

Hubs resources - Special educational needs and disability reforms – England

The government is planning big changes to the way support is given to children with special educational needs (SEN) in England. The changes are being introduced through Part 3 of the [Children and Families Act 2014](#).

The changes will start to happen from September 2014. Until then, the [current system](#) will remain in force in all local authorities in England.

These are some of the main changes.

- An education, health and care (EHC) plan will replace the statement of special educational needs, and will cover young people from birth to age 25 if in education or training.
- Giving parents and young people with an EHC plan the option of a personal budget
- Local authorities must produce a 'local offer' of education, health, social care and childcare services it expects to be available in the area for children and young people up to 25 years.
- New requirements around the involvement of children, young people and parents in decisions about SEN provision.
- Requiring education and health services to work together to support children with special educational needs through 'joint commissioning' of services.

What happens next?

The legal changes have now been agreed by parliament and are set out in the Children and Families Act 2014. The changes will come into effect **from September 2014**.

From September 2014, transitional arrangements will be put in place by each local authority. It is expected that the transfer to the new system will be completed by 2017. [See timescales](#)

Other changes will be made through:

Regulations - The Act gives the Department for Education the power to make specific, more detailed changes through 'secondary legislation' or Regulations. These are expected to be agreed by June 2014.

Guidance - The Act also gives the Department for Education the power to publish guidance or what is called the 'SEND Code of Practice'. This guidance sets out how the Department thinks local authorities and their partners should interpret the new laws. Local authorities have to follow the guidance unless there are good reasons why not.

[The revised draft code of practice is currently open for consultation.](#)

The new SEND code of practice does not come into force until September 2014, many local authorities are starting to prepare for these changes now.

You can read the Children and Families Act 2014 in full at:
<http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

Preparing for implementation

The Department for Education and the Department of Health has issued non statutory advice for local authorities and health partners about implementing the 0 to 25 special needs system from September 2014. See <https://www.gov.uk/government/publications/implementing-the-0-to-25-special-needs-system>

The guidance contains useful information to help local areas prepare. It sets out a timeline for implementation, summarises information on local readiness, and provides answers to some frequently asked questions. Associated with this guidance is a slide setting out the timeline for implementation

The Contact a Family, [SEN advice line](#) has spoken to parents who are under the impression that they can no longer request a statutory assessment for a statement or that their local authority are no longer issuing statements. This is not the case.

In April 2014, Edward Timpson MP, the minister responsible for the SEND reforms published a [letter to parents](#) , [teachers](#) and [local authorities](#). The minister recognises that there have been a range of concerns raised about the reforms including those

In the letter he addresses concerns by stating:"I can assure you that no one will be left without support just because of the changes. I can also reassure you that the current protections you and your child have will continue and, in many cases, be enhanced further"

Regarding the moving to the new system he said: "If your child already has a statement or Learning Difficulty Assessment they will be transferred to the new system within the next three and a half years. The legislation relating to statements and Learning Difficulty Assessments will be withdrawn when everyone has completed the transition to the new system."

Myths: SEND reforms¹

¹ Reproduced with permission from SEN mythbusters: [one for parents](#) and one for [those who support them](#).

This information sheet is designed to dispel some of the myths associated with the progress and implications of the SEND reforms as set out by Part 3 of the Children and Families Act 2014.

1. Myth: 'Fewer children and young people will get an Education, Health and Care plan than get a statement of special educational needs.'

The legal criteria for an Education, Health and Care plan will be the same as the current criteria for a statement. If a child currently has a Statement of SEN, unless there is evidence that their needs have changed, they should be entitled to an EHC plan.

2. Myth: 'Our local authority has don't issue statements any more as the system has changed'

Statements will continue to be issued until September 2014. Some local authorities (on the 'Pathfinder' programme) are issuing EHC plans early in place of Statements, but these plans will no legal status. After September only EHC plans will be issued and will be legally binding

3. Myth: 'All parents and young people with a plan will be able to access direct payments'

All parents and young people will be able to request a personal budget where an EHC plan is in place. A personal budget is an amount identified by the local authority as being available to secure particular provision that is specified, or proposed to be specified, in the EHC plan.

Once identified parents and young people can then request that some or all aspects of the personal budget be converted into a direct payment, but the local authority, and the education provider where relevant, must agree to this and have significant discretion about what they agree to.

4. Myth: 'ALL young people who have the new Education, Health and Care plans in school will have a plan until they are 25'

An Education, Health and Care plan will continue only for young people who choose to stay in education or training. For most young people this will be to go to further education (college), or to get an apprenticeship.

5. Myth: 'My local authority has said that only pupils with statements who receive a certain level of funding will get an EHC plan'

The threshold for EHC plans will be the same as those for Statements, that is where the special educational provision necessary to meet the child or young person's needs cannot be reasonably provided within the resources normally available to mainstream schools and early years settings

Where can I find out more about the SEND reform

The DfE strategic partner the Council for Disabled Children

<http://www.councilfordisabledchildren.org.uk/childrenandfamiliesbill>

Where can parents go for more information?

Contact a Family (www.cafamily.org.uk) have a Helpline for parents of children and young people with SEN-helpline 0808 808 3555/ email helpline@cafamily.org.uk

IPSEA (www.ipsea.org.uk) is a registered charity offering free and independent advice to parents of children with special educational needs in England and Wales. IPSEA's general advice line is 0800 018 4016.

If you need to talk to someone you can contact your local parent partnership service who offer free, impartial, confidential information and advice to parents and carers of children and young people with special educational needs. You can find your local service here: www.parentpartnership.org.uk or call 020 7843 6058.