



Guide: Transferring Between Phases of Education with an EHCP

RANi Need to Know Guides | Transition Phases Advisory sheet 1

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*Children and young people with an Education, Health and Care (EHC) Plan will move through different phases of education, such as from nursery to primary school, or primary to secondary. These points of transfer are critical, and there are **specific legal duties** placed on local authorities to ensure the EHCP is reviewed and amended in good time to support a smooth transition.*

What Are “Phase Transfers”?

A **phase transfer** refers to the transition from one stage of education to another. The most common phase transfers are:

- **Early years to primary school**
- **Primary school to secondary school**
- **Secondary school to post-16 education or training**

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- **Post-16 education to post-19 provision (e.g., supported internships, further education, or adult learning)**

These are key transition points that require special attention under the **SEND Code of Practice (2015)** and the **Children and Families Act 2014**.

Legal Timeframes for Amending EHCPs Before Phase Transfers

The law requires the local authority to:

Review, amend, and issue the final EHCP naming the next placement by a set deadline, depending on the transfer phase.

Statutory Deadlines:

Phase Transfer	Final EHCP must be issued by:
Early years → Primary school	15 February in the calendar year of the transfer
Primary school → Secondary school	15 February
Secondary school → Post-16 education	31 March

These deadlines apply **even if an appeal is ongoing**, or if a school/college place has not yet been confirmed.

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The Phase Transfer Review Process

1. **Annual Review or Early Review:**

A phase transfer will typically trigger an *early or annual review* of the EHCP in the year before the move.

2. **Information Gathering:**

Schools, parents, and other professionals submit reports and input on progress, needs, and the type of placement required.

3. **Amendments to the EHCP:**

Based on the review, the LA must propose changes to the plan, including naming a suitable next placement (Section I).

4. **Issuing a Final Plan:**

The LA must finalise and issue the updated EHCP by the statutory deadline.

Key Principles to Remember

- **Needs-led decisions:** The placement named must be based on the child or young person's needs, not on budget, convenience, or what's "typically offered."
- **Consultation with schools or colleges:** The local authority must consult your preferred settings (and others if needed) before naming one in the EHCP.
- **Right to express a preference:** Parents (or the young person, if over 16) have a legal right to express a preference for:
 - A maintained school or college
 - An academy or free school
 - An institution in the independent sector (in some cases)

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Choosing the Right School or Setting

You can request a specific school, college, or institution under **Section 38 of the Children and Families Act 2014**, and the LA must name it in the EHCP **unless**:

1. It's unsuitable for the child's age, ability, aptitude or SEND.
 2. The placement would negatively impact the education of others.
 3. It would be an inefficient use of public resources.
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If You Disagree with the Named Placement

If the final EHCP is issued and you **disagree with the school, college, or institution named (Section I)**, you can:

- **Request mediation**, and/or
 - **Appeal to the SEND Tribunal** within the usual time limits (usually 2 months or 1 month from the mediation certificate, whichever is later)
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Post-16 and Post-19 Transitions

Post-16:

At this stage, the young person (aged 16+) usually takes over decision-making rights unless they lack mental capacity. The LA must:

- Involve the young person in planning

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- Consider a broader range of options including sixth forms, further education colleges, training providers, supported internships, or apprenticeships

Post-19:

EHC plans do **not automatically end at 19**. The LA must **consider educational progress** and whether continuing education/training is appropriate. The plan can remain in place up to age 25.

Checklist for Families

- ✓ Know the phase transfer deadlines (15 Feb / 31 Mar)
 - ✓ Attend and contribute to the phase transfer review
 - ✓ Research possible schools or colleges
 - ✓ Communicate your preferred settings clearly
 - ✓ Respond to any draft plan quickly
 - ✓ Challenge decisions where needed via appeal
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Summary

Transferring between phases of education is a **key legal milestone** for children and young people with an EHCP. Local authorities must act in advance and amend the plan in line with the child's needs and the statutory deadlines. Parents and young people should be involved throughout and have legal rights to challenge any unsatisfactory decisions.

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Support and Resources

You can get further support from:

- **RANi** – Help with advice, support and impartial information
- **Local Offer** - Help with advice, support and impartial information
- **SENDIASS** – Local impartial information and advice service for parents and young people www.iasmanchester.org
- **IPSEA** – Independent Provider of Special Education Advice: www.ipsea.org.uk
- **Contact** – A national charity supporting families with disabled children: www.contact.org.uk

If you'd like help preparing your request or understanding your appeal options, RANi can provide guidance and templates.

Remember:

Always keep a copy of all correspondence you send, along with proof of postage or delivery. If you send documents by post, we recommend using a **signed-for** service. If sending by email, request a **read receipt** if possible.

Get in Touch

If you need more information or have a question, we're here to help.

Email us: info@rani.org.uk

Please include:

- Your name
- Your child's name
- Your child's date of birth
- Your query

Or, if you prefer, you can fill out our online **contact form** and we'll get back to you as soon as possible.

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