

Liz Arriens-Troy's tips for moving LAs with an EHCP

Tip 1: As soon as you know you're moving

- Tell the SEND team in the new LA that your child has an EHCP that needs to be transferred. Ask them to honour its funding and content. Make notes of the date, who you speak to, and what they say. (SNJ note: *The SEND reforms in 2014 were supposed to have made EHCPs portable, but the lack of a standard template has made this very tricky*)
- Emails sent any secure systems may disappear after a certain time, so download any which are important, and make notes of their times and dates and content on your spreadsheet.
- Ensure all therapy provisions are quantified and specified in Section F of the EHCP as this section is legally enforceable.

Tip 2: Keep a spreadsheet

- Begin a spreadsheet listing dates, who you spoke to and what about in relation to the EHCP transfer. Update it daily, as this makes it easy to keep on top of. If there are any issues down the line you can quote from it quickly and easily.

Tip 3: About a month before your move

- Ask your EHCP Coordinator to liaise with the new SEND team. Ask them to confirm to you by email when they've done this.
- Send the prospective new school a copy of the EHCP yourself
- Ask all therapists who work with your child to contact their equivalent in the new LA to ask when they can make the referral as they may be told it can only be done on the date of the move or afterwards.
- Ensure your therapists have your new address, and your child's new school to include with their referral.

Tip 4: Just before you move

- Ensure that the new SEN team in your new local authority has spoken to your child's new school to explain the funding to them and when it will be in place.

Tip 5: The therapy provision in Section F of the EHCP is legally binding immediately on issue even when transferred

- The EHCP is a legally-binding document, so there should never be a question of it being approved. You can challenge the LA if the therapies in section F are not being provided.
- SEND Code of Practice section: Transfer of EHC plans, p.192, 9.157 – 9.162
- Section 47 of the Children and Families Act 2014 and
- Section 15 and 16 of the SEND Regulations 2014

Tip 6: A couple of days after your move

- Keep an eye out that a transfer letter is sent from your previous LA to your new LA that contains the new EHCP, all supporting documents, and the name of the new school your child is going to attend. Make a note on your spreadsheet on the date this was done.

Tip 7: A week after your move

- Check all therapy referrals have been made
- Check emails for the name of your EHCP coordinator and the new SENCO and get in touch with them.

Tip 8: Six weeks after your move

- According to the SEND Code of Practice section 9.160, within six weeks of the date when your child's EHC plan is transferred, the new LA team must tell you (or the young person) when they will review it and whether they propose to make an EHC needs assessment.
- SEND CoP Transfer of EHC plans, p.192, 9.157 – 9.162
- Relevant legislation: Section 47 of the Children and Families Act 2014 and
- Section 15 and 16 of the SEND Regulations 2014

Tip 9: If NHS therapies not immediately available, the LA must get private therapists

- Ask the transferring LA to ensure with the new LA that provision of therapies will be in place on time.
- Relevant legislation: SEND Code of Practice: 0 to 25 years 9.76

*"In cases where health care provision or social care provision is to be treated as special educational provision, ultimate responsibility for ensuring that the provision is made rests with the local authority (unless the child's parent has made suitable arrangements) and the child's parent or the young person will have the right to appeal to the First-tier Tribunal (SEN and Disability) where they disagree with the provision specified." **SEND Code of Practice: 0 to 25 years 9.76***

Tip 10: Be aware if your child is in a phase transition year when you move

- If your child is in a school year before the year they move to primary, secondary or Year 9 for post-16, their EHCP should be updated in the autumn term so that a placement can be named in time for the following September. Final plan deadlines for schools are 15th February and Post 16 is 31st March