



# IPSEA

Independent Parental Special Education Advice

Hunters Court, Debden Road, Saffron Walden, Essex CB11 4AA

---

## **My son/daughter has a statement of SEN and we are moving to a new Local Authority. What happens now?**

A statement would 'move with the child', although it would only be once that child had actually moved that this would happen, because Local Authorities are only responsible for those children 'within their area' (hence why they would no longer be responsible for them once they had moved away). The details of what should happen once a child moves into a new area and their statement is transferred to a new Local Authority, are set out in Regulation 23 of the SEN Regulations 2001.

Within 15 days of being told about the move, the old Local Authority must transfer the statement to the new Local Authority, and as from that date the new Local Authority will be responsible for securing all of the special educational provision within the statement. This means that the provision specified in Part 3 and the child attendance at the school named at part 4 of the statement should continue, and the new Local Authority would have to make sure that happened, including continuing to pay any fees for an independent school named in Part 4, for example.

If you have moved some distance, and the child the school named in the statement is "no longer practicable", then regulation 23 allows the Local Authority to arrange for them to attend a different school. This might not be the school of your choice, but in the short term, the Local Authority would simply have to offer a suitable school place to allow their education to continue. They would, however, then have to take steps to change the statement, so that it no longer named the school in the 'old' Local Authority. At that point, a parent would have a right to request a particular school to be named in the statement. For more information on your rights to ask for particular schools to be named, you may wish to look at our "Statement FAQs" at the link here:

<https://www.ipsea.org.uk/what-you-need-to-know/frequently-asked-questions-by-topic/statements-fags>

FAQ 10 contains details of your rights to ask for a particular maintained school to be named, but you may also find helpful information in FAQs 4 and 7.

In all cases (including where the move is only a short distance and the child is able to continue attending the same school), the new Local Authority must serve a notice within 6 weeks of the transfer of the EHC plan, informing you that:

- the statement has been transferred;
- whether they propose to make an assessment, and
- when they propose to carry out a review of the statement (they have a duty to carry out an Annual review of the statement within 12 months of the last AR or within 3 months of the statement transferring – whichever comes later)

If the new Local Authority were to make any changes at all to the statement, whether as a result of a re-assessment or because they wanted to change the placement, it would trigger a right of appeal to the SEND Tribunal. If you need further advice on changes which may have been made or are being proposed, you can book a call to speak with one of our Tribunal Helpline volunteers here:

<https://www.ipsea.org.uk/contact/advice-and-support/tribunal-helpline>

We can only provide information through this service, rather than offer direct advice. So if you need this, or you wish to discuss the situation with someone, you should book a call with one of our Advice Line volunteers:

<https://www.ipsea.org.uk/contact/advice-and-support/advice-line>