



SUPPORTIVE PARENTS

The SENDIAS service for children, young people and their parents

ANNUAL REVIEW OF AN EDUCATION HEALTH AND CARE (EHC) PLAN

The SEND Code of Practice says:

9.166 EHC plans should be used to actively monitor children and young people's progress towards their outcomes and longer term aspirations. They **must** be reviewed by the local authority as a minimum every 12 months. Reviews **must** focus on the child or young person's progress towards achieving the outcomes specified in the EHC plan. The review **must** also consider whether these outcomes and supporting targets remain appropriate.

1. WHAT IS AN ANNUAL REVIEW

- If your child or young person has an EHC Plan it must be discussed and reviewed at least once a year so that it can change as your child or young person changes. If your child is under five then the Local Authority should consider doing a review every three to six months.
- The Local Authority has responsibility for ensuring the review happens. In practice they can delegate the organisation of the meeting to the school or setting where the meeting will usually take place.
- The Annual Review is a review of the EHC Plan – the whole plan - and not a general meeting about your child or young person's progress.
- The Annual Review is the opportunity for those people involved in your child or young person's education to discuss what progress has been made towards the outcomes set in the EHC Plan, to review whether the support currently in place is working well or not and to agree any new outcomes needed.

2. WHO IS INVOLVED IN THE ANNUAL REVIEW?

- The following people should be invited to attend an Annual Review:
 - You and where appropriate your child or young person
 - A representative of the school or setting
 - A Local Authority SEN officer
 - A health service representative
 - A local authority social care representative
 - Anyone else involved who you, your child or young person or the Head teacher think should be invited to contribute.
- Some or all of these people may go to the Annual Review. However the school or setting **must** seek advice and information about the child or young person from all of those invited to attend and circulate at least two weeks before the date of the meeting.

The SEND Code of Practice says:

9.169 Professionals across education, health and care **must** co-operate with local authorities

3. WHAT DO I PUT IN MY REPORT?

The SEND Code of Practice says:

9.179 Children, parents and young people should be supported to engage fully in the review meeting

- As an invitee you will also be invited to send in your views in advance of the meeting (you may be given a form to help you to report this).
- There may be questions on your form from the school or setting which should guide your thinking but if there isn't you might want to consider:
 - Your general views about how things are going at the educational setting
 - Are your child or young person's needs being met? If not what needs to change?
 - Have there been any changes since the last review regarding your child or young person's health or social care needs?
 - Are there emerging needs in a new area that are as yet unassessed?
 - What do you want to happen over the next year?
- If you want to write a more detailed report it may be helpful to go through your current EHC Plan section by section and make notes as you go along.

- **Remember** the annual review **must** focus on reviewing outcomes (section E of your EHC Plan) so you may want to look at these and consider whether you feel your child or young person has met these outcomes, is on track to meet outcomes or if you feel they are not achievable.

4. YOU AND YOUR CHILD OR YOUNG PERSON'S VIEWS

- It is important that your child or young person is able to give their views about the EHC Plan.
- They can do this by going with you to the meeting where appropriate, to take part in the discussions or the school or setting should seek to gather their views in advance of the meeting.
- It may be helpful for them to think about:
 - How they feel things have gone over the last year
 - If they think they have the right support and if not what are they struggling with?
 - What they hope to achieve next year and in the future
- If your child or young person is unable to express their views verbally you could discuss with the school or setting the best way for their views to be included in the review meeting.

The SEND Code of Practice says:

9.169 Reviews **must** be undertaken in partnership with the child and their parent or the young person, and **must** take account of their views, wishes and feelings, including their right to request a Personal Budget

5. AT THE ANNUAL REVIEW MEETING

- Some parents or young people may find the Annual Review Meeting a bit intimidating and it can sometimes feel like it's hard to get your views across. However, being there and sharing your views can make a real difference.
- It might help to go to the meeting with a friend or supporter. You could ask this person to take some notes for you, to help you remember what was discussed and agreed. Sometimes we can support you at meetings, where we have capacity; contact us for more information about this.
- Young people (age 16-25) should be involved in reviews and should be allowed to make their own decisions and choices as much as possible. Where a young person doesn't have the mental capacity to make a choice or give their consent their parent/carer can act as their representative. Young people with mental capacity can nominate their parent/carer to represent or support them throughout the process.

- The review should last around an hour although this does depend on the number of people attending and how much there is to discuss.

The Code of Practice says:

9.171 The meeting must focus on the child or young person’s progress towards achieving the outcomes specified in the EHC plan, and on what changes might need to be made to the support that is provided to help them achieve those outcomes, or whether changes are needed to the outcomes themselves.

