

## Moving to a new school for children with SEND

### School admission and the EHC Plan /Choosing a school/college with an EHC plan

As a parent or young person with an EHCP you have a legal right to request that a particular school or college is named in an education, health and care ("EHC") plan (or to express a preference for an independent school, college or other institution). Please also consider reading our factsheet on *Requesting and naming school or college for a child or young person with an EHC Plan*.

If you have received your draft EHC plan, you can ask [Ealing ISAID](#) for support and advice on how to make a request for a particular school by calling us on **02039788989** or emailing us at: [isaidealing@family-action.org.uk](mailto:isaidealing@family-action.org.uk)

Children and young people with EHC plans should NOT have their placements determined through the general schools' admissions process - even where they are seeking a mainstream placement.

#### Key points:

- The LA must review and amend your child's/young person's EHC plan by the statutory deadline - they cannot wait to determine placement by the schools' admissions deadlines;
- LAs must give you as a parent, carer and young person the opportunity to request that a particular school be named in the EHC plan when they propose to amend it for phase transfer. Even if a different or no school/college was requested via the general admissions processes, you as a parent/carers or young person have a statutory right to make a request for a school of the type listed in s.38 CAFA 2014 at the point that the LA proposes to amend the EHC plan after the review; *Please see our factsheet on Requesting and naming school or college for a child or young person with an EHC Plan for more details.*
- If you as a parent/carers have requested that a school of the type listed in s.38 CAFA 2014 is named in the EHC plan the only reason the LA can refuse is if an exception under s.39(4) CAFA exists (and, if it is a mainstream school, if an exception in s.33 CAFA exists). The LA cannot refuse to name a school because the request doesn't meet the schools' admissions process criteria or because the schools' admissions process has not yet been completed.

## EHC plans and transfer between phases of education

Under the SEN and Disability Regulations 2014 (as amended)(the "SEN Regs"), The LA have to review EHC plans by certain deadlines where a child or young person is within 12 months of a transfer between phases of education. The three deadlines are:

- Children moving from one phase of education to another - their EHCP must be amended by the **15th February**
- Children and young people moving to Post 16 provision - their EHCP must be amended by the **31st March**.
- At least **five months** before a young person transfers from one post-16 institution to another post-16 institution.
- Children in **Year 9** (and following years) - their Annual Reviews are to be treated as Preparing for Adulthood (PFA) and must include consideration for employment, independent living and their inclusion in their community and society. If they have a preferred Post 16 setting, they must be invited to the Annual review meeting.
- when a child and young person doesn't attend a school or other type of education provision, the LA must convene & host the review meeting

(For more information please check the relevant sections in the CoP 9.166-9.210)

Don't hesitate to contact **Ealing I-SAID!** if you feel you need support. You can call us on **0208 973 8989** or email [isaidealing@family-action.org.uk](mailto:isaidealing@family-action.org.uk)

Where necessary, the LA must amend the EHC plan so that it names the school, post-16 or other institution, or type of school or institution, which the child or young person will attend following that transfer and issue the final amended EHC plan by the statutory deadline.

Where the LA suggests amendments to an EHC plan they must ask you as a parent or carer or young person **at least 15 days** to make representations about the content of the EHC Plan (and proposed amendments) and to request that a particular school/institution is named in the amended Plan.

- If the LA refuse to name the school you have requested and have failed to give a lawful reason for doing so, you can appeal to the SEND Tribunal once the EHC plan is finalised. The SEND Tribunal has the power to order that a particular school or other setting is named in an EHC plan.

- If you still feel that there are unresolved concerns, or decisions that you are not happy with following on from communications with your EHCCo, you may like to consider mediation.
- If the Ealing LA SENAS have already finalised your child's EHC plan and named a different school, you can go to [Mediation](#) and also appeal to the First-tier Tribunal (Special Educational Needs and Disability) [The "SEND Tribunal"](#)
- [Ealing ISAID](#) can advise and prepare you for both Mediation and Tribunal.

