

REMEMBER

If your child or young person has an EHCP there is no need to go through the normal admissions process and the LA can't make you do this.

Once your child becomes a young person (young person means a person over compulsory school age; compulsory school age ends the final Friday in June in the year they turn 16) they will have the right to make decisions about their educational future including where they want to go for post 16+ and what they want to do.

There is a right to mainstream education for your child or young person should this be what you or they want. This does not mean a right to a particular mainstream setting.



Phase transfer with an EHCP

Phase transfer is when a child or young person with an Education Health and Care Plan (EHCP) is moving from one phase of education to another and a new setting needs to be named in the plan. This might be:

- Early years to school
 - Primary school to secondary school
 - Secondary school to post 16+
- There is a very specific legal process the Local Authority (LA) must follow which we will detail below.

The phase transfer must be completed, and you must receive the final amended plan, by the 15th February in the year your child is due to transfer to another setting or the 31st March if your child is transferring from secondary school to post 16+.

Around the Autumn term the year before your child moves to a different setting a 'phase transfer' review of the EHCP should take place. This review will be like a normal annual review except at the review meeting you will be asked to think about what school/post 16+ placement you would like your child to go to for the following September.

Following this meeting the LA should then send you a draft copy of the EHCP with any proposed amendments, section I will continue to name the current placement but the 'phase transfer' box will be blank. You will then have 15 days to make any comment about the proposed amendments and inform the LA of what setting is your preference.

The LA will then consult with the setting you have requested, that setting must get back to the LA within 15 days. At this stage the LA may also consult with other settings they feel are suitable, they must name parental preference unless:

- The setting is unsuitable for the age, ability, aptitude or special educational needs (“SEN”) of the child or young person; or
- The attendance of the child or young person would be incompatible with the provision of efficient education for others; or
- The attendance of the child or young person would be incompatible with the efficient use of resources.

The LA will need to show that at least one of these conditions applies to not name your preferred setting.

The LA then have to send to you no later than the 15th February or 31st March (for post 16+ transfers) a final amended EHCP stating in Section I the setting that your child will be attending in September.

Once you receive the final EHCP and LA covering letter you have the right to appeal should you be unhappy with the placement the LA has named or the content of the plan (sections B and F). Please watch our ‘Tribunal Training’ recording to help you understand this process.

