

# Key dates and deadlines for education, health and care needs assessment, plans and review.

## Guide for SENCOs in schools and early years settings in Ealing

Draft: October 2021

### 1 Introduction

The Special Educational Needs Assessment Service (SENAS) is continuously looking at ways to improve collaborative working with schools, parents, other services, and community partners. We want to continue to learn and build on progress since the launch of the Special Educational Needs and Disability (SEND) Reforms introduced in September 2014 and are committed to enabling schools and settings to move forward in partnership with the SENAS service.

The Purpose of this guide to provide you with information about key submission dates and deadlines throughout the academic year, indicating the deadlines set out in statutory guidance and SEND law. We hope that you find this information helpful as part of your planning.

Many thanks

Fabi and Helen

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## Summary of key dates for SEND assessments school year 2021-22

Age phase	Purpose	Submission date	DfE Deadline
Early Years to Reception	<b>Children:</b> <ul style="list-style-type: none"> <li>undergoing an EHC needs assessment</li> <li>likely to require one with complex or emerging complex needs.</li> </ul>	17 December 2021	Receiving school must be named in EHCP by 15 February 2022
Infant to junior school	Children with an EHCP at age phase transfer.	17 December 2021	
Primary/first to middle school			
Primary to secondary school			
Middle to secondary school			
<b>All years</b>	<b>Requests for EHC Needs Assessment (ERSA) for child likely to require a Mainstream /Additionally Resourced Provision (ARP)</b>	<b>No later than 11 June</b>	<b>DfE timescales do not apply during summer break</b>
<b>High School Transfers</b>  <b>Pupils transitioning in September 2022</b>	School hosts Year 5 annual review	No later than end of Summer term 2021	Receiving school must be named in EHCP by 15 February 2022
	SENAS start collecting Year 5 annual reviews for scheduling at SEN High school transfer panels	May-21	
	LA SEN High School Transfer Panels held. <i>High School reps invited.</i>	July, September and October 2021	
	Deadline for parent/carers to submit their school preferences for high school	19 October 2021	
	Consultation with high schools	October - February 2022	
<b>Year 9 - 11 Review (Preparing for Adulthood)</b>	<b>Amendments to EHCP to support the transition to College/Post 16 institution</b>	<b>Year 9 or Year 10 Annual review</b>	
Year 11 and above - Pupils transferring to college/Post 16 institution or leaving in <u>July 2022</u>	Annual reviews for pupils/learners leaving	Summer term 2021/ <i>recommended by October of final year if applying for popular courses)</i>	College/ Post 16 institution named in EHCP by 31 March

## 2 Proposed submission deadlines

### 2.1 EHC Needs Assessment (also known as ERSAs- Ealing Request for Statutory Assessment)

***Regulation 18 (1)(b) The Special Educational Needs and Disability Regulations 2014 places a duty on Local Authorities (LAs) to issue a new Education Health and Care Plans (EHCP) by February 15<sup>th</sup> (of each year) for children and young people (CYP) undergoing a Phase Transfer.***

This means that children who are in receipt of an EHCP in the following phases and require a change of placement to a special school will need to be prioritised for allocation so that their EHCPs are re-issued by the above deadline.

- Early years education to primary school
- Infant to junior school
- Primary/first to middle school
- Primary to secondary school
- Middle to secondary school

#### **Key dates**

Receiving school must be named and EHCP finalised by 15 February

### 2.2 Children with complex needs and 'Early Years' children whose needs cannot be met at mainstream with adequate levels of support.

Given the statutory deadline (Regulation 18<sup>1</sup>), to ensure that children with the most complex needs that require a special school placement are considered, including children who are:

- undergoing Education, Health and Care Needs assessment
- request has not yet been submitted to SENAS.

#### **Key dates**

Recommended requests for assessment **no later than 17** December

Ealing has a higher offer of special provision places than other Boroughs and more children in Ealing than neighbouring or London Boroughs are placed in special schools, the demand remains high for such places. Therefore, to ensure that those Children and Young People whose needs are too significant to be appropriately met (even with high levels of funding) in a mainstream school, should be considered during place planning together with children undergoing phase transfers.

