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**Rt Hon Rhodri Morgan AM**  
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Janet Ryder AM  
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*Rh* March 2004

*Dear Janet*

I am writing in response to your question of 27<sup>th</sup> January on the subject of responsibility for Statements of Special Educational Need. I apologise for the delay in replying.

The responsibility of local education authorities with regard to Statements of Special Educational Need (SEN) remains the same. As set out in the SEN Code of Practice, where pupils remain on a school roll beyond the age of 16, LEAs are required in those situations to maintain statements until the end of the academic year in which the pupil's 19<sup>th</sup> birthday falls.

The situation in respect of persons over the age of 19, or over the age of 16 and no longer in LEA-maintained education is somewhat different. Statements lapse at the age of 19 and also lose legal force where a young person under the age of 19 leaves LEA-maintained education (e.g. to enter a Further Education Institution). In the latter case, the Statement of SEN should be copied to the Further Education Institution or other provider, to use as tool for mapping that young person's support needs when entering that provision.

This situation is not affected by the duties and powers given to ELWa by the Learning and Skills Act 2000 or by the powers granted by the Education Act 2002 to enable ELWa to propose the reorganisation of sixth form provision.

I expect that ELWa will work in close co-operation with local education authorities and other stakeholders in drawing up any proposals brought forward under these powers, especially those which impact upon provision for those with Special Educational Needs.



As you will be aware, the draft regulations that set out the detail of how ELWa will exercise these powers have recently been the subject of consultation with stakeholders. They will be considered by ELL Committee on 17 March prior to consideration by the Business and Legislation Committees and will be debated in Plenary when they come to be made.

I hope that this information is useful to you.

Yours  
Rhodri