

**Derby City's Conversion Plan
From a Statement of Special Educational Needs
or Learning Difficulty Assessment to an Education, Health and Care Plan.**

In September 2014, the system of assessing special needs and disability changed. The Children and Families Act 2014 introduced a new Special Educational Needs and Disabilities (SEND) system.

Since 1 September 2014, it has no longer been possible to request an assessment of Special Educational Needs (SEN) under the 1996 Act for a child or young person who does not already have a statement of Special Educational Needs. Similarly no new Learning Disability Assessment (LDA) under the 2000 Act can be commenced. From that date, local authorities have had to consider all requests for an assessment of SEN for children and young people under the new legislation. Those requiring a statutory plan to secure the relevant provision to meet their SEN **must** be issued with an Education, Health and Care (EHC) plan.

Children and young people with statements of SEN and young people who receive support as a result of an LDA **must** be transferred over to the new SEN and disability system by the end of the transition period. This plan sets out when these conversions are expected to take place in Derby.

The government want this transition to happen at a pace that is achievable; and which at least maintains the quality of assessment and support to children and young people making the transition and those still on the previous system. Local authorities should aim to make the new arrangements available to all children and young people as quickly as they can. By 1 April 2018, all statements of SEN **must** have been reviewed with a view to being replaced with EHC plans.

Young people in further education and training who currently receive their provision as a result of an LDA have fewer rights and protections than their peers in the school system with statements of SEN. To address this disparity and ensure young people in further education and training can benefit from the new system as soon as possible, this group of young people **must** - where on review they meet the eligibility criteria for an EHC plan - be transferred to the new system by **1 September 2016**.

How this plan was produced

This plan is Derby City's third version.

We have reviewed our target number of conversions for 2014 – 2015 against the actual number achieved. This plan sets out how we will convert remaining Statements or eligible LDAs to EHC Plans.

This plan has been co-written by our SEN team and Post 16 Team and has been approved by the SEND project group.

The Number of Statements and LDAs we plan to transfer. Progress report

Derby had 1,543 Statements to convert to EHC Plans. During 2014 – 15 we did not convert as many as we had planned to. The outstanding **370** pre 16 from 2014-15 are included within this plan.

In September 2015, Derby City Council wrote to all learners who were then subject to a Section 139a/LDA to advise them of their right under the Code of Practice to request a conversion of this assessment document to an Education, Health and Care Plan. As of December 2015, there are 90 Derby City learners who continue to receive learning support in further education or training through the provision specified in their Section 139a/LDA.

When will I receive my conversion to an EHC Plan?

The government has set guidance about the order in which Local Authorities must perform transfers from Statements of SEN to the new SEN and disability system. These can be found in appendix 1 of this document.

For pupils who have a Statement of Special Educational Need, their rights and protections are maintained until the time that an EHCP is secured for the pupil.

On the next page is a break down, by Academic Year group and date of birth, of when to expect your child's transfer plan or review to take place.

2014/ 15

Year 2 by the end of May 16 DoB: 01/09/2007- 31/08/2008	No of pupils	Year 6 by the end of May 16 01/09/2003 – 31/08/2004	No of pupils	Year 9 by the end of May 16 DoB: 01/09/2000 – 31/08/2001	No of pupils
Total	51	Total	78	Total	97

Year 11 by April 2016 DoB: 1/9/1998 – 31/8/1999	No of pupils	Year 14 by April 2016 DoB: 01/09/1996 – 31/08/1997	No of pupils
Total	139	Total	40

2015/16 should receive the final plan

Year 2 by the end of August 2016 DoB: 01/09/2008 – 31/08/2009	No of pupils	Year 6 by the end of August 2016 DoB: 01/09/2004 – 31/08/2005	No of pupils	Year 9 by the end of August 2016 DoB: 01/09/2001- 31/08/2002	No of pupils
Total	45	Total	75	Total	119

Year 11 by May 2016 DoB:01/09/1999 – 31/08/2000	No of pupils	Year 14 by June 2016 DoB: 01/09/1997 – 31/08/1998	No of pupils
Total	143		40

2016/17 transfer conversion review to take place

Year 1 Conversion to be held by June 2016 DoB: 01/09/2009 – 31.08.2010	No of pupils	Year 5 Conversion to be held by June 2016 DoB: 01/09/2005 – 31/08/2006	No of pupils	Year 9 The date the statement is due for review DoB: 01/09/2002 – 31/08/2003	No of pupils
Total	48	Total	78	Total	116

Year 11 by May 2017 DoB: 1/9/2000 – 31/8/2001	No of pupils	Year 14 by June 2017 DoB: 01/09/1997 – 31/08/1998	No of pupils
Total	125	Total	69

