

Do you have an LDA (Learning Difficulty Assessment)?

Are you staying on in Further Education or Training from September 2016?

Every young person with an LDA should have received a letter from the Local Authority earlier in the year. It explains that you can request a transfer to an EHCP (Education, Health and Care Plan) and to let your SEN Support (SENCo) at College or training provider know.

'LDAs must be transferred to EHC Plans at the latest by September 2016 for young people remaining in further education or an apprenticeship beyond this date.' (Norfolk's Local Transition Plan page 5).

The Departmental Advice on transitions 2015 states:

1:9 Young people in further education and training who receive support as a result of a Learning Difficulty Assessment (LDA) can choose to request an EHC needs assessment under the 2014 Act. All young people who receive support as a result of an LDA who will continue in further education or training beyond 1 September 2016 **must** have an EHC plan by that date where one is needed. Until that point, local authorities should usually continue to maintain special educational provision in relation to young people who are receiving support as a result of an LDA. (Page 6)

A recent update from the SEND Code of Practice says: *'In 2015/16 local authorities must consider a request for an EHC needs assessment from a young person with an LDA, and the LA must issue an EHC plan if one was needed following an assessment.'*



Q and A

What is the difference between an LDA and an EHCP?

- ◆ The EHCP is a legal document.
- ◆ The plan has sections A to K and for a young person must include (in sections F,G,H1 or H2 as appropriate) the provision required to assist the young person in preparing for adulthood and independent living such as support for finding employment housing or participating in society.
www.gov.uk/government/publications/send-code-of-practice-0-to-25
(Chapter 9)
- ◆ A young person can request a personal budget in the draft plan stage.
- ◆ An EHCP would enable a young person to go to appeal if the Local Authority decline a needs assessment or plan. You can also appeal parts B (Needs), F (Provision) and I (Placement) of a final plan.

Will I have to pay for Further Education if I don't have an EHCP?

The SEND Code of Practice (Chapter 8) states:

- 8.51** 19-25 year olds with EHC Plans should have free access to further education in the same way as 16 to 18 year olds. Colleges or training providers **must not** charge young people tuition fees for such places as the funding will be provided by the Local Authority and the Education Funding Agency.
- 8.52** Apprentices aged 19 to 25 with EHC plans are fully funded on the same terms and funding rates as 16 to 18 year old apprentices.
- 8:53** Local Authorities are not responsible for securing or funding education and training opportunities for young people aged 19 to 25 who do not have EHC plans.

What happens if I don't request an EHCP before the 1st September 2016?

The Departmental Advice on transitions 2015 states:

- 3:16** 'In the meantime, Article 29 of the Transition and Saving Provisions Order places a duty on local authorities to anticipate its duty in relation to young persons with LDAs who will continue in education or training. This Article reads as follows:



*After 31st August 2015 a local authority **must** have regard to the fact that it may be under a duty on or after 1st September 2016 to secure an EHC needs assessment for a young person to whom Article 28 applies [i.e. a young person with an LDA] and who attends a post-16 institution on or after that date.'*

So, you can still request an EHCP if you intend to continue in further education or training.

How do I request an Education Health Care Plan?

- ◆ Talk to the SEN Support (SENCo) at college or training provider
- ◆ The Norfolk Local Offer website explains how to request an Education Needs Assessment
- ◆ A person acting on the young person's behalf can request an EHCP with their agreement
- ◆ Norfolk SENDPIASS can help you with this

What is an Education Needs Assessment?

As part of the **transfer review** process the Local Authority must carry out a needs assessment of the young person's special educational needs.

It is an assessment of the education, health care and social care needs of the young person. The Local Authority must consider the aspirations of the young person and involve them in the process.

As part of the EHCP the Local Authority should seek information from the young person, college, health and social care professionals as well as educational psychologist, where applicable. It should also seek advice and information in relation to provision to assist the young person in preparation for adult hood and independent living.

Where can I go to for advice?

Norfolk SEND Partnership provide a free information, advice and guidance service – telephone 01603 704070

The Independent Support Service, at Scope, provides free advice and support through the statutory assessment of the EHCP – Scope Helpline: 0808 800 3333

Useful Websites:

www.ipsea.org.uk

www.norfolk.gov.uk/send

www.gov.uk

