



IPSEA

Independent Parental Special Education Advice

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My son/daughter has an EHC Plan and we are moving to a new Local Authority. What happens now?

An EHC plan would 'move with the child / young person' although it would only be once that child / young person had actually moved that this would happen, because Local Authorities are only responsible for those children and young people '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 / young person moves into a new area and their EHC plan is transferred to a new Local Authority, are set out in regulation 15 of the SEN and Disability Regulations 2014, which can be found here:

<https://www.ipsea.org.uk/file-manager/SENlaw/send-regs-uksi2014.pdf>

Within 15 days of being told about the move, the old Local Authority must transfer the EHC plan to the new Local Authority, and as from that date the new Local Authority will be responsible for securing the provision within the EHC plan. This means that the provision specified in Section F and the child / young person's attendance at the school or college specified in Section I should continue.

If you have moved some distance, and the child / young person's attendance at the school / college named in the EHC Plan is "no longer practicable", then regulation 15(6) allows the Local Authority to arrange for them to attend a different school / college. This might not be the school / college of your choice, but in the short term, the Local Authority would simply have to offer a suitable school or college place to allow the education to continue. They would, however, then have to take steps to change the EHC plan, so that it no longer named the school / college in the 'old' Local Authority. At that point, a parent or young person would have a right to request a particular school / college to be named and we have also attached our factsheet: "Requesting a school or college to be named in an EHC plan" which will hopefully be useful to explain that right.

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

- the EHC plan has been transferred;
- whether they propose to make an assessment, and

Providing advice to parents of children with special educational needs

- when they propose to carry out a review of the EHC plan (they have a duty to carry out an annual review of the statement within 12 months of the last annual review or within 3 months of the EHC plan transferring – whichever comes later)

The Local Authority might not want to carry out a EHC needs assessment and may prefer to leave the EHC plan unchanged and wait for the annual review. However, if they do carry out an assessment, then it must be carried out in accordance with the requirements for an EHC Needs assessment in the SEND Regulations, and take the same form as the one carried out when the EHC plan was issued in the first place. However, it is worth noting that Regulation 15(3)(b) makes it clear that where the old Authority supplies advice from a previous assessment, the new Authority must not seek further advice where the person who wrote the advice, the old authority and the parent/young person are all satisfied that the advice is sufficient for the purpose of a new assessment. This prevents the new Local Authority re-assessing and seeking new professional reports unnecessarily, but would also enable you to ask for updated reports as part of any assessment if they were, in fact out of date and you wanted new ones.

If the new Local Authority were to make any changes at all to the EHC Plan, 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>