2017/18 transfer conversion review to take place

Year 1 Conversion to be held by June 2017 DoB: 01/09/2010 – 31.08.2011	No of pupils	Year 5 Conversions to be held by June 2017 DoB: 01/09/2006 – 31/08/2007	No of pupils	Year 9 The date the statement is due for review DoB: 01/09/2003 – 31/08/2004	No of pupils
Total	10	Total	68	Total	59

Year 11 by May 2018 DoB: 1/9/2001 – 31/8/2002	No of pupils	Year 14 by June 2018 DoB: 01/09/1998 – 31/08/1999	No of pupils
Total	120	Total	69

How parents and settings will be made aware of these arrangements

This plan has been published on [Derby's Local Offer](#)

Schools will be sent the new conversion plan (this document) by e-mail and will be notified about its update in the school circular

Parents will be sent a letter to inform them when the transfer review meeting is due for their child.

The Transfer Review Process

Parents of students who are due to transfer from Infants to Juniors or Juniors to Secondary will receive a letter from the Local Authority informing them that their current school will be arranging a transition review in the Spring/Summer Term 2016. This meeting will also be used to draft the child's Education, Health and Care plan whilst reviewing the statement and progress made over the previous year. This meeting is called a conversion meeting and replaces the annual review. The schools will write to the parents inviting them to the meeting giving at least 2 weeks' notice. They will send a family views form for the family to complete prior to the meeting. Pupils should also be asked for their views by the school before the meeting and be invited to attend some or all of the meeting.

Parents of students who are currently in Year 9 will receive a letter from schools inviting them to a conversion plan meeting which will be held at the in place of the review of the Statement of Special Educational Needs also known as the annual review. The school will send a family views form for the family to complete prior to the meeting. Pupils should be asked for their views by the school before the meeting and should be invited to the meeting for as much as they feel confident to attend.

Schools will also invite all professionals involved with the child to the meeting. Should they be unable to attend they will be asked to provide an up-to-date report if they have not already done so in the previous twelve months, unless there have been significant changes. These reports and assessments will be considered in planning outcomes and reviewing progress at the meeting.

Schools will circulate any reports or assessments received prior to the meeting.

At the meeting, schools will provide an agenda and explain the process to all in the room. The previous year's progress will be discussed along with any teacher assessments that have been made. The pupil and family will have the opportunity to say how they think the previous year has gone. They will have opportunity to reflect on progress, support, resources, strengths and any areas of concern if there are any. All professionals will have the opportunity to discuss any other assessments or reports made over the previous twelve months. The pupils new 'outcomes' will be discussed and agreed. All parties will work with the family to contribute to a draft Education, Health and Care Plan and this will be submitted to the Local Authority who will consider the information and recommendations made. Once this process is complete, a proposed Education, Health and Care Plan will be issued to the parents. Parents will have 15 days to respond with comments if they have any, after which the final Education, Health and Care Plan will be issued. Final plans will be issued by the Local Authority

Sources of Impartial Advice

You may wish to have some help understanding the changes or to support you through the transfer process. There are several ways you can request this help:

SEND Information, Advice and Support Service

Tel: 01332 641414 or SENDIASS@derby.gov.uk

Derby SEND Information, Advice and Support Service
The Council House
Corporation Street
Derby
DE1 2FS

Independent support is offered by Derby charity "**Umbrella**" to help if you are requesting a new EHC plan assessment or having a Statement converted into an Education, Health Care Plan. If you would like help and support through this process you can contact:

Umbrella Independent Support Service on 01332 785658
E-mail Independent.Support@umbrella.uk.net.

Both services are free and impartial and available to all parents and young people.

Who to contact:

If you feel that your child has not had a 'Transfer review' meeting planned or held within the academic year indicated, please let us know. You can email SENDAdmin@derby.gov.uk or phone 01332 642877 / 640096 / 642884

Appendix 1

Requirements and expectations relating to the timing of transfers from statements of SEN to the new SEN and disability system

(Articles 12-17 of the Transitional and Saving Provisions Order 2014)

To ensure momentum through the transition period and to help local authorities manage their workloads and burdens on families, local authorities should aim to transfer children and young people with statements of SEN to the new SEN and disability system at points in their education at which a significant review of the statement would otherwise have taken place.

There are two categories of children and young people with statements of SEN whose needs **must** be reviewed with a view to the issue of EHC plans:

- those leaving youth custody; and
- those transferring from school (including school sixth forms) to a post-16 institution or an apprenticeship. (In 2014/15 this had to be done by 31 May 2015.)

