

# **ANNUAL REVIEWS**

## **(Education, Health and Care Plan)**



<http://www.sendiassrutland.org.uk>

## What is an Annual Review



The **Children and Families Act 2014** states that your child's Education, Health and Care Plan (EHC plan) **must** be reviewed at least once a year (if your child is under five years old, reviews must be six monthly). This is set out in the "Special Educational Needs and Disability (SEND) Code of Practice: 0 - 25 years".

The Annual Review meeting will:

- Bring together your views and those of your child or young person, along with the Local Authority, the education setting and all the professionals who help your child
- Check your child's progress against the outcomes specified in the EHC plan and longer term aspirations
- Set new targets for the coming year
- Consider any further action required and if so, who will be responsible
- Decide whether the EHC plan needs amending

The review must consider whether these outcomes and supporting targets remain appropriate.

If there is a particular concern about your child's progress, an **early annual review** may be arranged.

## What happens before the review?

You, your child and any other individuals relevant to the review **must be invited** to a **meeting** with at least **two weeks notice**. The school (or, for children and young people attending another institution, the local authority) **must seek advice and information** about your child before the meeting from all those invited. They must then **send** any advice and information **gathered** to **all parties** at least two weeks before the meeting.



## How can I be involved?

You and your child's views are very important and the following may be of help in the process:

- You may wish to look at the special educational, health and social care needs and provisions set out in the EHC plan. Make a note of anything that is **missing** or in **need of updating**. Make a list of whatever you would like to share at the meeting, and any questions you may want to ask.
- According to your child's age and ability, you may wish to **talk to your child** and find out what he/she thinks about their progress. The education setting should also provide your child with the opportunity to record their own views, and **encourage your child to take an active role** in the annual review process.



## What happens at the Review Meeting?

Make sure you **know everyone** at the meeting and ask if someone is present that you do not know. If you are given any reports on arrival, ask for time to read them before the meeting starts. You can take a friend, family member or somebody else to support you if you wish.

**Your child** should be able to attend at least part of the meeting; therefore, adults should be sensitive to what is included in the discussion.

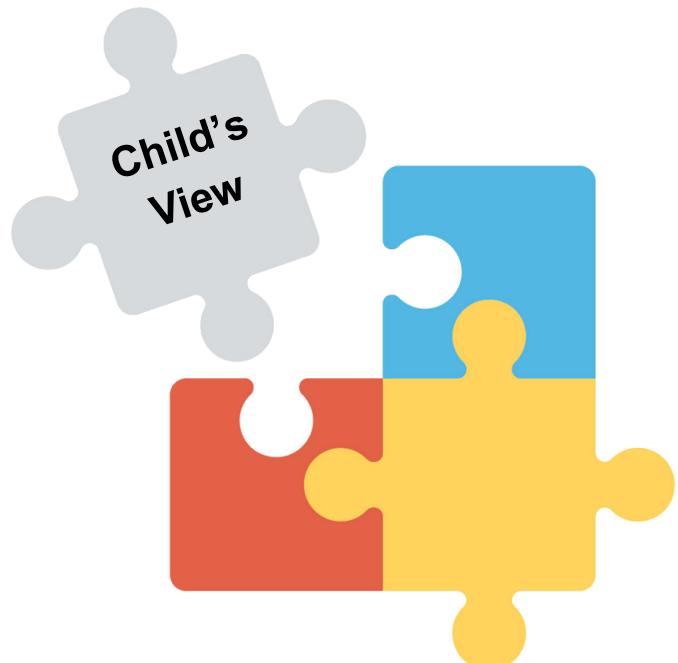
The review will usually be chaired by the Head teacher/Principle or a nominated teacher and will normally take place at your child's education setting. Those present will be asked to comment on your child's **progress** and should include their **achievements** and any **difficulties**.



## Agreeing targets for progression at the meeting

The purpose of the Annual Review meeting is to **consider** whether your child's **EHC plan** is **up to date** and **relevant**.

Reviews **must** focus on your child's progress against what is written in the EHC plan and **must** consider whether these outcomes and targets are still appropriate and if any changes may be needed.



The review must be carried out in **partnership** with **you** and **your child** and **must take notice of your views, wishes and feelings**, including your right to request a Personal Budget. Also any existing Personal Budget arrangements should be reviewed including the statutory requirement to review any arrangements for direct payments.

All those involved with your child, should use the **targets** to focus on your child's education during the **following year**.

## After the Meeting

The school (or, if your child attends another setting, the local authority) must prepare and send a **report of the meeting** to everyone invited **within two weeks of the meeting**.

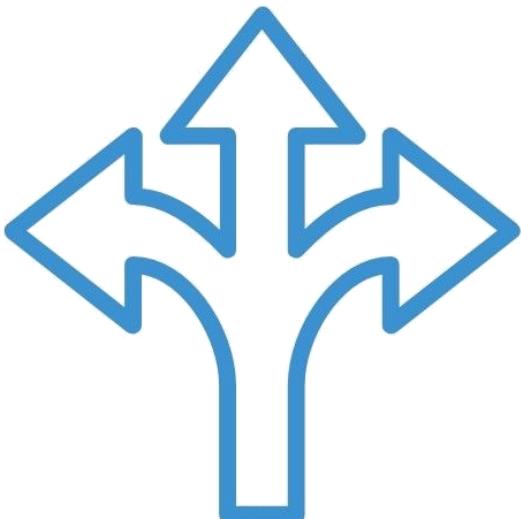
The report must set out **any changes** that have been suggested, including where there may be a difference of opinion amongst those who attended the meeting, about what those changes might be.

