



# Consultations

A consultation for a child with an Education, Health and Care Plan (EHCP) is the process where the local authority asks a school or setting whether it can meet the child's needs before deciding which placement to name in the EHCP.

This process is required under the Children and Families Act 2014 and guided by the SEND Code of Practice 2015.

## Children and Families Act 2014

UK law designed to improve services for vulnerable children and support families



## SEND Code of Practice 2015.

Guidance on the special educational needs and disability (SEND) system for children and young people aged 0 to 25.



## Why do consultations happen?



Consultations help the council decide which school is suitable for the child and ensure the school is aware of the child's needs before placement. They are used when:

- an EHCP is first issued
- a child is changing phase (e.g., primary to secondary)
- the placement may change
- an annual review recommends a new setting.

## Parent Carers role in consultations

- Parent Carers (or the young person) have important rights:
- You can request specific schools to be consulted.
- The council must consult those schools in most cases.
- You should be given a draft EHCP and 15 days to comment and name a preference



## The Local Authority must consult schools before naming one

When deciding which school to name in Section I of an EHCP, the local authority (LA) has a legal duty to consult the school or setting first.



A lawful consultation must:

- happen before the final decision is made
- provide the school with full information about the child's needs
- give the school time to respond
- ensure the response is properly considered before naming the school.

If the LA has already decided the placement before consulting, the consultation may be unlawful.

## Parent Carers have the right to request schools to be consulted

Parent Carers (or the young person) can ask the LA to consult specific types of institutions, including:

- maintained schools
- academies and free schools
- maintained nursery schools
- further education colleges
- non-maintained special schools
- Section 41 approved independent special schools.

*If you ask for an independent school that is not on the Section 41 list, the LA can consider it, but it doesn't have to agree. That school doesn't have to offer a place.*

If you request one of these types of settings, the LA must consult them. The LA cannot refuse simply because it is their internal policy.



## The SEND Code of Practice says schools should reply within 15 days

Under the SEND Code of Practice, schools are generally given 15 days to respond to a consultation request. During this time they consider:

- whether they can meet the child's needs
- staffing and resources
- impact on other pupils
- safety and suitability of the environment

## Parent Carers must also be consulted on the EHCP itself

Before a final EHCP is issued or amended, the LA must:

- send a draft EHCP, and
- give parents at least 15 days to comment and request a school.



## When do consultations take place?

### When a new EHCP is being issued

1. After the assessment process, the local authority sends parents a draft EHCP.
2. Parents have 15 days to comment and request a school.
3. The council will then consult the requested schools (and sometimes others) to see if they can meet the child's needs.
4. After consultations are completed, the final EHCP is issued naming the school

### When a child is moving to a new phase of education

Consultations usually happen when a child moves between key stages, such as:

Nursery → Primary school

Primary → Secondary school

Secondary → Post-16 college or sixth form

These are often called phase transfers.

The local authority consults potential settings before naming the new placement in the updated EHCP.

### **When an annual review recommends a change of placement**

During the annual review of the EHCP, the school or parents may suggest that the current placement is no longer suitable.

If a different school might be needed, the local authority should:

- amend the EHCP, and
- consult potential new schools before issuing the amended final plan.

### **When Parent Carers request a different school**

Parent Carers can ask the council to consult other schools at any time, for example if:

- the current placement is not working
- the child's needs have changed
- the family has moved.

The council should consult those schools before deciding whether to change the placement.

## **Key Phase Transfer Deadlines**

### **Primary → Secondary School**

The final EHCP naming the secondary school must be issued by 15 February in the year the child is due to move.

This means the local authority should:

- complete consultations with secondary schools
- consider responses
- make the decision
- issue the final amended EHCP by that date.

If this deadline is missed, the council may be in breach of its legal duty.

### **Early Years → Primary School**

The final EHCP naming the primary school must be issued by 15 February in the year the child starts school.

Again, consultations should take place before this date.

### **Secondary → Post-16 (college or sixth form)**

The final EHCP naming the post-16 placement must be issued by 31 March in the year the young person leaves secondary school.

This gives colleges time to plan support and transitions.



IPSEA is a registered charity in England that provides free legal advice and support to families of children with special educational needs and disabilities (SEND).

## **Getting Help....**



IASS offers practical guidance, resources, and advice to support you in working with schools and professionals to ensure your child gets the right support.



Through PACC's Community Navigator Service, these are the most common questions we have received...

#### Who carries out the consultation?

The local authority SEND team is responsible for sending consultation requests to schools or education settings.

#### What information do schools receive during a consultation?

Schools are usually sent:

- the draft EHCP
- professional reports (e.g. educational psychology, speech and language therapy, occupational therapy)
- information about the child's needs and required provision.

This helps the school decide if it can meet the child's needs.

#### Can more than one school be consulted?

Yes. The local authority can consult multiple schools to find the most suitable placement. Parent Carers can also ask for more than one school to be consulted.

#### Can a school refuse a consultation?

A school cannot refuse to be consulted, but it can respond saying it cannot offer a place if certain legal conditions apply.

These include situations where admitting the child would:

- be unsuitable for their needs
- affect the efficient education of other pupils, or
- be an inefficient use of public resources.

#### Does a consultation mean my child will get a place at that school?

No. A consultation is not the same as being offered a place. It is part of the process the local authority uses to decide which school will be named in the EHCP.

#### What if I disagree with the school named in the EHCP?

Parent Carers and young people have the right to challenge the decision through the First-tier Tribunal (Special Educational Needs and Disability).

You can appeal if you disagree with:

- the school named in the EHCP
- the contents of the plan
- or if a school you requested was refused.



# Community Navigator Service

Offering personalised signposting and Information Provision for families of 0-25 year old's with SEND in Shropshire

We understand how difficult and overwhelming it can be to navigate your child or young persons journey. PACC's Community Navigator Service is open to any Parent Carer of a child/ young person ages 0-25 with SEND in Shropshire.

## How can PACC Help?

You will be offered an initial 30-minute phone/ Teams call with a Navigator. All of PACC's Navigators are Parent Carers themselves, so have both a lived and work experience of the SEND system in Shropshire. Following the call you will receive an email with information and signposting.

## What can I speak to a Navigator about?

- Social Opportunities
- Finances and Benefits
- Staying Healthy
- Mental Health Support
- Being Part of the local community
- Housing Options
- Support for Parent Carers
- Support for Families
- Employment and Volunteering
- Help navigating the SEND system
- Education
- Education, Health and Care Plans
- Annual Reviews
- Activity Plans

## How do I request a call?

More information can be found here:



Information & Support | Influence & Change

