

Q1. What are the new changes to the special educational needs and disabilities system?

Under the new Children and Families Act (2014), statements of special educational needs for children in schools and learning difficulty assessments (LDA's) for young people in further education and training, will be replaced with the Education, Health and Care Plan (EHC plan).

Some of the other key changes include:

- **Each local authority must publish a Local Offer which provides** information about the provision they expect to be available across education, health and social care for children and young people in their area with SEN or disabilities.
- The new scheme will cover academies, independent schools and colleges. **When an institution is named in an EHC plan they must admit pupils.**
- The First Tier (Special Educational Needs and Disability) Tribunal can consider appeals for certain issues. **Mediation must be considered before making an appeal.**
- Parents and young people can request a personal budget to deliver the provisions set out in the EHC plan.

The local authority has a duty to prepare a personal budget when a request is made.

Q2. What is an EHC plan?

The purpose of an EHC plan is to make special educational provision to meet the special educational needs of the child or young person, **to secure the best possible outcomes for them across education, health and social care** and, as they get older, prepare them for adulthood.

Q3. Who will get an EHC plan?

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). **A child or young person who has a statement and would have continued to have one under the old system should be transferred to an EHC plan. No one should lose their statement and not have it replaced with an EHC plan simply because the system has changed.**

Q4. What happens to my child's statement?

Statements will continue to have legal force until the new EHC plan has been finalised.

Q5. What happens if my child does not get an EHC plan?

Children and young people without an EHC plan are entitled to access the provisions set out in the Local Offer.

Under the Children and Families Act (2014) and the Code of Practice, School Action and School Action Plus will be replaced with SEN Support. **SEN Support is the support available in schools for children and young people who have special educational needs, but do not have an EHC plan. SEN support will provide additional funding for this cohort of children and young people to enable them to reach their individual goals.**

Q6. When will my child's statement be transferred to an EHC plan?

All statements must be transferred to an EHC plan by the 1st of April 2018.

The local authority must publish their local transition plan in September 2014.

The local transition plan will inform parents and young people when the transfer will take place.

Q7. What about Learning Disability Assessments (LDA's)?

Local authorities will no longer be offering new assessments for LDA's from the 1st of September 2014.

When a young person in further education or training with an LDA requests an EHC plan, during the transition period and they meet the threshold, the local authority must issue a plan. **LDA's will continue to have legal force until 1st of September 2016.**

Q8. How can disagreements be resolved?

There are different methods to resolve disagreements under the new Act.

- Disagreement resolution
- Mediation
- Tribunal

The local authority must make arrangements for parents and young people to **receive information about mediation so that they can request for mediation if they wish.**

In some cases, parents and young people have a right to appeal to the First-Tier Tribunal (SEN and Disability) about needs assessments and EHC plans. There are strict timescales to adhere to.

Q9. What is the role of an Independent Supporter?

Independent Supporters (IS) are individuals who have been recruited to support parents and young people throughout the process of the statutory needs assessment and during the process of developing an EHC plan. **They are independent of the local authority** and are fully trained to carry out their role.

Independent Supporters only provide parents and young people with information and support in relation to the EHC plan. They are unable to offer advice.

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In addition, they will signpost parents and young people to the local Information, Advice and Support Services (IASS Bromley, formerly Parent Partnership Bromley) when an issue falls outside of their role.

Q10. What is the role of the Information, Advice and Support Services Bromley (IASS formerly known as Parent Partnership)?

The IASS Bromley is funded by the local authority and they provide impartial and factual support in relation to the special educational needs system. They aim to help children, their parents and young people to play an active and informed role in their education and care. The IASS Bromley will support parents and young people through the mediation and the tribunal process.

Q11. What does the Act mean for health services?

The Children and Families Act (2014) places duties on the health service in relation to children and young people with SEND.

The health service is the responsible commissioning body, which will normally be the local Clinical Commissioning Group (CCG) but for children and young people with certain health conditions this may be NHS England.

The health service must engage with the local authority to create joint commissioning arrangements for the health and social care provision required by children and young people, identified as having SEN.

These arrangements need to set out what health provision is to be secured and who is responsible for securing it. **It could include specialist support and therapies, such as medical treatments and delivery of medications, occupational therapy and physiotherapy, a range of nursing support, specialist equipment, wheelchairs and continence supplies.**

Please contact Funke Adelaye on 02084660790 or email at is@bromleymencap.org or visit <http://www.bromleyparentvoice.org.uk> or further information

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