

Information for parents and carers

See last page for how to get support from SENDIASS



Moving schools when your child has an EHCP

This is a guide for Haringey parents/carers on moving a child with an EHC Plan to a different school outside of the 'phase transfer' times. (i.e. **NOT** for primary to secondary school or secondary to post-16 transition).

Relevant law

The *Children & Families Act 2014 (section 39)* states that local authorities **must** comply with parental preference to name the school or college in the EHC plan **unless**:

- it would be unsuitable for the age, ability, aptitude or SEND of the child or young person, or
- the attendance of the child or young person there would be incompatible with the efficient education of others or
- it would be an inefficient use of resources.

Types of schools and parents' legal rights

A parent or young person has a right in law to request any of the following types of school:

- Maintained school or nursery (mainstream or special)
- Academy (mainstream or special)
- An institution in the Further Education sector
- Non-maintained special school
- Section 41 school. (These are independent special schools which have been approved by the Secretary of State under section 41 of the Children and Families Act 2014 as schools which a parent can request to be named in an EHC plan in the same way they can request a maintained school.)

Parents can also request a place at an independent school. However, the LA must have regard to the general principle in law that *'pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure'*.

Parents' right to mainstream education

The law supports parents' right to choose mainstream education for their child (except in very specific circumstances). **This means that where a parent does not want their child to move from mainstream to special school the Local Authority (LA) is very unlikely to agree such a move** - even if all the professionals feel a special school would be more suitable. This is because it would be unlikely to be legally defensible were the parent to appeal.

Duties of mainstream schools

Mainstream schools are legally required to use their best endeavours to meet the needs of children with SEND. Where a child is experiencing difficulties, and especially where a move from mainstream to special school is being sought, LAs expect schools to draw on outside expertise to advise on strategies to help the child. This could be an Educational Psychologist, the Language and Autism Support Team, Speech & Language Therapist, or other relevant specialist services – see the Local Offer for details of the Haringey specialist teams available : <https://www.haringey.gov.uk/children-and-families/local-offer/specialist-teams>

Parents are advised to ask for a meeting with the school SENCO to discuss possible external support. Ask for any available reports from these professionals about your child.

If you want your child to move from a mainstream to a special school

Special school places generally cost more than mainstream ones and the LA will want evidence that your child's needs *cannot* be adequately met in a mainstream school before they agree a move to a special school. Without this evidence the LA is likely to refuse on the grounds of '*an inefficient use of resources*' (see 'Relevant Law' section above).

If you feel that your child's needs are not being met and their current school is not working for them, ask the school for as much written evidence as possible about their progress. This could be:

- academic progress reports*
- evidence about your child's social and emotional development, and whether they are subject to bullying, including records of incidents
- behavioural issues that have led to any exclusions, or the risk of exclusion
- attendance records, and any other evidence that your child is showing emotionally based school avoidance (EBSA) (previously termed 'school refusal')

Also ask the school to arrange for input and advice from an Educational Psychologist (EP).

**for more information on measuring progress visit <https://www.haringey.gov.uk/children-and-families/local-offer/measuring-progress-children-send>*

The process to request a change of school: the Annual Review (or early review)

A change of school placement should be requested at the Annual Review of the EHC Plan.

If you want your request for a move to a different school to be considered urgently, you can ask for an early review. To do this either:

1. Speak to the school to request an early review. Also ask if the school can arrange for input and advice from an Educational Psychologist (EP) which can be considered at the review.
2. Make a direct request to the LA by writing to the SEND Team (see address below) and say why you feel an early review is needed.

In the form to submit parental evidence prior to the Annual Review (or early review) you should state what specific changes you feel are needed to section B and F of the EHCP: State any evidence to support the changes you want, and say that you are requesting a change of school and why. Make sure you also mention these points in the review meeting.

After the review meeting the school must send a report to the LA **within 10 working days**. Ask the school for a draft copy of the report and check that it accurately reflects your views.

Check your child's EHCP

- Carefully read all sections of your child's EHCP (especially sections B and F) to make sure it is up to date and that it accurately reflects your child's needs.
- Section F should be clear, specific and quantified - so there is no doubt about what support should be provided and how often.
- Check that the provision set out in section F is being provided by the school.

Changes or clarifications to the EHCP can be requested at the Annual Review (see above).