MORE ON OUTCOMES

- At the review everyone present should consider, in line with any reports that have also been received, the level of progress made towards achieving the outcomes and whether the provision set out in Section F is adequate in enabling the child or young person to achieve their outcomes.
- Where everyone agrees that an outcome has been achieved the setting should record this.
- After hearing everyone’s views and reviewing any reports received, new **outcomes** may be agreed for the coming year.

The Code of Practice says

9.66 Outcomes should be personal and not expressed from a service perspective; it should be something that those involved have control and influence over, and while it does not always have to be formal or accredited, it should be specific, measurable, achievable, realistic and time bound (SMART).

- Outcomes should always enable children and young people to move towards the long-term aspirations of employment or higher education, independent living and community participation. They should be person centred and consider both what is important to the child or young person **and** what is important for them.

From year 9 onwards the Annual Review meeting should also consider the four “Preparing for Adulthood” pathways: Education, Employment and Training, Independent Living, Health and Community Inclusion. Please contact us for further information or you may find it helpful to refer to the Preparing for Adulthood Outcomes grid which been prepared by the DfE: <https://www.preparingforadulthood.org.uk/downloads/education-health-and-care-planning/pfa-outcomes-tool.htm>

- An outcome is not the same as an aspiration. The outcomes are the benefit made to an individual as a result of an intervention. They should be specific enough to measure whether it has been successfully achieved for example “James can add and subtract 2 single digit number 8/10 times”.

- Any recommendations for new outcomes should be considered with the parents and/or young person along with any actions taken by the setting. These recommendations should be submitted to the Local Authority (if they are not conducting the meeting) along with their report of the meeting and must include any difference of opinion between the school or other institution's recommendations and those of others attending the meeting, including parents and young people.

6. TRANSFER BETWEEN PHASES OF EDUCATION

- An EHC Plan **must** be reviewed and any amendments must be completed by 15 February in the calendar year of the transfer at the latest, for transfers into or between schools, for all occasions up to and including transfer to secondary school.
- For young people moving from secondary school to a post-16 institution or apprenticeship, the review and any amendments to the EHC plan **must** be completed by the 31 March in the calendar year of the transfer.
- For any young people moving between post 16 educational settings for a September start the review process should aim to be completed by 31 March in the calendar year of the transfer. However where the transfer occurs mid-year the review process **must** be completed within five months of the transfer taking place.

7. AFTER THE ANNUAL REVIEW MEETING

- The Local Authority must send the report of the meeting to everyone who was invited within two weeks of the meeting. In practice the school or setting generally undertake to carry out this function.
- The Local Authority then reviews the EHC Plan in light of the report and the recommendations made by the Head Teacher. They decide whether to amend the plan, to maintain the current wording (ie not change the plan) or to cease the plan and **must** write to you with that decision within four weeks of the review meeting. They must also inform you of your right to appeal through the Special Educational Needs and Disabilities (SEND) First Tier Tribunal.
- If the LA agrees to make amendments to the plan it must be done straight away. Once received you will have 15 calendar days to consider them and let the Local Authority know if you agree with them.
- If you disagree with the changes they're suggesting you could first discuss this with your SEN Officer and suggest alternative wording. We can help with this but if you cannot reach agreement you have the right to appeal through the SEND First Tier Tribunal. We can provide you with further information, advice and support about mediation and the tribunal process.

- Sometimes the review report may make recommendations for the EHC Plan to be amended but the Local Authority don't agree to make these changes. In this case the Local Authority must inform you of your right to appeal through the Special Educational Needs and Disabilities (SEND) First Tier Tribunal
- Following an Annual Review (and only following a review) the Local Authority could decide to cease to maintain the EHC Plan and they **must** notify you of your right to appeal that decision (following consideration of mediation) and the timescales in which to apply. Generally a plan will only be ceased where the Special educational provision specified is no longer relevant for example when a young person leaves education or training or if their outcomes have been fully achieved. Any decision to cease a plan should have been discussed during the Annual Review with you and/or your young person.

9.171 When reviewing an EHC plan for a young person aged over 18, the local authority must have regard to whether the educational or training outcomes specified in the EHC plan have been achieved.

This document was written by Supportive Parents in July 2017 (with reference to the SEND Code of Practice 2015) in response to parents and carer's requests for further information about EHCP Annual Reviews.

If you have any further questions or would like support please contact our support line on 0117 989 7725 or email support@supportiveparents.org.uk



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