Secondary transfer

For parents/carers of children and young people with an EHCP

Reading Information Advice and Support Service for SEND

This guidance sheet will explain the secondary transfer process, for children with an EHCP. It will consider:

- The importance of updating the EHCP
- Different types of school (mainstream, special, independent)
- The school consultation process
- What happens when
- Your right to appeal
- Transport

If your child does not have an EHCP, this guidance will not apply to you.

Secondary transfer process for EHCP children

You may be familiar with the ordinary secondary application process for pupils who do not have an EHCP. Under this ordinary process, parents submit their school preferences by October of year 6 and are told their allocations in March. This process does not apply to children with EHCPs. The EHCP gives you stronger rights to request your preferred school(s). Your SEND case officer may send you an online form to complete, but this is a different form to the one that children without an EHCP will use when applying for a secondary place.

Updating the EHCP ready for consultations

When your child has an EHCP, any change of school, including secondary transfer, requires a consultation with the school(s) you are interested in. A consultation is done by your SEND case officer who sends your child's EHCP to the school or schools. The schools then consider whether they can meet the needs as stated on the EHCP. For this reason, it is important that your child's EHCP is up to date before secondary transfer consultations starts.

If your child has had an EHCP for some time, it is important to review it carefully in year 5.
If your child has only had their EHCP for a short time, it may not need much updating.

Year 5 Annual Review: getting the EHCP right

Your primary school SENCO should arrange an Annual Review in year 5, usually in the summer term, although it may be earlier in the year. At this Annual Review, it is important that you and the school work together to ensure that your child's EHCP is up to date. Think about:

1) Does section B of the EHCP (child's strengths and needs) still reflect your child accurately?
2) Does section F of the EHCP (provision your child should get) specify all the support your child needs?

If the EHCP has not been updated for some time there may be a difference between the support the EHCP sets out, and what the school is delivering. It may be that your child no longer has the same support needs that they did when the EHCP was first produced. It may be that:

EHCP overstates provision: The EHCP may set out provision your child no longer needs. The EHCP may give the impression that your child's needs are greater than they are (for example it may say that your child is frequently dysregulated, when this is no longer the case). It is important that the EHCP reflects your child accurately, otherwise your preferred secondary school(s) may consider that their needs are too great for them.

EHCP understates provision: The EHCP may fall short and may not set out all the provision your child needs. This may give the impression that your child's needs are less than they are. The primary school knows your child well and knows what they need to be successful and may be delivering support that is not captured in the EHCP. It is important to identify and write this provision into the EHCP. It is important that the ECHP describes all the support your child needs, so that secondary schools understand exactly what is needed for your child to succeed.

The school should mark up any changes necessary on the EHCP and send it to your child's SEND case officer. The case officer will then review the proposed changes (if there are any) and will either:

- accept all the proposed changes and amend the EHCP
- accept some of the proposed changes and amend the EHCP
- consider that the changes are not necessary and maintain the EHCP as it is.

Once this process is complete, the EHCP should be ready to be send out for consultation to secondary schools.

Selecting your preferences

You will need to think carefully about what you would like for your child. A key consideration is the type of school you would like. Are you thinking of:

- a mainstream school
- an additionally resourced provision (ARP, or 'unit' or 'resource base') attached to a mainstream school
- a special school

Mainstream schools

Most mainstream schools will hold open days throughout year 5, and at the beginning of year 6, and you will want to explore all those that are conveniently located for you. If you would like a more detailed discussion about the SEND support they offer, contact the school and ask for a telephone call or a meeting with the SENCO. You can consider any schools, including those in Wokingham, West Berkshire, Oxfordshire, etc (but be mindful of transport).

ARPs attached to mainstream schools

In Reading, there are a small number of spaces for pupils at ARPs:

- Maiden Erlegh River Academy has The Bridge which supports pupils with moderate learning difficulties
- Blessed Hugh Faringdon has the Blessed Mary Ward unit which supports pupils with autism
- The Wren School has a resource for pupils with moderate learning difficulties
- Highdown School has a resource for pupils with a visual impairment.

If you are interested in an ARP, contact the school to see if they will arrange a visit. Bear in mind that pupils in secondary ARPs will still be expected to be able access some mainstream lessons and other aspects of mainstream school life.

Admission into ARPs is decided by the local authority. It is not normal practice for a child who enters the mainstream school to access an ARP unless their placement there has been formally agreed.

Special schools

There are special schools that cater to pupils with:

- Severe learning difficulties
- Complex medical needs
- Autism
- Social, emotional and mental health needs

Some special schools are state maintained. There are others that are independent. If you think your child needs a special school, please contact us for tailored support. We will read your child's EHCP and we will suggest some specific schools for you to consider.

Currently many special schools are heavily oversubscribed and as a result do not readily invite parents for individual tours. Do contact the schools and find out about any open events they are having. Do also look carefully at their websites, which may offer virtual tours.

Independent special schools

There are several independent special schools in and around Reading that cater for a range of needs. Again, IASS will be able to advise you on which schools may be able to meet your child's needs. Please be aware that the local authority will not usually agree to an independent special school unless all possible maintained (state) schools have been ruled out. More on this below.

My child is in mainstream primary. Can I ask for a specialist secondary school?

Yes, you can. You should discuss this at the year 5 Annual Review so that your SEND case officer knows you are requesting a change of type of placement. Your case officer may first need to seek formal approval at SEND panel to consult specialist placements for your child. If this is not agreed and a mainstream placement is named, you will have a right of appeal.

Can I start the process early and register my interest at a specific school?

