- A free information and signposting service
- Free information and training sessions for parents
- An influential group working to improve services for youngsters with SEND and their families

Web: **www.sheffieldparentcarerforum.org.uk**

Email:

enquiries@sheffieldparentcarerforum.org.uk

Tel: **0300 321 4721**

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