Local authorities should have transferred children and young people in the following groups in the academic year 2014/15:

- children and young people with statements of SEN issued with non-statutory EHC plans before 1 September 2014
- those moving from relevant early years settings to school (including where the child remains at the same institution);
- those moving from infant to junior school;
- those moving from primary to middle school;
- those moving from primary to secondary school;
- those moving from middle to secondary school;
- those moving from mainstream school to special school;
- those moving from special school to mainstream school;
- children in year 9 (including those who are in youth custody);
- all children in year 6, not just those who are transferring from one institution to another. (Local authorities **must** take account of the wishes of the child or the child's parent in determining whether to conduct a Transfer Review in that academic year);
- all children and young people in year 11, not just those who are moving into further education or training (including those who are in youth custody);
- those moving between one local authority and another; and

- those who receive direct payments, under the SEN Direct Payments Pilot Scheme, for SEN provision in their statement of SEN or LDA. (These children and young people will need to be transferred to EHC plans by 30 September 2015 if their direct payments are to continue.)

Between 1 September 2015 and 31 March 2018, local authorities **must** transfer children and young people with statements of SEN to the new arrangements:

- in year 9;
 - when leaving youth custody; and
- prior to them moving from:
- relevant early years settings to school (including where the child remains at the same institution),
 - infant to junior school,
 - primary to middle school,
 - primary to secondary school,
 - middle to secondary school,
 - school (including school sixth forms
 - mainstream school to special school, or
 - special school to mainstream school.

In addition to complying with the requirements set out in paragraph 4.12 above, local authorities should aim to transfer the following groups of children and young people between 1 September 2016 and 31 March 2018:

- all children with statements of SEN in year 6, not just those who are transferring from one institution to another – in 2016/17 local authorities must consult the child's parents on whether to secure an EHC assessment;
- all children and young people in year 11, not just those who are moving into further education;
- children and young people with statements of SEN issued with non-statutory EHC plans before 1 September 2014 (where this expectation has not been met in 2014/15); and
- those moving between one local authority and another.

Local authorities **must have regard to** the overarching principles set out in section 19 of the 2014 Act in determining the point within the year that a Transfer Review takes place. Local authorities need not comply with their statutory duties over the timing of individual transfers set out above if it is impractical to do so because certain exceptional personal circumstances affect the child, the child's parents or the young person.

In the academic year within which the local authority intends to transfer the child or young person from a statement of SEN to the new SEN and disability system, the Transfer Review should replace the annual review of the statement. Where the Transfer Review does replace the annual review. It **must** be completed within 12 months of the date the statement of SEN was issued or of the previous annual review of the child or young person's statement. The only exceptions to this are where a local authority:

- is prevented from commencing a Transfer Review because of an on-going appeal to the Tribunal in relation to a statement of SEN; or
- is unable to complete the Transfer Review for any of the reasons set out in paragraph 5.15 of guidance document.

In accordance with regulation 18 of the SEND Regulations 2014, where a Transfer Review is conducted within 12 months of a forthcoming transfer between phases of education, the local authority **must** complete the Transfer Review before:

- 31 March in the calendar year of the child or young person's transfer from secondary school to a post-16 institution; and
- 15 February in the calendar year of the child's transfer in any other case.

Where a Transfer Review (EHC needs assessment) cannot be carried out before 1 April 2018 or there is an on-going appeal in relation to a statement of SEN:

- the special educational provision in a statement of SEN will be regarded as if it were specified in an EHC plan; and
- the local authority **must** ensure that an EHC assessment is carried out and concluded as soon as is reasonably practicable.

Glossary of terms

Compulsory school age - Your child is of "**compulsory school age**" on the 1st January, 1st April or 1st September following their 5th birthday. Children becoming 5 years old between 1st January and 31st March are of **compulsory school age** at the beginning of the term after 1st April. The end of compulsory school age is the end of the academic year in which a young person turns 16. You can leave school on the last Friday in June if you'll be 16 by the end of the summer holidays.

You must then do one of the following until you're 18:

- stay in full-time education, eg at a college
- start an apprenticeship or traineeship
- work or volunteer (for 20 hours or more a week) while in part-time education or training

EHC Needs Assessment - The legal definition of an EHC needs assessment is contained in Section 36 (2) of the Children and Families Act 2014: (2) An "EHC needs assessment" is an assessment of the educational, health care and social care needs of a child or young person."

EHC Plans/ EHC Plan - The statutory 0-25 education, health and care plan introduced by the Children and Families Act 2014, which will replace Statements of SEN and Learning Difficulty Assessments.

LDA/ LDAs - Learning Difficulty Assessments under section 139a of the Learning and Skills Act 2000.

The Local Offer sets out in one place information about provision the local authority expects to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those without an EHC plan.

SEND Code of Practice - This Code of Practice provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations and applies to England.

SEND Pathfinder programme - The SEND pathfinder programme, which was followed by the SEND pathfinder champion programme (from September 2013), are a number of local authorities who have been trialling the SEND reforms and providing support to local areas. www.sendpathfinder.co.uk

SEND reforms - Part 3 of The Children and Families Act 2014.

Transfer review - An EHC Needs Assessment for a young person transferring from a Statement of SEN to an EHC plan.