

AN ANNUAL REVIEW FOR AN EDUCATION, HEALTH & CARE PLAN

It is the duty of the LA to review EHC plans a minimum of once every 12 months. The educational setting will conduct the meeting. The LA may send a representative. The main purpose of the review is to assess the child or young person's progress towards achieving the outcomes specified in the EHC plan.

At least two weeks' notice before the date of the meeting **MUST** be given. All practitioners involved **MUST** cooperate during reviews and provide written updates about the child/young person. **1**

Reviews **MUST** be undertaken in partnership with the child & parent or young person. It **MUST** take account of their views, wishes and feelings, including a right to request a Personal Budget. Their views **MUST** be heard from the start. Their needs for taking an active part in the meeting and process should be accommodated and supported. If the young person is aged 16 or above, they can elect to have an advocate present if they choose. **2**

As well as the family, all education, health and social care practitioners involved **MUST** be invited to the meeting. Other relevant parties should also be invited. Written advice **MUST** be provided by those invited and circulated to all **TWO** weeks before the meeting date. **3**

Reviews in Year 9 should have a particular focus on options and choices for the next phase of education.

Within **TWO** weeks of the meeting, the LA **MUST** prepare & send a report to **EVERYONE** invited. It must set out its recommendations on any amendments required to the EHC plan. It should refer to any difference between the LA's recommendations, and those of others attending the meeting. The report must include all the advice and information obtained prior to the meeting. **5**

Reviews from Year 9 **MUST** consider what provision is required to assist the child or young person in preparation for adulthood and independent living. **4**

Within 4 weeks of the Meeting the LA **MUST** send its decision to the parent/young person and head teacher. The LA must propose to either: (a) continue to maintain the EHC plan in its current form; (b) amend it; or (c) cease to maintain it **6**

If the LA decides to amend the EHC plan after the review it **MUST**:

- send the parent or young person a copy of the original EHC plan and a notice specifying any proposed amendments "without delay", together with copies of any evidence which supports those amendments;
- provide the parents/young person with notice of their right to request the LA to secure that a particular school/placement is named in the plan. **7**

The parents/young person have at least 15 days to respond to the content of the amended draft plan. They can also:

- request that a particular school or other institution be named in the plan;
- request a meeting with an LA officer, if they wish to make representations orally. **9**

Whether the LA decides to continue, amend or cease an EHC plan, they must:

- Notify the child's parent/young person of their right to appeal
- Provide information about mediation and disagreement resolution services **8**

The final plan **MUST** be issued **WITHIN 8** weeks of the date the LA sent the original amendment notice. Keep a note of the 4 & 8 week deadline dates the LA must adhere to. If they fail to meet the timescales, you can make a complaint or seek legal advice for a pre-action protocol letter leading to a Judicial Review **10**

Phase transition: Review & amendments must be completed by 15 February. Post 16 deadline is 31 March.



Making sense of SEND

What is an EHCP Annual Review?

Before the Annual Review Meeting

Step 1

The school SENCO will write to all the professionals involved with your child or to ask for reports, which may also include specific professionals employed by the school. They must also write to parents and carers inviting them to contribute their views wishes and feelings. You should also gather this information from your child so that they can contribute to their review. Your notes should include your views of the current arrangements and provide an opportunity to discuss changes which you or your child may want to be made to the EHCP.

These reports should be sent to school SENCO within 2 weeks of the request being made.





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Before the Annual Review Meeting

Step 2

The school SENCO will then send out invitations to all those required to attend (CoP 9.176), at least 2 weeks before the date of the Annual Review meeting.

The SENCO is also required to circulate copies of all the reports they have received with the invitations. This will usually be the same people they contacted in Step 1 but may include others if it is thought their assistance or contribution may be required.

Reviews must focus on your child's progress towards achieving the outcomes specified in the EHC plan. The review must also consider whether these outcomes and supporting targets remain appropriate.





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What is an EHCP Review?

During The Annual Review Meeting

Step 3

At the annual review meeting, Parents/carers and the children must be given the opportunity to explain their views, wishes and feelings especially when making decisions. (CoP 9.166 to 9.168 & Section 19 Principles).

During the Annual Review meeting all sections of the EHCP (not just the educational targets and provision) must be checked. The meeting provides an opportunity for parents and young people to request changes and updates. It may also be that what you expected to happen, based on your understanding/interpretation of various elements of the EHCP has not been delivered exactly as you had anticipated.





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What is an EHCP Review?

During The Annual Review Meeting

Step 3

The meeting:

1. must focus on progress made towards achieving outcomes
2. must establish whether the current outcomes remain appropriate and if required agree new ones
3. must review the short-term targets and set new ones
4. must review the special educational provision, how it is delivered, ensuring it is still appropriate & is enabling good progress
5. review any health and social care provision and check its effectiveness towards achieving the outcomes
6. check if the aspirations have changed (consider them in the context of paid employment, independent living and community participation (CoP 9.69)
7. must check if the parent/YP would like to request a Personal Budget.

The meeting should ensure that points 1-7 are covered and that school don't simply focus on how things have gone in the past year in school.





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What is an EHCP Review?

