



Cumbria SEND Information, Advice and Support Service

Offering impartial information, advice and support to children and young people with special educational needs and or disabilities and their parents & carers.

EHCP – SECONDARY TRANSFER

My child is in year 6 and we aren't sure what support will be available in secondary school or whether it will be enough to meet their needs.

Most children with special educational needs (SEN) have their needs supported at mainstream primary school (be that a maintained school or a free school or academy) by SEN support delivered by the school.

You can find out more about SEN support and the duties of maintained mainstream schools in our information sheet – SEN Support in School.

You can also find out more about SEN support in chapter 6 of the SEN and Disability Code of Practice 2015 here:

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

However, when it comes time to start considering transfer to secondary school, parents and carers can sometimes be concerned about how this support might be carried on in secondary school.

The duty to use “*best endeavours*” to secure the special educational provision (SEP) required by a child’s SEN, under s.66 Children and Families Act 2014 (the Act), continues into maintained mainstream secondary schools (including Academies and free schools). All such secondary schools must have a qualified SENCO, as defined by the SEN and Disability Regulations 2014, and most children with SEN will have their needs met in school through SEN Support.

Maintained mainstream schools, academies and free schools (primary and secondary) must publish SEN Information Reports on their website and these can be useful to find out more about SEN Support in a school. Many LAs will offer a programme of enhanced transition support to Y6 pupils with SEN as they move to secondary school:

<https://www.ipsea.org.uk/what-you-need-to-know/la-duties>



It's also useful to look at school prospectuses, speak with the SENCOs at prospective schools and take part in school visits to understand how pupils with SEN are supported. It is also important to speak with your child's primary school SENCO.

Therefore, parents and carers should discuss transition to secondary school with their primary school SENCO and might want to arrange to meet the SENCOs at prospective secondary school to understand more about what provision is typically available (and then consider whether it will be adequate).

It may be that your child's current or prospective SENCO thinks that support of a level only available through an EHC Plan is needed. However, whether or not school(s) are in agreement, parents and carers can request an EHC needs assessment if they think their child has (or may have) SEN and that it might be necessary for provision to be made for those SEN under an EHC Plan (s.36(8) of the Act). Please see our information sheet on how to request an EHCP Assessment.

In *Buckinghamshire CC v HW (SEN)* [2013] UKUT 0470 (AAC), the Upper Tribunal made clear that:

"The statutory test [as to whether or not an LA must conduct an EHC needs assessment] inevitably directs attention to something that will happen after the assessment has been made. The assessment is made for a purpose. That purpose involves identifying provision necessary to meet a child's needs. The assessment cannot realistically limit itself to the immediate present. When there will be a change of circumstances in the near future, it is impossible to ignore that future" (IPSEA's emphasis)

This case involved a transfer from primary to secondary school and made quite clear that, even if at the point the request was made the child's SEN were being met via School Action or School Action Plus (now SEN Support), this did not mean the local authority could ignore the fact that the child might, in the very near future, require provision to be made under a statement (now education health care (EHC) plan) because of the transfer to the very different environment of secondary school.