



Movers in Policy Shropshire Council

Final: September 2026

Review due: September 2027

Shropshire Local Authority Policy on Movers into the County with an EHC Plan

Moving to a new local authority

When a child or young person with an EHC plan moves into a different local authority's area in England, the EHC plan will need to transfer to the new local authority (LA).

The legal requirement for the new LA to start making the provision in the EHC plan is set out in regulation 15 of The Special Educational Needs and Disability Regulations 2014.

There is also guidance for LAs in the SEN and Disability Code of Practice (the Code) at paragraphs 9.157 to 9.161.

Transfer of the EHC plan to the new LA

The law sets out when the child or young person's EHC plan transfers to the new LA:

If	Then
You give the LA you are moving from at least 15 working days' notice of your move	It must transfer your child or young person's EHC plan to your new LA on the day that you move
You give the LA you are moving from less than 15 working days' notice of your move	It has 15 working days from the day it knew you were moving to transfer the EHC plan to your new LA

Therefore it is best for you as the parent or young person to tell the new LA (usually the SEN team within Children's Services) in advance that you are going to be moving into the area.

As soon as the EHC plan has transferred, the new LA, Shropshire has the same legal duties as if we had issued the EHC plan itself. The most important duty is to make sure that your child, or you as a young person, receives all of the special educational provision specified in Section F of the EHC plan.

The Shropshire LA then has six weeks from the transfer to notify you that the EHC plan has been transferred, and to let you know when it is going to review the EHC plan (see below).

If the EHC plan names a school for which fees must be paid in Section I, “the new authority may not decline to pay the fees or otherwise maintain the child at an independent or non-maintained special school or a boarding school named in an EHC plan unless and until they have amended the EHC plan” (Paragraph 9.159 of the Code).

If it is no longer practicable for your child or you as a young person to attend the school or college named in Section I (perhaps because it is too far away) then your LA must arrange for them or you to attend another appropriate school until it reviews and amends the EHC plan.

How will parents and settings know when the transfer of information has happened?

Once the transfer of your child young person's information has been received by Shropshire EHCP Team, our Business Support colleagues will alert the Case Officer who will be responsible for our processes around the managing of the EHC Plan transfer and supporting you through that process.

The Case Officers, work in key stage areas within the team, EYFS/KS1, KS2, KS3/4, Post 16 and Specialist Team. There is a Senior EHCP Case Officer, Advanced EHCP Case Officer and three/four Case Officers per key stage. Each of the Case Officers provide cover for the North, Central and South of the County.

The allocated Case Officer will make contact with you to discuss your journey so far and next steps.

What will provision look like?

Sometimes, it is not possible to move your child or young person immediately into a new setting. Shropshire LA may need to make interim arrangements to meet your child or young person's needs, set out in Section F of their EHC Plan. This may include the use of unregistered Alternative Provision, or Alternative Provision such as Tuition Medical Behaviour Services (TMBSS).

First review of the EHC plan by the new LA

Shropshire will review the EHC plan within either 12 months from the EHC plan being made or last reviewed, or 3 months from the date of the transfer, whichever is the later. The correct process for an annual review will be followed.

If we do not complete a review within this time frame you can take action.

Health provision in the EHC plan

A move may mean that the child or young person not only changes LA but also finds themselves under a new commissioning body (formerly known as a clinical commissioning group and now known as an Integrated Care Board) for their health services.

Where it is not practicable for that new commissioning body to arrange the health care provision specified in the EHC plan:

- it must, within 15 working days beginning with the date on which it became aware of the move, request that the new LA makes an EHC needs assessment or reviews the EHC plan, and
- the new LA must comply with such request (paragraphs 9.163-5 of the Code).

What will happen after the review or re-assessment?

After a review or re-assessment your new LA could decide to:

- Keep the EHC plan the same.
- Make changes to the EHC plan. You will have a chance to make representations about these changes and object to any amendments you disagree with in the same way you would after an annual review.
- Cease to maintain the EHC plan.

Whichever decision your new LA makes, if you disagree with it you can appeal to the First-tier Tribunal (Special Educational Needs and Disability) (the SEND Tribunal).

What happens if I move abroad?

If you move to a different country, rather than to a different English LA, then the situation is different. This includes if you move to Wales, Scotland or Northern Ireland for example. There is guidance for LAs on what they can do if a child or young person with an EHC plan moves abroad which you may find useful to read. There is also helpful case law on this, concerning an LA which unlawfully ceased, in other words stopped, a child's EHC plan after they accompanied their father to Dubai when he was deployed there by the Royal Navy.

An English LA can look to cease (stop) an EHC plan if it considers that it is no longer necessary for the plan to be maintained or if it is no longer responsible for the child or young person.

An LA is responsible for children and young people if they are:

- in the LA's area, and
- the LA has identified them or been made aware of them as having (or that they may have) special educational needs.