There is no mechanism to do this. Unlike the ordinary admissions process where schools have waiting lists for pupils that did not get their first choice, there is no waiting list system for pupils with EHCPs. Schools consider each case individually and will offer a place if:

- they have a space available

- they can meet your child's needs
- they think your child will get on well with others there (a suitable peer group).

How do I know what is best for my child?

Choosing a school is a big decision and you will be anxious to make the right choice. Your child's primary school knows them well and will be able to advise you about whether they think that mainstream, or an ARP, or a specialist school would be best suited to your child. IASS can also talk you through your questions and concerns.

- Start with local schools and consider transport
- Visit at least two schools so you can make comparisons
- Consider the physical spaces in the school, e.g. access to outdoor space, or calm spaces, if this matters to your child
- Consider the curriculum offer and how this suits your child's learning style
- Consider your child's friendship groups but remember that secondary school is also an opportunity for a fresh start
- Consider the size of the school but remember that a small school may not be best suited to your child. Smaller schools may have more limited spaces, or fewer resources or curriculum options
- Take your child's views into account but be mindful that they may not know what is best for them.

Transport

Bear in mind that your child may not automatically be entitled to support with transport just because they have an EHCP. If your child lives over three miles from their school, they *may* be entitled to transport. If you live under three miles from the school, you *may* still be entitled if your child's SEND impacts their mobility or their ability to travel independently. However, if you choose a school by preference, but you have been offered a nearer school that would be suitable for your child, you are unlikely to be eligible for transport support.

What happens when?

In the autumn of year 6, you should be prepared to tell your SEND case officer what your school preferences are (this may be via an online form). The case officer will then consult those schools by sending them the EHCP. The schools will consider whether they can meet your child's needs and whether they have a place. There is no set time frame for how long this consultation process will take. However, the local authority

must reissue the EHCP by 15 February of year 6 naming the setting that your child will attend in year 7.

How many schools can I ask for?

There is no limit in law on the number of schools you can request consultation with, although your SEND case officer may ask that you to specify a limited number of schools to start with.

Why have they refused?

My case officer has said they will not consult with independent schools, but these are the only schools that I think can meet my child's needs.

The LA is not required by law to consult with independent schools, unless all maintained (state) schools have been ruled out. If you are interested in an independent setting, you should contact the school yourself. You can explain that the LA will not consult with them in the first instance. If the independent school responds positively and offers a place, you can put this to your case officer. If there are no offers from any maintained (state) schools, then your case officer may proceed to consult more widely, i.e. with independent schools.

The LA cannot direct an independent school to take a child.

My case officer wants to consult with schools that I did not request. Can they do this?

Yes, the local authority is within its rights to make any additional consultations that it considers appropriate. The LA has a duty to ensure that public funds are used efficiently. They may name a placement that they consider can meet your child's needs, even if this is not your preferred placement or the very best placement for your child. If you disagree with the school that is named, you will have a right of appeal.

My case officer is consulting mainstream schools, but my child won't cope in mainstream

This does not mean that the LA thinks your child should go to mainstream. The LA must show that it has ruled out all state options. If the consultations are negative, the LA will usually proceed to consult with ARPs or special schools.

The 15 February deadline

This is a statutory deadline. The LA should name a secondary placement for your child by this date. If no *specific* school has been found for your child by this date, the local

authority should issue the EHCP specifying the *type* of school they must attend, eg "a mainstream school" or "a special school". The LA will then continue to seek a place.

The LA has not yet found a school for my child – what should I do?

If 15 February has passed and your child's EHCP has been issued naming only a type of school, it will be important to discuss this with your SEND case officer. They may be working hard to look for a place behind the scenes. You may wish to investigate independent schools, if you haven't already. If you are concerned about the delay and the lack of clarity, you may wish to appeal to SEND tribunal.

I disagree with the school, or type of school, that has been named

You have a right of appeal to SEND tribunal for up to 2 months after the issue of the EHCP naming the secondary school.

My preferred school offered a place, but the LA has named something else

As above, you have a right of appeal in this situation.

My preferred school has said that it can meet need, but only with additional funds

This can happen as a result of the consultation process. The school may request additional funding from the LA to support your child, using a provision map. The LA will consider these requests carefully to ensure that they are fair, and that they reflect efficient use of resources.

Appeal to SEND tribunal

If your child's EHCP is reissued on February 15 and it:

- names a school you are not happy with

OR

- does not name a specific school, only a type of school

then you may wish to consider an appeal to tribunal. Appeals are complex but IASS can help you through the process, so if you are thinking about this please contact us for tailored support.

Appeal timelines

You may be aware that tribunal timelines are increasingly lengthy. This is certainly the case. However, the tribunal tries to prioritise phase transfer appeals and so there is a good chance (but no guarantee) that your appeal will be heard before (or during) the summer break. So, if you are thinking of appeal, it is best not to delay this process. The sooner your appeal is registered, the better your chance of getting a hearing date before summer.

The role of SEND tribunal

The tribunal's role is not to find a school for your child. The tribunal's role is to resolve a disagreement if the LA has named a school, and you prefer a different school. Your appeal will be more likely to go more smoothly if you have identified your preferred school, and if they have said, ideally in writing, that your child is suitable and that they have a space for them.
However, depending on the school you want, this is not always necessary. For example, a maintained special school (eg, The Avenue School, Thames Valley School or Hamilton School) may say that your child is unsuitable, or that they are full. Both points can be challenged at appeal.

Appeals for independent schools are more complex and it will be absolutely necessary that you take the lead in contacting those schools. You will not be able to appeal for an independent school unless they have said that your child is suitable *and* that they have a place for them.

What help can I get?

Reading IASS can help you to:

- consider whether your child's EHCP needs updating
- suggest possible schools, both state and independent
- talk you through your options
- help you with an appeal to SEND tribunal.