Notification of the LA's decision after an annual review or early review

Within 4 weeks of the annual review meeting the LA must notify parents in writing of their decision: whether they propose to amend the EHCP, or keep it unchanged or cease it. If the LA proposes to amend the EHCP they must send to the parent a copy of the Plan with the proposed amendments and (with section I the placement left blank).

Parents have a right of appeal against the LA's decision – see more below on appeals.

The parent then has 15 days to give their views about the content of the plan and to either request that a particular school is named or to express a preference for an independent school. The LA must consider parents' views send a final amended EHCP **within 8 weeks maximum** – and at that point the parent has the right of appeal to Tribunal if they disagree.

How to look for a suitable school

Look for a school that caters to your child's age and profile of needs (for example some schools cater specifically for autistic children). Check the school website and arrange a visit if possible.

- The Haringey Local Offer website details all maintained schools and colleges in Haringey.
- SENDIASS can provide a list of the maintained and independent special schools in the North and East London area
- This Government website lists all the registered mainstream and special schools in England: <https://get-information-schools.service.gov.uk/>
- You can also ask the Local Authority SEN Team about suitable schools
-

IMPORTANT – for parents seeking a special school place

There is a severe shortage of special school places in Haringey and other London boroughs. For the best chance of getting a special school place for your child, you are strongly advised to draw up as long a list as possible of all the schools you would consider.

Ask the Local Authority to consult potential schools

Before an EHCP can be amended to name a different school in section I, the LA has to consult the new school to ask if they can meet the child's needs. Schools must reply to these consultations within 15 days.

Shortly after the annual review meeting you should contact the relevant SEND Team in Haringey (see contact details below) and send them a list of all the schools that you want the LA to consult to request a place for your child.

To speed up the process of consultations it is advisable to ask the LA to consult *at the same time* all the possible schools that you are prepared to consider, rather than consulting them one by one.

It is important to note that even where a school says they cannot meet a child's needs or says that they are full, LAs (and Tribunals) have the power to override the school and name it in an EHCP, *unless* the school is an independent school (non-section 41 see above). If a school fails to respond to a consultation within 15 days, the LA does not have to wait to make a decision about naming it in the EHCP.

How to appeal if you disagree with a Local Authority decision

Parents can appeal to the SEND Tribunal to challenge decisions by the Local Authority about the contents of an EHC Plan (sections B and F, and the school or college that is named – section I). You can also request a mediation meeting. For more information about Tribunal appeals and mediation visit: <https://www.ipsea.org.uk/appealing-to-the-send-tribunal>

What to do if the Local Authority does not follow the right process or timescale

If the LA does not respond to you within the legal time limits or follow the right procedures you can do the following:

- First contact the Haringey SEN Team by telephone on 020 8489 1913 or email:
 - For children in early years and up to year 5 - SENDETeam1@haringey.gov.uk
 - For children in years 6 to 11 - SENDETeam2@haringey.gov.uk
 - For young people in year 12 onwards - SENDETeam3@haringey.gov.uk
- Make a complaint to the Local Authority
<https://www.haringey.gov.uk/contact/council-feedback/complaints-procedures>
- Seek advice from SENDIASS at any point – see below

How parents can get independent advice and support about SEND procedures

Markfield provides the Special Educational Needs and Disabilities Information, Advice and Support Service (**SENDIASS**) for residents of Haringey. Markfield is an independent charity. SENDIASS offers a free, impartial and confidential service for parents/carers of children with SEND from age 0 to 25 years. Our service can also give direct advice to young people.

SENDIASS offers:

- **Help to navigate** and understand the system & services for children with SEND
- **Support** with engaging with the professionals working with your child
- **Help if things go wrong**, including appeals and disagreement resolution meetings

How to contact SENDIASS:

- **Telephone** the SENDIASS helpline: **020 8802 2611**
Helpline times: 9.30am to 5pm on weekdays, plus extended evening hours in school term-times: until 7pm on Wednesdays, and until 6pm on Thursdays
(if you cannot get through: please leave a short message and we will call you back)
- **Email:** sendiass@markfield.org.uk
- **Drop-in advice session:** every Thursday in school termtimes 10am to 12 noon at the Markfield centre in Markfield Park, Tottenham, N15 4RB.
- **Drop-in** to our monthly **Family Club** at **Markfield centre**, in Markfield Park, N15 4RB. Times: 11.30am to 2.30pm on the second Saturday each month in school termtimes. The session offers children's play activities, and an opportunity to access support from a SENDIASS Adviser.