

# Transfer Review Guidance: **August 2014 updated**

## About this guidance:

This guidance relates to the local authority process of transferring an existing statement of SEN or a non-statutory Education, Health and Care Plan to a statutory Education, Health and Care Plan.

## Expiry or review date:

This guidance will be kept under review and updated when necessary.

## Which legislation does this guidance refer to?

- Special educational needs and disability code of practice: 0 to 25 years (July 2014, DfE & DoH)
- Implementing a new 0 to 25 special needs system: LAs and partners (July 2014, DfE & DoH)
- Draft guidance on transition to the new 0 to 25 special educational needs and disability system (June 2014)

## Who is this guidance for?

All education professionals involved in the transfer process;

- Headteachers, Principals, Senior Leaders and SENCO's
- LA SEN Team
- Educational Psychologists
- Specialist Teaching Team
- Specialist Early Years Support Team

## Key Points:

1. Who is eligible for EHC Plans
2. Priorities for 2014 – 2015
3. The Transfer Review
4. Finalising the Education, Health and Care Plan

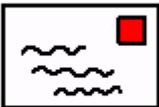
## 1. Who is eligible for EHC Plans

	<p>The legal test of when a child or young person requires an EHC plan remains the same as that for a statement under the Education Act 1996. Therefore, it is expected that all children and young people who have a statement and who would have continued to have one under the old system, will be transferred to an EHC Plan.</p>
	<p>If the local authority do decide to cease a statement and not replace it with an EHC plan then parents and young people have the right to dispute resolution arrangements locally, including mediation and the right to appeal a decision to the First-tier Tribunal. See <a href="#">CYC website</a> for further information.</p>

## 2. Priorities for 2014 - 2015

	<p>The local authority will prioritise children and young people for transfer to an EHC Plan at key points of transition – such as entry to primary school, primary to secondary school and secondary to further education.</p>
	<p>The Local Authority <b><u>must</u></b> transfer</p> <ul style="list-style-type: none"> <li>• All children and young people who have been issued with a non-statutory EHC Plan before the 1<sup>st</sup> September 2014.</li> <li>• Young people who are moving into further education or training from school in September 2015. (these <b><u>must</u></b> be completed by 31<sup>st</sup> May 2015)</li> </ul>
	<p>The Local Authority also plan to transfer the following groups;</p> <ul style="list-style-type: none"> <li>• Moving into primary or infant school</li> <li>• Moving from infant school to junior school</li> <li>• Moving from primary or junior school to secondary school</li> </ul> <p>All these groups should have their transfer review before the 15<sup>th</sup> February 2015.</p>

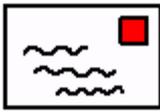
## The Transfer Review

	<p>The Education, Health and Care Plan must be finalised within 14 weeks of the start of the transfer review. The start date for this will be the date that the LA writes to parents and young people to inform them of the date of their transfer review. The transfer review will replace the annual review of the statement and must be held within 12 months from the last annual review of the child or young person's statement.</p>
	<p>The Local Authority will send requests to Health and Social Care to complete part 4 of the Education, Health and Care Plan. (4.1 &amp; 4.2 for Health, 4.3, 4.4 &amp; 4.5 for Social Care).</p> <p>An early notification email will also be sent to any other professionals known to be working with the child or young person.</p>
	<p>A SEN Designated Officer will ring the parents or young person to discuss the transfer process. As part of this discussion the SEN Designated Officer will check with the family that they are happy with the assessments or if there needs to be additional assessment, such as when a child's needs have significantly changed. The SEN Designated Officer will ask the family if they wish to explore the possibility of having a personal budget.</p>
	<p>The only times a transfer review <b>must</b> not go ahead are if there is an ongoing appeal in relation to the statement</p>
	<p>Children, young people and their family will be offered support from the educational setting to complete Part 1 and Part 2 of the Education, Health and Care Plan forms. If the family wish to complete these forms independently of the educational setting then that is encouraged. Part 1 and Part 2 must represent the views, feelings and aspirations of the child, young person and their family.</p>
	<p>Six weeks before the date of the transfer review the educational setting will invite the child, young person and their family to transfer review. The LA letter will follow this, with about two weeks notice.</p>

 <p>write</p>	<p>The educational setting will complete part 3 of the Education, Health and Care Plan paperwork, collating information about the child or young person’s special educational needs, attainment and progression data and relevant provision. This section <b>must</b> be completed with reference to the SEN threshold bandings.</p>
	<p>The transfer review should be held as a person-centred meeting, encouraging the child or young person to take an active part in the meeting. The record of the meeting must be recorded on part 5.2 of the Education, Health and Care Plan form. A representative from the Local Authority may attend this meeting. This could be a SEN Designated Officer, Educational Psychologist or a member of the specialist teaching team. For ideas about how to chair review meetings please see the guidance on chairing meetings.</p>
	<p>After the review meeting the educational setting will need to collate all the information gathered at the transfer review meeting into the draft Education, Health and Care Plan document. This then needs to be submitted via email to the LA on <a href="mailto:SENdept@york.gov.uk">SENdept@york.gov.uk</a> within 2 weeks from the transfer review meeting.</p>

### 3. Finalising the Education, Health and Care Plan

	<p>The SEN Team will acknowledge the receipt of the draft Education, Health and Care Plan. This will then be quality assured by a SENDO. The educational setting will be contacted at this time if there is any information missing from the plan.</p>
	<p>Once quality assured the SENDO will present the draft Education, Health and Care Plan to the EHCP panel for approval. The EHCP panel will also decide how much additional funding to allocate, including aspects of provision which is to be provided through a personal budget.</p>

	<p>After the EHCP panel meeting the SENDO will make phone calls to</p> <ol style="list-style-type: none"> <li>1) Parents/YP</li> <li>2) The Educational Setting</li> </ol> <p>to let them know what the panel/s view is about the best ways forward</p>
	<p>A member of the administrative team will convert the draft Education, Health and Care Plan to a statutory Education Health and Care Plan. The SENDO will then add the financial information, including details of the personal budget if relevant, into Section 6.</p>
	<p>The parents/YP will be sent a final draft of the Education, Health and Care Plan for their approval. They will be given 15 calendar days to respond.</p>
	<p>The final Education Health and Care plan will be issued to the family and the educational setting.</p>

**This should all be completed before the end of 14 weeks.**

	<p>Where the LA decides not to secure an Education, Health and Care Plan for a child or young person transferring from a statement, the LA <b><u>must</u></b> notify the parents of the young person 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 an appeal can be registers with the tribunal (2 months).</p>
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