For example, this will include those with EHC plans. This means that an LA is responsible for children and young people with EHC plans in its area. This means that whether your LA is responsible for your child or young person with an EHC plan depends if they are in the LA's area but this doesn't mean your LA can take their EHC plan away when they leave the area temporarily. How long they are away for is relevant but not the only factor your LA must consider when deciding if it's still responsible for your child or young person when they are in a different country. It must consider all of the specific circumstances.

If you move abroad and don't plan to come back, your previous LA may contact you about stopping your child or young person's EHC plan on the basis that it is no longer responsible for them and there won't be a new LA taking over this responsibility (as in the process explained above).

Your previous LA may, in this situation, look to cease your child or young person's EHC plan if it decides that its area is not where they ordinarily live. But there is no requirement on the LA to do this – it has discretion, so can choose, whether to do this or not. This means that your LA could decide to keep the EHC plan in place, and in making this decision your LA will need to act reasonably. If your move abroad isn't permanent and you'll be moving back to the same LA, it's important to make this clear to the LA. This is because if your child or young person is going to be out of the country temporarily but where they ordinarily live remains the LA, it won't be able to say it's no longer responsible for them and take away their EHC plan on that basis.

If you think your child or young person's EHC plan should be maintained whilst you are abroad, you should make all the relevant factors and circumstances known to the LA for it to consider. For example, you could say how long you plan on being abroad for, why and where you expect to live when you return to England. You should also explain anything which helps show that you have not decided to move abroad permanently, for example if you are keeping a home in the LA and/or will be abroad with your family due to work and your employer provides assistance with returning to the LA.

If the LA decides to cease to maintain your child's EHC plan in these circumstances, it must follow a legal process and you will have a right to mediate and appeal this decision in the SEND Tribunal.

What happens if I move in with an IDP (Individual Development Plan) from Wales?

Additional Learning Needs and Education Tribunal (Wales) Act 2018 - Explanatory Notes

An Individual Development Plan (IDP) issued under the Additional Learning Needs (ALN) system in Wales does not automatically transfer to, or convert into, an Education, Health and Care Plan (EHCP) in England. The Welsh IDP and the English EHCP operate under different legislative frameworks and there is no lawful mechanism for an automatic conversion between the two systems.

Where a child or young person moves from Wales to England, the receiving English local authority is not under a duty to assume responsibility for the existing IDP. Instead, a request must be made to the local authority for an Education, Health and Care Needs Assessment (EHCNA). The local authority must then consider that request in accordance with the Children and Families Act 2014, the SEND Regulations 2014 and the SEND Code of Practice, applying the statutory test as to whether it may be necessary for special educational provision to be made through an EHCP.

Accordingly, if the child is now resident in Shropshire, a request for an Education, Health and Care Needs Assessment should be submitted to Shropshire Council. The local authority will then consider the available evidence, including information contained within the Welsh IDP and any supporting professional reports, when determining whether the threshold for assessment is met.

For these reasons, the Local Authority is unable to lawfully treat the Welsh IDP as an EHCP or automatically transfer it into the English SEND system without first following the statutory EHC needs assessment process.

If the Local Authority decides that an EHC needs assessment is necessary, advice will be sought from relevant education, health and social care professionals, together with the views of your child, young person and their family. The assessment process is governed by the Children and Families Act 2014, the SEND Regulations 2014 and the SEND Code of Practice.

Following the assessment, the Local Authority will determine whether it is necessary to issue an EHCP. If an EHCP is issued, it will be based on the child or young person's assessed needs and the evidence gathered through the statutory assessment process, rather than being a direct conversion of the Welsh IDP.

This approach ensures that any support provided in England is considered through the statutory framework that applies to English local authorities.

Link to the Local Offer which details how to make an Educational Health Care Needs Assessment request: <https://next.shropshire.gov.uk/the-send-local-offer/education/how-is-sen-funded-in-schools/education-health-and-care-plan-ehcp/>

When a Child or Young Person moves from another Country outside of England

Where a child, young person or family has moved to Shropshire from another country, the Case Officer should take a supportive and person-centred approach which recognises that families may be adjusting to a new education system, local processes, terminology and wider changes in their circumstances. The Case Officer should provide clear information about the English SEND framework, explain the role of the Local Authority and the EHCP process in accessible language, and consider whether any additional support is needed, for example translation, interpretation, signposting to local services, or liaison with education, health and care professionals. Previous educational records, professional reports and information from the family should be carefully considered to build a full understanding of the child or young person's needs and to support continuity of education wherever possible.

Recording overseas evidence

Any education, health, care or professional evidence provided from another country should be saved on the child or young person's file and clearly labelled as overseas evidence, including the date, source, country of origin and whether it has been translated. The Case Officer should consider the relevance of the information while recognising that it may have been prepared within a different legal, educational or clinical framework. Overseas evidence should be used to inform understanding of the child or young person's history, needs and previous support, but it should not replace statutory advice required through the English EHC needs assessment process unless it is current, sufficient and appropriate. Where evidence is unclear, outdated or untranslated, the Case Officer should seek clarification or further advice from relevant professionals.