### Changing the special educational provision in the EHC plan

Moving to a new phase of education/training may require changes to the way special educational provision is delivered or what is required. Also special educational needs may have changed since the previous annual review or when the EHC plan was finalised. However, any change must be made on the basis of evidence of the individual child or young person's requirements: not the typical model of provision for the placement or what is generally suitable for an age group.



### Key Points:

- An EHC plan should be very specific because your child or young person is moving to a new phase of their education. EHC plans must be specific and this means, in all but the most exceptional cases, quantified.
- The LA must give you as a parent, carer and young people at least 15 days to make representations about any proposed amendments.

### Additional points to consider:

- Whatever the stage of education/training (up to Higher Education level), the special educational provision secured for a child or young person must be what is required by their special educational needs.
- Transferring to a new or different phase of education may prompt changes but never a restriction on receiving the special educational provision required.
- Changes to provision must be supported by evidence of changes in the individual child or young person's need.

EHC plans must be reviewed and amended in accordance with the statutory process and meet the statutory deadlines. You as a parent, or carer and your children and young people must be involved in the process and the LA must have regard to yours and their views, wishes and feelings and what will secure the best possible educational and other outcomes for your child or young person.

If you or your young person requests that a school of the following type is named in an EHC plan then the LA has a conditional duty to name that school unless an exception applies (under s.39(4) or s.33 CAFA 2014): maintained school; Academy; non-maintained special school; school registered under s.41 CAFA 2014; an institution in the FE sector in England. Please see more information in our factsheet *Requesting and naming school or college for a child or young person with an EHC Plan*.

If you need further information or you are in doubt about the process, please seek advice from [Ealing ISAID](#) by calling us on **02039788989** or emailing us at: [isaidealing@family-action.org.uk](mailto:isaidealing@family-action.org.uk)



### **Final points about SEN Support and transfer when there is no EHCP**

Maintained nurseries, schools, Academies and FE colleges have a duty to use their best endeavours to secure that the special educational provision required by a pupil/student's special educational needs is made. So, support should continue as your child or young person moves through the different phases of their education and training.

However, you or your young person may have concerns about the way this support is delivered and whether and how your child/young person will be supported in the new environment. In these instances it may be helpful if you could check the setting's website for information about the special educational provision they typically provide: the SEN Information Report which maintained schools, nurseries and Academies must produce can be your starting place.

### **Some points to help you decide**

- Think about what's important to your child/young person & what type of school they need.

- Read through any recent reports, IEP's and your child's EHC Plan.
- Consider taking spare copies of your child's EHC Plan and other useful information/reports to discuss and pass onto the school SENCO.
- Look at **Ealing Local Offer** for information on local schools and information about the way individual schools support their pupils' additional needs: [Local Offer](#) and [www.ealinglocaloffer.org.uk](http://www.ealinglocaloffer.org.uk)
- Look at the schools website/read their prospectus and their SEN Policy.
- Get a copy of the school's latest Ofsted summary report available from [www.ofsted.gov.uk](http://www.ofsted.gov.uk) or the local Library.
- Prepare any notes and particular questions you have, you may find it helpful to write any questions down and take them with you.



Maintained schools, nurseries and Academies also must have a SENCO and FE colleges must have an equivalent member of staff. Ask them about what they can do to support the student, visit the setting and consider the environment and the support on offer. The important thing is to make sure you start these visits and questions as soon as you can.

It may be that the transfer to a new phase of education and/or training means that the special educational provision typically available might not meet the student's special educational needs. If this is the case, consider requesting an EHC needs assessment.

The Schools Admissions Code (December 2014) requires children with special educational needs to be treated fairly. Schools must not refuse to admit a child who has special educational needs on the basis they do not feel able to cater for these needs. Nor should they be expressing such views on an informal basis, for example during school visits or open days.

If a school believes an EHC plan might be necessary to secure the special educational provision required then they can either support a parent's or young person's request for an EHC needs assessment or request this itself via ERSA.