

Factsheet

An Introduction to Part 3 of the Children and Families Act 2014

The Children and Families Act 2014 has been described as the biggest reform to child welfare legislation in 30 years. It includes changes to special educational needs, health and social care and will affect all children and young people with special educational needs under the age of 25.

What is an Education, Health and Care Plan, or EHC Plan?

Under the new Act, statements of special educational needs for children in schools and learning difficulty assessments for young people in further education and training, will be replaced with a single combined Education, Health and Care Plan (EHC plan). An EHC plan will cover children and young people from birth to aged 25 and will include information about health and social care needs as well as special educational needs in one single document.

This will extend the current age of eligibility for those with a statement of SEN and still in education from 16 to 25. EHC plans must be prepared and maintained by the local authority and include annual reviews, re-assessments and education otherwise than at school as before.

What are the other changes under the new system?

Under the new Act there is an emphasis on:

- wishes and feelings and participation in decision-making
- aspirations and goals and improving outcomes for children and young people and transition through to adulthood
- joint planning / commissioning of services

Some of the other key changes include:

- School action and school action plus will be abolished and replaced with SEN support which will extend to colleges and sixth forms.
- The new scheme will cover academies, independent schools and colleges and institutions must admit pupils where named in the EHC plan.
- The timescale for completion of the assessment process for issuing a final EHC plan is 20 weeks instead of the current 24 weeks for a statement.
- The First Tier (Special Educational Needs and Disability) Tribunal can consider appeals up to the age of 25 but mediation must be considered before making an appeal.
- Personal budgets must be made available for SEN education provision along with a right to request direct payments.

In addition, each local authority must publish a Local Offer which sets out in one place information about provision they expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled.

When will the changes be introduced?

From 1 September 2014 no new assessments for statements or learning difficulty assessments will be offered by local authorities. All new requests for an assessment from this date will be considered under the new legislation and those requiring support will receive it through an EHC plan. The reformed mediation and appeals process, and the option of a personal budget for those with an EHC plan will also be available from this date.

Children and young people with existing statements and learning difficulty assessments will begin to transfer to the new system in accordance with the transitional arrangements put in place by each local authority. This will be set out in their Local Transition Plan.

The legal force of statements and learning difficulty assessments will not be withdrawn until all children and young people have completed the transition to EHC plans. This will be September 2016 for learning difficulty assessments and September 2018 for statements.