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## Updated Information

### Transition of Statements to Education, Health and Care Plans (EHCP)

The transition guidance for Local Authorities states that – *'By 1 April 2018, Local Authorities must have transferred all children and young people with statements of SEN to the new SEN and disability system who meet the criteria for an EHC plan. Local Authorities must conduct a Transfer Review – that is an EHC needs assessment in accordance with The Special Educational Needs and Disability Regulations 2014'*

Many Local Authorities, including Norfolk are struggling to meet this deadline due to the high numbers of children with statements. It has just been confirmed by the Minister of State for Children and Families; Robert Goodwill MP, that this deadline **will not** be changing. He stated that any Statements that have not had a complete transfer will remain in force from 1<sup>st</sup> April 2018. If your child or young person has got a Statement of SEN, you might want to ask your EHCP co-ordinator when their transfer review /EHC needs assessment is likely to take place.

### New Exclusion Guidance

The Department for Education (DfE) have published revised exclusions guidance which came into force in **September 2017**. The law concerning exclusions has not changed. You can download a copy of the new exclusions guidance from

[www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion).

This new guidance now includes a helpful annex for parent/carers but you still need to refer to the whole document and not rely on this annex alone.

If you need impartial advice and information on exclusions please contact us.



Department  
for Education

[www.norfolksendpartnershiass.org.uk](http://www.norfolksendpartnershiass.org.uk)

# FAQ Academies/Free schools



## What is an Academy?

An Academy is an independent school which is not funded by or under the control of the Local Authority. They are typically companies and/or charitable trusts. There are also special academies which are special schools, where pupils usually have a Statement or an Education Health and Care Plan (EHCP).

## Who are they responsible to?

Academies and Free schools will have a Funding Agreement, a contract with the Secretary of State for Education, currently Justine Greening. The agreement includes the rules for running the school and will differ between academies. Academies can operate independently but often they are run by Multi Academy Trusts, a group of academies working together. The Regional Schools Commissioner oversees the application process and the performance of academies.

## What is the structure of oversight and decision making within the school?

This is typically a two tier system. Members, who make sure the charitable objectives are being upheld and below them Trustees, who carry out a role similar to Governors. Academies have more freedom to decide term dates, curriculum content and to manage their own finances.

## Who funds them?

The Department of Education (DfE) through the Education Funding Agency (EFA).

## What has to happen for a maintained primary or secondary school to change to an Academy?

To become an Academy/Free School the governing body has to agree to the conversion. A consultation must be held about whether the school should be converted to an Academy/Free school. Those being consulted must be given sufficient time to respond and the responses must be conscientiously considered.

The final decision is made by the schools governors.

## Can the Funding Agreement be changed?

Yes, with agreement, also they can be overwritten (changed) by Acts of Parliament such as the Children and Families Act 2014 Part 3. This Act brought together mainstream schools, nurseries, academies and free schools in terms of how they have to support children and young people with SEND.

## How are Academies monitored?

They are inspected by OFSTED and exam results are published by the Department for Education.

## Can Academies select the pupils they take?

Academies must follow the same Code of Admissions as state-maintained schools, although the academy trust will manage the process. However, it is always a good starting point to check the particular Academy's Funding Agreement. Also see [www.gov.uk/guidance/academy-admissions](http://www.gov.uk/guidance/academy-admissions)

## Does an Academy or Free school need to put in place SEN Support/ the graduated approach?

Yes, The Children and Families Act 2014 compels Academies and Free schools to put in place the four part cycle of Assess, Plan, Do, and Review.

## Can I request an Academy to be named in an EHCP?

Yes, the Local Authority can name but as with mainstream schools they will ask the school. The two reasons for saying no in law are:

- it would be unsuitable for the age, ability and aptitude or SEN 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 the efficient use of resources.

## Do Academies and Free schools have to follow other legislation and guidance issued by the department of education?

Look at the legislation/guidance on the Department for Education (DfE) website, it will say who it covers.

[www.gov.uk/government/organisations/department-for-education](http://www.gov.uk/government/organisations/department-for-education)

Academies must adhere to The Equality Act 2010 and the Exclusion Guidance.

## What are Free Schools?

They are a type of Academy and legally they function in the same way as Academies. They are also state funded directly by the government. They can be set up by groups of parents, teachers, charities or faith groups. Free schools do not have to teach the national curriculum but they are inspected by OFSTED.



# Will your child be starting or transferring school in September 2018?

We would suggest you read up on the school/colleges, look at their SEN information reports, Ofsted reports, school website, speak with the SENCO (Special Educational Needs Coordinator) and visit the schools/colleges that you feel can meet your child's/ young person's needs.

