

Information for education settings and parents/young people

Temporary placements for children/young people with an EHC plan when they move into Nottinghamshire from another local authority in England

Role of the parent/carer when a move to a new county is planned

When parents/carers are planning a move into Nottinghamshire, they must let their own Local Authority (LA) know the expected date of the move. It is helpful when parents/carers notify their existing LA (Special Educational Needs team) at least 15 days in advance of the move and then confirm on the day of the move. This means that their child's EHC plan is transferred on the date of the move and Nottinghamshire LA becomes responsible for the child's EHC plan straight away. If the child/young person can no longer attend the education setting named on the EHC plan (e.g. because it is too far away), Nottinghamshire LA can act quickly to identify an appropriate temporary education placement.

Transfer of an Education, Health and Care (EHC) Plan

When a child or young person (C/YP) has moved to live in Nottinghamshire, the previous LA must send the EHC plan (and linked reports) to Nottinghamshire, so that responsibility for maintaining the EHC plan can be transferred. Where possible, the transfer of the EHC plan should take place on the day the C/YP moves to live in the area.

Once the EHC plan has been transferred, Nottinghamshire has a responsibility to ensure that the C/YP continues to attend the education setting (e.g. school, college) which is named in the EHC plan. However, if this is impractical (e.g. because it is too far to travel), the local authority (LA) must place the C/YP temporarily at another appropriate education setting, until the EHC plan is formally reviewed and amended.

Decisions about the temporary placement

The LA will check which type of placement is named in the EHC plan, e.g. if it is a mainstream or a special school. The LA will aim to uphold the decision made by the previous LA about the type of placement. This means that the LA will look for a setting which is of the same type because the previous LA had already decided which type of setting is appropriate. Occasionally, a similar type of setting is not available locally and the LA will make a decision about what is appropriate.

If the setting named on the EHC plan is a mainstream school, the LA will first look at the local mainstream school to decide if it is appropriate. This may involve checking that the school is physically accessible, if the C/YP has physical or sensory needs.

The LA will aim to secure an appropriate temporary educational placement within 20 working days (or sooner where possible), following the receipt of the EHC plan paperwork from the previous LA.

Role of the education setting

The Children and Families Act 2014 (Section 28) sets out which settings are considered to be 'partners' of the LA and, as such, must co-operate with the LA in exercising its duties. This includes co-operating with the LA when identifying a temporary appropriate education setting. Maintained schools and academies are listed as partners of the LA.

Identifying an appropriate temporary placement does not follow the full consultation process. The LA is obliged to identify a placement as soon as possible, after becoming responsible for their EHC plan, to minimise the amount of time a C/YP is out of education.

Once the temporary placement is agreed, the education setting and LA will work together to put in place support that is equivalent to the provision identified in the EHC plan, including interim funding. During any temporary placement at a Nottinghamshire mainstream school, it is important that the setting prepares a funding request ready for when the agreed funding period has passed. A review of the EHC plan will be called by someone from the education setting, after which the C/YP or parents will have the right to request a particular setting be named in the EHC plan.

Role of the parent/carer

The LA caseworker will contact the parents to discuss which settings the LA considers to be appropriate for a temporary placement. The parents may suggest a preferred setting, and the LA will pay regard to these wishes. However, at this point, parents do not have a statutory right to request a particular school is named in the EHC plan, as this right arises when an existing plan is amended within the review process.

Once a temporary placement is confirmed by the LA, the parent needs to ensure the C/YP attends.

When to arrange the EHC review

The new LA must tell the child's parents or the young person, within six weeks of the formal date of transfer (as detailed below), when they will review the EHC plan and/or whether they propose to progress a new EHC needs assessment

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The EHC plan review must be arranged before the expiry of the later of:

- the period of 12 months beginning with the date when the EHC plan was issued (or within 12 months of the previous EHC plan review), or
- the period of 3 months beginning with the date when the EHC plan was transferred to Nottinghamshire

The review can be called earlier, but sufficient time should be given for staff within the temporary placement to be able to:

- gather the necessary up-to-date information about the C/YP, and
- contribute an informed view to the EHC review

After the EHC review meeting

The LA must make one of three decisions after an EHC review meeting, i.e.:

- to maintain the EHC plan without any changes (this is not an option when a C/YP is attending a temporary placement because, at the very least, the name of the education setting will need amending)
- to amend the EHC plan
- to cease to maintain the EHC plan

When the LA decides to amend the EHC plan, the parent or young person has the right to request that a particular education setting is named in the EHC plan; this may be the temporary placement or a different setting.

Contact Details

The ICDS Education, Health, Care (EHC) Assessment Team are the team that parents/carers and professionals will need to contact regarding EHC plan education requests. They operate a duty system as an initial point of contact with emails separated into Nottinghamshire districts where the child/young person lives and one for post 16 requests:

Duty contact details for the Assessment Team:

Newark, Sherwood & Bassetlaw: icdsehcbandNSlocality@nottsc.gov.uk

Mansfield and Ashfield: icdsehcmандаlocality@nottsc.gov.uk

Broxtowe, Gedling, and Rushcliffe: icdsehcbgrlocality@nottsc.gov.uk

Post 16 E-mail address: icdsehcpost16@nottsc.gov.uk

Duty Number: 0115 804 1275

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