After The Annual Review Meeting

Step 4

After the meeting the SENCO must prepare a report that includes any recommendations for amendments to be made to the EHCP. This should include where there are differences of opinions and not just the general consensus. This must be sent to everyone who had been invited and the LA within 2 weeks of the meeting taking place.

Step 5

Upon receiving the report the LA has to decide which one of the 3 following options applies.

1. Should the EHCP remain unchanged
2. Does the EHCP need to be amended
3. Should the EHCP be ceased

The LA must inform the parents/carers of their decision within 4 weeks from the Annual Review meeting (which should be held no later than the anniversary of either when the EHCP was first issued or the last review meeting).





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What is an EHCP Annual Review?

What happens next?

If the LA decides on option 1 or 3 (CoP 9.176) – refuse to amend or cease to maintain - they must inform the parent/YP of the following:

- their right of appeal to the tribunal and the time limits for this to take place
- the requirement for them to consider mediation if they decide to appeal
- their right to receive information, advice and support

The EHCP must be maintained until the 2-month period for the appeal to be lodged at the Tribunal has passed. If an appeal is made to the Tribunal the EHCP must be maintained until the hearing has taken place and they have given their decision.

If the LA decides on option 2 – amend the EHCP - they should make the amendments **as soon as possible**. (CoP 9.193 -9.198). Recent case law has identified that Las interpret the CoP differently, but it considered that if a decision was taken to amend the plan, then the amended document should be included with the amendment decision letter sent to parents.





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What is an EHCP Annual Review?

The LA must:

Write to parents to state they have decided to amend the plan. They must send parents/carers a copy of the unchanged version of the EHCP along with the proposed amendments. Their letter must inform parents that they should propose their preferred school to be named in section I of the plan. They must also:

- include the supporting evidence (additional reports and notes from the meeting)
- give the parent/YP **at least 15 calendar days** to respond with their views. This could include naming a school. (CoP 9.78 & 9.94).

They should also be informed of their right to meet with the LA to discuss the proposed changes and:

- their right of appeal to a tribunal and the time limits for this to take place
- the requirement for them to consider mediation if they decide to appeal
- their right to receive information, advice and support





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What is an EHCP Annual Review?

Once the LA has received its response from parents/carers, within 8 weeks of when they first informed the parents of the proposed changes, the LA must issue a final plan. If they have not amended the plan as parents requested, they must inform parents of:

- their right of appeal to the tribunal and the time limits for this to take place
- the requirement for them to consider mediation if they decide to appeal
- their right to receive information, advice and support.
- This is particularly important if the parent or young person is unhappy or not satisfied with the changes that have been made to the EHCP.





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What is an EHCP Annual Review?

If the amended EHCP is issued it should:

- clearly state it is an amended version and be dated.
- be clear which parts have been amended.
- have attached to it the additional reports and the minutes from the review meeting.

still clearly state the date the original EHCP was issued as this will still be the date that determines when the next Annual Review is to be completed by.





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What is an EHCP Annual Review?

Additional Notes

The Annual Review is the opportunity for parents/carers to reflect on the past year in terms of:

- What's working/not working (whose perspective this is);
- What's Important now and in the future (things they enjoy and want to continue doing);
- What's important for them (what good support looks like specifically for their situation and circumstances)

Make notes before the Annual Review meeting; include examples to illustrate your points. Where you identify things that are not working well, try to think of helpful suggestions that might be worth exploring or trialling as an alternative. It is important to understand that the content of an EHCP is evidence based; EHCPs are not expected to require frequent changes and updates (CoP 9.193). However when they do need amending, there should be supporting evidence to inform any changes.





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What is an EHCP Annual Review?

Additional Notes

Evidence can include reports from professionals, school assessments and observations, and minutes from meetings. If there are any new reports, parents/carers can include them in the information they're providing.

If you are waiting for reports or appointments, make sure a reference is made to them & ensure they are sent to the local authority as soon as possible.

Prepare for the meeting by:

- going through all the reports sent out prior to the Annual Review meeting.
- consider any issues or questions arising from the reports that you would like discussed at the Annual Review meeting.
- look again at the outcomes included in the EHCP to check they are still relevant or if they need to be changed or modified in some way.
- check if the aspirations are still the same.





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What is an EHCP Annual Review?

Additional Notes

Consider the different ways that your child can be involved in the meeting. Check with them if the school is helping with this – has anyone gathered their views? Consider how you would like to be supported at the meeting. Do you need a scribe, someone to take notes, someone to speak for you /to be your voice?

(SENDIAS offer this support and it is free & impartial. Details can be found on our help fact file.) Ask the SENCO for details of who will be attending the meeting.

Parents can ask the school at any time, for a copy of their child's timetable clearly marked to show when support is being provided, by who, in class or withdrawn from class, 1 to 1 or small group (size of group) etc. to help them understand when and how their child is being provided with support in school.





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What is an EHCP Annual Review?

Additional Notes

General tips for meetings

1. Try and anticipate what possible issues might arise
2. Write down important points & key questions you would like answered
3. Use a Highlighter to identify what you feel needs to be amended/removed in the EHCP
4. Ensure the host is aware of any additional needs you have beforehand e.g. can't walk too far, can't manage stairs, cannot concentrate/sit for more long i.e. will need a break.