***The recommended submission date to request for EHC Needs assessment no later than 17 December. While their EHCPs may not be issued by 15 February, having an indication of the extend of their needs will enable us to include them in place planning meetings.***

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<sup>1</sup> [The Special Educational Needs and Disability Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

### 3 Requests for EHC needs assessments in year

SENAS receives requests for EHC Needs Assessment throughout the year. Recent data indicates that Ealing is receiving high numbers on average than the rest of London, where requests have started to decrease. The DfE allows for an exception to the statutory deadline during the summer break<sup>2</sup>. School closure means that professionals cannot carry out assessments and observations during August and therefore advice due will not keep to the 20-week statutory timescale.

To manage high demand effectively, it is strongly recommended that schools submit requests by June or in September would enable SENAS to complete assessments more efficiently and with adequate workforce in place and sufficient time for the advice to be received by SENAS prior to the school summer break.

#### In-year requests for EHC Needs Assessments

##### Key dates

Recommended deadline for assessment **no later than 11 June or September**

### 4 High school transfers

We want to make the transition to high schools a success for all involved – but especially for children and their families. We have continued to listen to feedback from SENCos, Headteachers and partners and you are invited to continue to contribute to the ongoing improvements. To enable a positive transition to high school we have put together the following **timetable for high school transfer for children transitioning in September 2022**:

<b>May 2021</b>	All Year 5 annual reviews are collected. Please can the year 5 annual review be scheduled to take place by the end of the summer term to allow for planning for secondary transfer in the following September.
<b>July - October 2021</b>	LA SEN High School Transfer Panels held. <i>High school reps invited.</i>
<b>19 October 2021</b>	Deadline for parent/carers to submit their school preferences for high school.
<b>October 2021- February 2022</b>	EHC Co-ordinators consult with parental first preference high school and the nearest high school (where it's a different school). Individual referrals to high schools made. Negotiations take place during this time, which involves meeting and talking with school staff, parents, the young person, professionals, and other partners.
<b>15 February 2022</b>	<i>Statutory deadline</i> for finalising EHC Plans naming a school or type of provision in Section I of the Plan.

*If you haven't already held the year 5 annual reviews - please schedule it for the summer term and include discussion about secondary transfer.*

<sup>2</sup> [The Special Educational Needs and Disability Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

## **4.1 Nearest high school**

Some SENCOs/Inclusion Managers will have noticed a change last year in that we also consulted you as the nearest high school. This year we will be doing the same– we want parents to be positive about their local high school – there are so many benefits to children with special and additional needs being part of their local community. We also want to ensure that there is a more balanced intake of children with EHCPs across Ealing schools – we hope that you will welcome expressions of interest at open evenings and visits from local parents.

## **4.2 Making decisions about provision and placement**

For those SENCO/Inclusion Managers who are new to Ealing, the role of the High School Transfer Panel is to discuss children’s Year 5 annual reviews and make recommendations about appropriate provision and placement of children for Year 7. As always, you are warmly invited to attend the Panels.

**Contact Afi Oteng on 020 8825 6919 or email [OtengA@ealing.gov.uk](mailto:OtengA@ealing.gov.uk) and she can arrange for you to attend the panel.**

## **4.3 Parental choice**

The legislation that underpins the processes above are Sections 33<sup>3</sup> and 39<sup>4</sup> of the Children and Families 2014. This states that the LA must agree to the parental preference for a maintained mainstream school unless: The child’s inclusion would be incompatible with the efficient education of other pupils or efficient use of resources and there are no reasonable steps which either the school or LA can take to prevent the incompatibility.

