**Special educational needs and disability reforms: Technical consultation on transitional arrangements**

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| TextBox | Name; Sarah Thomas |

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| TextBox | Name of organisation: National Network of Parent Carer Forums |

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| DfE | 1. Are the draft order and draft guidance clear on arrangements for assessments/re-assessments and appeals for a statement in progress on 1 September 2014?

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Comments - we welcome the clarity around the protection of existing support and that no young person should have their support reduced simply because of the reforms. It is important that in this section there is an emphasis in working in partnership with families and the young person and feel that this should be made clearer in in this section. This is a significant change for families and there is a lot of concern around the transition arrangement. For example decision to convert to an EHCP as a result of a request for reassessment should be made in partnership with the family and Young Person and not just be a LA decision as suggested.While we recognize that this document is written mainly for LA’s families need to have a clear understanding about the transition process and we this document will not be accessible to the majority of families or young people and it is essential that there is a document produced that is. |
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| DfE | 2. Are the draft order and draft guidance clear on arrangements for Learning Difficulty Assessments (LDAs) in progress on 1 September 2014?

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Comments: -While it is unlikely that a young person or their family would choose to reta5in a LDA rather than an EHCP the document should state that the decision to convert to the EHCP should be made in partnership with the young person and their family.  |
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| DfE | 3. Are the draft order and draft guidance clear on arrangements relating to statements during the transition period, including arrangements relating to re-assessments and appeals?

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Comments: We think that this section could cause some confusion and some aspects need to be presented more clearly. In particular it needs to be clearly stated that a reassessment request will not automatically lead to an EHCP and could instead result in a revised Statement being issued. We are also concerned that the decision about whether or not an assessment does result in an EHCP lies solely with the LA and there is no requirement to make this decision in partnership with the family and young person. We also feel that if a decision is made not to produce an EHCP as a result of a reassessment request there should be s requirement for clear grounds to be given for this.  |
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| DfE | 4. Are the draft order and draft guidance clear on arrangements relating LDAs during the transition period?

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Comments:There needs to be a clear requirement about contacting all young people and their families about the options available to them. The role of colleges is key in this and it should be highlighted that the LA and Colleges should work closely together on this. |
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| DfE | 5. Are the draft order and draft guidance clear on requirements and expectations relating to the timing of transfers from statements and LDAs to EHC plans?

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Comments:5.1 – we should be aiming for quality assessment not just quality supportThere is a recognition that the transfer to a EHCP will bring some potential disruption to families which we welcome but feel that this section places all the power with the LA to determine when a conversion will be made except in the case of those transitioning between year 6 and 7. This section should include recognition that there will be other circumstances when a conversion may need to be delayed and allow for the input of families into this discussion at all stages. We recognise that it is important to maintain the momentum for conversions but no family should be placed under undue additional strain due to the conversion timetable. The guidance should allow for flexibility in this in cases where the family is already dealing with a challenging situation for example the young person suffering a period of ill health, a bereavement in the family or any significant change in family circumstances.  |
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| DfE | 6. Are the draft order and draft guidance clear on the process for transferring a child or young person with a statement to the new SEN system?

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Comments:We are very concerned that there is only a requirement to give two weeks notice of a reassessment review. This in no way recognises the complexity of the lives of families of young people with SEN. Many annual reviews are booked well in advance due to the need to secure input from a wide range of professionals. The text also does not recognise the key role that schools and colleges play in these reviews and seems to suggest that that they will only be arranged by the LA. Currently in many cases the LA does not attend annual reviews, will there be a requirement that for transfer reviews a representative from the LA will need to be present? We would also request clarity on who’s responsibility it will be to decide if the quality and appropriateness of reports are acceptable? In many cases SEN Case Officers will not have the knowledge to do this other than on the most basic level.We feel that much more preparation work needs to be allowed to ensure that parent carers and young people are supported properly and are able to contribute effectively to the transfer process. Schools and colleges will have a key role to play in this as the organisation that have the most regular contact with the young people and families. The quality of the preparation work for a transfer review will dictate the quality of the EHCP and there needs to be some requirements around the guidance that will be provided to families young people and other professionals about preparing for the transfer review.  |
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| DfE | 7. Are the draft order and draft guidance clear on how young people with an LDA would transfer to an EHC plan?

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Comments:5.14 – typo should read from and not between?5.15 – While we recognise that from the age of 16 young people themselves will have the final say on matters relating to their SEN it is has also been acknowledged that parent carers will in most cases continue to play a key role. With this in mind the requirement to inform young people about this process and to share information with them should also be extended to parent carers of young people post 16. Information and advice availability should be made clear to parent carers of young people over the age of 16 as well as to the young person themselves.  |
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| DfE | 8. Are the draft order and draft guidance clear on how children and young people with a draft EHC plan (i.e. issued before 1 September 2014) would be transferred to a statutory EHC plan?

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Comments:See six above In addition some pathfinders it is possible that a young person may have a non statutory EHCP with no statement in place – these EHCP’s should be converted to statutory EHCP’s as a priority.6.15 – what is the definition of recent and relevant? |
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| DfE | 9. Are the draft order and draft guidance clear on interim arrangements for children and young people in custody with an EHC plan between 1 September 2014 and 1 April 2015?

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| DfE | 10. Please provide any further comments on the transitional arrangements here:We would welcome further guidance on the process if a young person or parent carer requests a personal budget prior to their statement being converted. Should this trigger a conversion or is it envisaged that the personal budget will be delivered via the Statement? We are receiving numerous reports that families are being told that they can not have a personal budget until their statement is converted.We are also concerned that there is no reference to consideration of how young people who are Neet can be supported back into education / training. The LA will have records of young people who have left education perhaps because effective support was not in place and there at least needs to be a system to get information out to these young people and their families about the new opportunities offered by the new system.Linked to this we are concerned that young people who are 18 or above and have less time to benefit from the new system are not being prioritised. In some cases we are aware that young people with LDA’s that are expected to end before April 2016 are being seen as low priority for conversion but this is making assumption around the lack of benefit of these young people continuing education and may result in missed opportunities.We feel that there should be a stronger message around the need for local authorities to work with organisations such as local parent carer forums and parent partnership when producing local transition plans. We also feel that there should be a requirement that the local offer of support during conversion should be explicit and recognise the range of knowledge and experience that is needed, it is unlikely that it can be delivered through one organisation.  |
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Thank you for taking the time to let us have your views.