



Edward Timpson MP

Parliamentary Under Secretary of State for Children and Families

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Dear Lead members, Chief Executives and Director of Children's Services,

SPECIAL EDUCATIONAL NEEDS (SEN) AND DISABILITIES

As you will know, new legal duties came into force in September 2014, through the Children and Families Act to reform the way support is provided for children and young people with special educational needs and disabilities. Our aim is for every child and young person with SEN or a disability to be able to develop their potential and live happy and fulfilled lives.

The Act places the views, wishes and aspirations of children, parents and young people at the heart of the system and requires a culture change in the ways in which professionals work with families and with each other.

I am writing to seek your personal support in making these changes happen in your authority.

Local authorities have made a good start in implementing the new duties and are involving parents and young people as key partners in local decision making. Making the transition to the new system will be a gradual process and I do not underestimate the challenges.

We are aiming to achieve cultural change through the SEN and disability reforms and recognise this will take time.

Transitional arrangements are in place for gradually transferring SEN statements and Learning Difficulty Assessments to Education, Health and Care Plans by April 2018. Guidance on putting those arrangements into practice has been published at: <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

The updated Transitional arrangements provide more time to transfer children and young people over to the new system. From now to September 2015 the only children and young people with statements and Learning Difficulty Assessments who must be transferred to Education, Health and Care plans are:

- Young people prior to transferring from school to a post-16 institution or an apprenticeship (in Year 11);
- Young people who are moving to further education colleges; and
- Children and young people in pathfinder areas who have non-statutory Education,

Health and Care plans.

The guidance enables most of the transfers to take place from September 2015 to April 2018.

We have had feedback that some local authorities are moving faster to transfer larger numbers to Education, Health and Care plans than are required and I would be concerned if this compromised the quality of the experience for families.

The flexibility provided by the guidance ensures that local areas have discretion about when they transfer other children and young people to EHC plans. It also allows them time to develop and establish the processes for Education, Health and Care needs assessments with their partners.

In December a £70m SEN Reform Grant was announced to help local authorities plan for the SEN and disability reforms. In June additional 'new burdens' funding allocations for 2014-15 of £45.2 million were made to support implementation of the reforms and indicative funding for 2015-16 of £31.7m was announced.¹ We aim to confirm funding allocations in December when the Local Government Finance Settlement is announced. Local authorities can choose how to spend these additional funding allocations across the two years and are using the funds to increase their capacity to take forward the reforms.

My Department is working closely with SEN and disability colleagues in local authorities to ensure they have access to relevant information, advice and guidance from a range of sources.

In October, we issued the first of a series of regular newsletters for local authority SEN and disability lead officers. It focuses on the transitional arrangements and highlights the requirement for an Education, Health and Care needs assessment to be carried out whenever a child or young person with a statement or Learning Difficulty Assessment is transferred to an Education, Health and Care plan. Existing advice can, of course, be used where parents, the local authority and professionals agree it is suitable, otherwise new advice must be sought where needed. This is important in ensuring that the needs of each child or young person are properly assessed as part of the transfer.

I appreciate your leadership in helping to ensure that the changes are embedded in practice across your authority and with your partners. It is only through working together that we can achieve the culture change and improve the outcomes for children and young people who have SEN or are disabled and their families that we all want to see.

Yours sincerely,

Edward

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¹ <https://www.gov.uk/government/publications/ann-gross-writes-about-the-send-implementation-grant>