# **5 Year 9-11 preparing for adulthood**

## **5.1 Annual reviews**

From Year 9 onwards all annual reviews should focus on Preparing for Adulthood. Regulation 20(6)<sup>5</sup> and Regulation 21(6)<sup>6</sup> of the SEN and Disability Regulations 2014 place a duty on LAs to ensure that the annual review meetings from Year 9 onwards ‘*consider what provision is required to assist the child or young person in preparation for adulthood and independent living*’.

**There is an additional appendix (Appendix 3) in the Ealing annual review template to help to facilitate this discussion. This information must be provided at every review from year 9 onwards. Schools should also include information from any careers advice service the child may be accessing to support this process.**

It is important that the child or young person themselves (or with the help of an advocate) can give their views and cover the topics they think are important, with a specific focus on the

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<sup>3</sup> [Children and Families Act 2014 \(legislation.gov.uk\)](http://legislation.gov.uk)

<sup>4</sup> [Children and Families Act 2014 \(legislation.gov.uk\)](http://legislation.gov.uk)

<sup>5</sup> [The Special Educational Needs and Disability Regulations 2014 \(legislation.gov.uk\)](http://legislation.gov.uk)

<sup>6</sup> [The Special Educational Needs and Disability Regulations 2014 \(legislation.gov.uk\)](http://legislation.gov.uk)

following areas: *'Employment, independent living, social and community inclusion, and health and wellbeing'*.

Transition planning must be built into the revised EHC plan and should result in clear outcomes being agreed that are ambitious and stretching and which will prepare young people for adulthood (paragraph 8.9 of the SEND Code of Practice<sup>7</sup>).

## 5.2 Amendments to education, health and care plans

By the time the child starts in year 11, aspirations, transition planning and updated outcomes should be included into an amended, updated EHC plan ready to consult with their post 16 setting.

**The amendments required can be requested through the annual review process in year 9 or year 10**, although this is usually best done in their penultimate year at their setting before they transition – **in most cases year 10**. This will enable the most up to date and relevant information to be used to draw up an EHCP ready to consult with post 16 providers.

## 6 Year 11 and onwards and college transfer

To prepare for young person leaving school we are requesting that all leavers annual reviews be held either in the summer term before the last year i.e., in most cases Year 10, 12 or 13 or the autumn term of the year of leaving i.e., year 11, 13 or 14.

For those pupils:

- leaving school in July and transferring to college
- or transferring to another post 16 provision

### Key dates

Annual review held **before December 2021**

EHC Plan must finalised by statutory deadline **31 March 2022**

Therefore, for pupils leaving in July 2022, their annual review which discusses their education setting preferences and their planned transition to post 16 **must be held before December 2021**.

If the young person would like to apply to a setting that is likely to be over-subscribed, then schools should aim for it to be sent **no later than October half term** as places can fill very quickly at post-16 and the Local Authority does not have influence over place planning for most post 16 institutions.

The young person's allocated EHCCO will also contact them directly by phone and/or letter in the Autumn term of year 11 to discuss their plans for next year.

**Important - if the young person would like to attend an FE college the young person will also need to apply to the course they would like to ensure that they secure a place.**

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<sup>7</sup> [SEND Code of Practice January 2015.pdf \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/262402/SEND_Code_of_Practice_January_2015.pdf)

This is because the EHCP does not name a specific course, only the name of the institution and the SENAS team will not be able to secure a place on the child's chosen course if it is full at the time of application.

Please note that under s.1 of the Mental Capacity Act (2005) <sup>8</sup>, the law assumes that ***all young people over the age of 16 have the capacity to make their own decisions unless it is proven otherwise.*** This includes the setting that they wish to attend and therefore at this point for most young people it is the young person, not the parent's preference that would be followed by the Local Authority. There are of course some young people where this would not be possible and, in these cases, someone may need to be appointed to decide on their behalf. Here is more information [Factsheet: The Mental Capacity Act and Supported Decision Making \(preparingforadulthood.org.uk\)](https://preparingforadulthood.org.uk)

Thank you for your ongoing support and help.

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<sup>8</sup> [Mental Capacity Act 2005 \(legislation.gov.uk\)](https://legislation.gov.uk)