



Department  
for Education



Department  
of Health

**1 September 2014**

To: Lead members for Children's Services; local authority Chief Executives; Clinical Commissioning Group Chairs; and Health and Wellbeing Board Chairs

**Dear Colleague,**

Today, the Children and Families Act 2014 takes legal effect, and with it, a once in a life time opportunity to make a real difference to the life chances of those with Special Educational Needs and Disabilities (SEND).

As you know, the 0-25 SEND Code of Practice was approved by Parliament in July this year. My Department has worked with sector experts to produce a series of guides to the Code for professionals and parents, which you can access at <https://www.gov.uk/government/publications/send-guide-for-parents-and-carers>. Both the Act and the Code have at their heart a fundamental shift in the way services work with families.

In July, Edward Timpson met with local authorities – both pathfinders and non-pathfinders - and was really impressed by their preparations. They said there was something in this new legislation which was allowing them to change the way they worked with families and that they had reached a point where families were now telling each other how much more positive the new Education Health and Care planning process was. They welcomed the clear focus on their children's strengths, rather than their weaknesses, and the fact they were working as a team with professionals to help their children achieve the outcomes that were meaningful to them. We want every family to have that experience – to feel so impressed that they tell other families about it.

**Fundamental to making this work and managing expectations on all sides is open and honest dialogue with parents, children and young people.** It is important that they help shape local implementation, and we've been pleased to see the extent to which they have, for example through Parent Carer Forums. We would urge all local authorities to ensure they continue to work in this way so that children, young people and parents are a key partner in local decision making. Edward Timpson has written parents an open letter and would appreciate it if you could share it widely (<https://www.gov.uk/government/publications/special-educational-needs-and-disabilities-send-reform-letters>). The letter reassures parents that the definition of SEN and disability has not changed and repeated assurances given in Parliament that those with statements will not lose them as a result of the SEND reforms. For those on School Action and School Action Plus (and early years equivalents), we expect them to transfer to SEN support by September 2015 at the latest. For those with a Learning and Disability Assessment, we

expect them to have transferred to an EHC plan by September 2016 and for those with statements, we anticipate them transferring over no later than September 2018.

It is inevitable that there will be teething problems in some areas, especially in the early days, and that some elements of the reforms, such as personal budgets, will increase in scope and availability over time. We have allocated a further £76million over two years, in addition to the £70m Edward Timpson announced in December 2013, and a £30m investment in Independent Supporters. You can access help through your regional champion support offer and NHS England is working with the Council for Disabled Children to make sure materials are available which speak directly to health commissioners. The help is there if you need it.

Thank you for all the work you have done to prepare for these reforms. We are keen that you succeed, and have put a comprehensive support offer in place to help you and your partners to do so. We all want every child and young person with SEND to grow up to fulfil their potential to live happy, independent lives over which they have greater choice and control. The successful implementation of these reforms will help that shared ambition become a reality.



**EDWARD TIMPSON MP**

Parliamentary Under Secretary of  
State for Children and Families



**DR DAN POULTER**

Parliamentary Under Secretary of  
State for Health