

LDA Transfer Review Guidance:

September 2014

About this guidance:

This guidance relates to the local authority process of transferring an existing Learning Difficulty Assessment 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)
- Transition to the new 0 to 25 special educational need and disability system: statutory guidance for local authorities and organisations providing services to children and young people with SEN (August 2014)

Who is this guidance for?



All young people, parents and carers and professionals involved in the transfer process;

- Young people, parents and carers
- Headteachers, Principals, Senior Leaders, SENCO's and Lead Practitioners working in post maintained setting
- Connexions
- LA SEN Team
- Educational Psychologists
- Specialist Teaching Team
- Health Professionals
- Social Care Professionals
- Private and voluntary sector partners


Key Points:


1. Who is eligible for Education, Health and Care Plan
2. Priorities for 2014 – 2015
3. Applying for an Education, Health and Care Plan
4. Finalising the Education, Health and Care Plan

1. Who is eligible for Education, Health and Care Plan

	<p>The legal test of when a child or young person requires an Education, Health and Care Plan (EHC) remains the same as that for a statement under the Education Act 1996. Therefore, it is expected that all young people who are currently receiving support as a result of a Learning Difficulty Assessment (LDA / 139a) and who will remain in further education or training during the transition period, who request and need an EHC Plan, <u>must</u> be issued one. An EHC plan should be in place by 1st September 2016 for young people who are continuing in further education or training beyond that date. From 1st September 2014, a young person over 16 may apply for an EHC Plan independently of their parents or educational setting. A parent or representative, including the educational setting may apply on the young person's behalf.</p>
	<p>If the local authority decides not to issue an EHC plan to a young person who receives support through a LDA, then parents and young people have the right to dispute resolution arrangements locally. These arrangements include mediation and the right to appeal a decision to the First-tier Tribunal.</p>

2. Priorities for 2014 - 2015

	<p>If a young person changes setting, moving to another college/provider, the setting should transfer the LDA to an EHCP. This should be started before the move takes place, to include the transition plan to support a smooth move to the new setting. Staff from the future setting should be invited to the transfer review.</p> <p>For those young people who receive support to meet their special educational needs as a result of a LDA and who <u>intend</u> to continue in further education or training beyond that period can choose to either:</p> <ul style="list-style-type: none"> • Continue to receive their support as a result of their LDA for 2014/2015 • Request an EHC needs assessment <p>During academic year 2015/2016 local authorities <u>must</u> consider whether an EHC needs assessment is required for those young people who continue to receive their support as a result of their LDA and that it believes will remain in further education or training beyond 31st August 2016.</p>
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	<p>Between the 1st September 2014 and 31st August 2016, young people up to the age of 25 in further education or training who receive support to meet their special educational needs as a result of a LDA and who <u>do not intend</u> to continue in further education or training beyond that period can choose to either:</p> <ul style="list-style-type: none"> • Continue to receive their support as a result of their LDA • Request an EHC needs assessment
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3. Transferring to an Education, Health and Care Plan

	<p>In order to ensure that EHC Plans are person– centred and focused on outcomes, an EHC plan must only be issued following a ‘transfer review’. This process should be carried out in a timely manner and must be completed within 20 weeks.</p> <p>A request for an EHC needs assessment can be made by the young person, their parents or the educational setting they attend. If the request is not made by the young person, the EHC needs assessment must only proceed with the young person’s agreement.</p>
	<p>A request to the local authority must be made by completing a draft ‘Education Health and Care Plan’ for the young person’s, incorporating the information already held in the 139a and action already being taken by the post-16 institution to meet the young person’s SEN through the LDA. This information will also need to be cross referenced to the SEN Threshold Banding documents. This must be submitted to the local authority SEN Team through SENdept@york.gov.uk</p>
	<p>On receipt of this request, the local authority has 6 weeks within which to consider whether it is necessary to carry out an assessment. This decision will be made by the EHCP panel.</p>
	<p>Where a young person is aged over 18, the local authority must consider whether the young person requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete their education or training.</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 & 4.2 for Health, 4.3, 4.4 & 4.5 for Social Care).

An early notification email will also be sent to any other professionals known to be working with the child or young person.



A SEN Designated Officer will ring the parents or young person to discuss the transfer process two weeks before the meeting. As part of this discussion the SEN Designated Officer will check with the young person / family that they are happy with the assessments or if there needs to be additional assessment, such as when a young person's needs have significantly changed.



During the conversation with young person or parent, the SENDO will discuss the options of having a personal budget for aspects of the provision. Further information will be sent out to the young person or parent for consideration and the SENDO will offer to meet to discuss a personal budget in greater detail.



Settings/colleges/education providers will send Invitations out to professionals involved with the young person inviting them to attend the transfer review meeting and asking them to provide any further information about the young person that they consider important. Existing assessments which have contributed to the LDA report should contribute to the EHC needs assessment where it remains accurate. Assessments do not need to be repeated if completed within 18 months.



A copy of any additional information received will be sent out to all involved with the young person two weeks before the transfer meeting.



The transfer review meeting may be chaired by the education provider or an allocated SENDO. The aim of this meeting is for all to gain a complete picture of the young person, their special education needs and disabilities, and the provision required to meet these needs.

4. Finalising the Education, Health and Care Plan

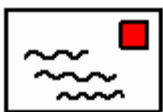


After the transfer review meeting the education provider will update the information in the young person's draft Education, Health and Care Plan to reflect the discussions held at the meeting. This information is then presented at the EHCP Panel. The panel will review and agree the Education, Health and Care plan. It will also decide how much additional funding to allocate, including aspects of provision which is to be provided through a personal budget.



The allocated SENDO will contact the young person or parent by phone to discuss the decision of the EHCP panel.

- If the decision is to proceed to the EHC Plan then the draft 'Education, Health and Care plan' will be transferred into an EHC Plan and the financial information added.
- If the decision is to not proceed to the EHC Plan then the provision being made as a result of the young person's LDA should continue as planned. The young person has the right to appeal this decision and will be informed of how they can do this.



The young person and family will be sent a final draft of the EHC Plan for their approval. They will also be asked to state which educational setting they wish to attend. They will be given 15 calendar days to respond.



The educational setting requested by the young person will be sent a copy of the Education Health and Care Plan and asked to confirm whether they are willing to take the young person onto their roll.



The final EHC Plan will be issued to both the young person and the agreed educational setting, with the instructions that the plan should be reviewed within the next 12 months.

This should all be completed before the end of 20 weeks.