## For children without an EHCP (Education, Health and Care Plan) or Statement of Special Educational Needs

Here are some **important dates** from The Norfolk Admission process for **2018/19 school year**:

	Reception Classes	Junior Schools	Secondary Schools
Admission round open	28 <sup>th</sup> September 2017	8 <sup>th</sup> November 2017	11 <sup>th</sup> September 2017
Admission round closes	15 <sup>th</sup> January 2018	15 <sup>th</sup> January 2018	31 <sup>st</sup> October 2017
Placement Offer day	16 <sup>th</sup> April 2018	16 <sup>th</sup> April 2018	1 <sup>st</sup> March 2018

For more detailed information on Norfolk's phase transfer process Google: 'Norfolk school admission 2018/19' or you can contact the Local Authority on Tel: 0344 800 8020 and ask for the school admission team or contact them at [admissions@norfolk.gov.uk](mailto:admissions@norfolk.gov.uk)

Read our booklet called- '**Finding out about a school**' which contains a lot of useful information, things to consider and questions to ask when visiting a school etc. and this is available at [www.norfolksendpartnershiass.org.uk](http://www.norfolksendpartnershiass.org.uk)

If you would like impartial information and advice on phase transfer, please contact us, **Norfolk SEND Partnership Information, Advice and Support Service, on 01603 704070**

## For children/young people with an EHCP/Statement of Special Educational Needs.

The Local Authority (LA) **must** hold a review (annual review, AR) and amend an EHCP/ Statement in sufficient time prior to a child or young person moving between key phases of education. The review and amendments must be completed by 15<sup>th</sup> February (March 31<sup>st</sup> for post 16).

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Norfolk County Council will have written to you on the 8<sup>th</sup> September asking you to choose which school you would like to name, you should have replied to this letter within 15 days of receiving it with your choice of school (although see above regarding annual review).

The LA **must** then consult with the school that you have chosen but they will speak to other schools if they feel they can also meet your child's needs. The LA **must** then send you a copy of the EHCP/statement and a notice of amendment, proposing the changes they are going to make –i.e. the name of the school. If you do not agree with this you should contact your EHCP co-ordinator and discuss your concerns with them.



By the 15<sup>th</sup> February (or 31<sup>st</sup> March for post 16 places) you must receive your amended final plan, if you still do not agree with the school named you now have the right to appeal to the First Tier Tribunal.

**If you would like impartial information and advice on phase transfer, annual reviews, naming a school etc please look at the booklets available on our website at [www.norfolksendpartnershiass.org.uk](http://www.norfolksendpartnershiass.org.uk) or call 01603 704070.**

You may also like to read the – ‘naming a school’ leaflet produced by IPSEA: [www.ipsea.org.uk/file-manager/SENlaw/FAQs-about-statements/framework-schools-briefing-june-2016.pdf](http://www.ipsea.org.uk/file-manager/SENlaw/FAQs-about-statements/framework-schools-briefing-june-2016.pdf) and they have produced an article on moving to a new phase of education which is also on their website - [www.ipsea.org.uk](http://www.ipsea.org.uk)

## Transition Training Event

### Preparing For Adult Life – Level One and Two

This is a one day training session split into two parts for young people, parents, carers and professionals across Education, Health, Social Care and other partner agencies involved with the transition planning of young people with additional needs preparing for adult life. The purpose is to provide a basic understanding of transition planning and the law. There are several dates available during November and December at different venues please contact **Sarah Wengrow by email [sarah.wengrow@norfolk.gov.uk](mailto:sarah.wengrow@norfolk.gov.uk) or call 01603 223311** for more information.



You can download the training material on the Local Offer at [www.norfolk.gov.uk/send](http://www.norfolk.gov.uk/send)

# Please let us know if you would like large print copies



Translations of this newsletter are available in Portuguese and Polish and are available online with active links at

[www.norfolksendpartnershiass.org.uk/newsletters/newsletters.html](http://www.norfolksendpartnershiass.org.uk/newsletters/newsletters.html)

## Norfolk SEND Partnership Update

We are still in the process of updating our website, this will go live over the next few months. There is still time to have your input by completing our short smart survey available on our website. **You will also find a range of information booklets and resources.**

## Contact Us

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Norfolk SEND Partnership is an 'arms length service' funded by Norfolk County Council, working with the voluntary sector and other professionals to support young people and parents/carers of children with special educational needs and disabilities.