### The Local Authority must decide whether to:

- 1) Keep the plan as it is;
- 2) Change (amend) it; or
- 3) Cease to maintain it

The Local Authority **must send you** and the **education setting** their **decision** within **four weeks** of the review meeting.

In each case, whatever the decision (even if the Local Authority decides to do nothing) **you have the right to challenge** that decision including the **right of appeal** to the First-Tier Tribunal for SEN and Disability.



### What happens next?

If the Local Authority **amend** the plan, they must do so without delay and send you a copy of the existing plan and a notice which sets out the proposed changes. **You will have 15 days to respond**.

If you do not agree with the changes, you can challenge their decision as set out in their notice to you. This can include the request of a particular school or other institution being named in the EHC plan.

The Local Authority must issue an **amended final plan within eight weeks** of sending the proposed changes to you. They **must** also advise you of:

- your **right to appeal** against the content of the plan to the First tier Tribunal, SEN and Disability
- The requirement for you to consider **mediation** should you wish to appeal
- The **disagreement resolution services** and the availability of information, advice and support

## Re-Assessments of EHC Plans

An amendment to the EHC plan would be for **minor or specific** changes in the child's circumstances.

However if a **child's needs change significantly** you, the young person or education setting may **request a re-assessment** of the EHC plan.

In which case, the **LA must** carry out a re-assessment if more than 6 months have passed since the last EHC needs assessment was conducted. The LA can also decide to start a re-assessment.

Re-assessments must **follow the same process** as for the **first EHC needs assessment** and drawing up of the EHC plan, with the **same timescales and rights** of appeal for the child's parent or the young person.



## Ceasing an EHC Plan

A local authority may **cease to maintain** an EHC plan only if it determines 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.

For the LA to be deemed no longer responsible, it must be able to prove one of the following:

- Young person has taken up paid employment (excluding apprenticeships)
- Young person has started higher education (university)
- Young person has left education and no longer wishes to engage in further learning
- Young person has turned 25
- Child or young person has moved to a different LA



*The graduated approach can be used to assess how a child is doing and whether a re-assessment would be beneficial.*

## Transfer Between Phases of Education

A transfer between phases of education means a transfer from:

- Early Years Education to School
- Infant School to Junior School
- Primary School to Secondary School

The local authority **must review** and, if necessary, amend, the plan by **15 February**

in the **calendar year of their transfer**.

The amended plan should name the school that your child will attend following that transfer.



If your child is moving from secondary school to a **post-16 educational setting or apprenticeship**, the review and any changes to the plan—including specifying and naming the institution must be **completed by 31 March** in the **calendar year of the transfer**.

However, transfers between post-16 institutions may take place at different times of the year, in which case the local authority must review and amend, where necessary, the young person's EHC plan at least five months before the transfer takes place.



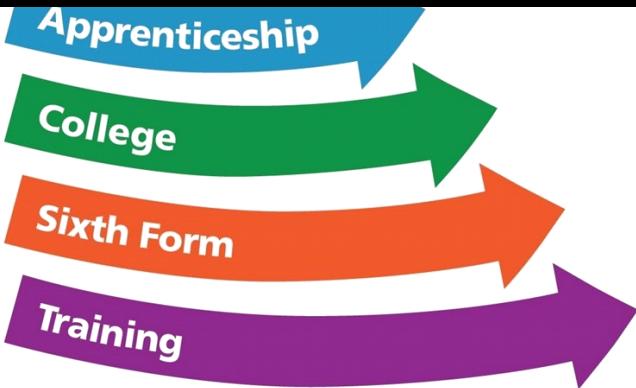
## Preparing for Adulthood in Reviews

From **Year 9 and onwards**, all reviews must focus on **preparing for adulthood**, including employment, independent living and participation in society.

This transition planning **must be built into the EHC plan** and where relevant should include effective planning for young people moving from children's to adult health and care services.

At the review meetings it will be important to **record the views, wishes and feelings** of the young person.

It would be useful to invite staff from post-16 institutions, especially from any settings where the young person has expressed an interest in attending.



## Post-16

As a child reaches the end of compulsory school age (the end of the academic year in which they turn 16), some **rights to participate in decision-making** about Education Health and Care (EHC) plans **transfer** from the **parent to the young person** (subject to their capacity to do so, as set out in the Mental Capacity Act 2005). Parents of young people can still access information, advice and support on behalf of, or with the young person.

The **annual review process** should be used to consider whether **special educational provision** provided through an EHC plan will **continue** to enable young people to **progress towards agreed outcomes** that will prepare them for adulthood and help them towards their aspirations.

## Post-19

When deciding whether a young person aged 19 or over no longer needs the special educational provision specified in the EHC plan, a local authority must take account of whether the education or training outcomes specified in the EHC plan have been achieved. **Local Authorities must not cease to**

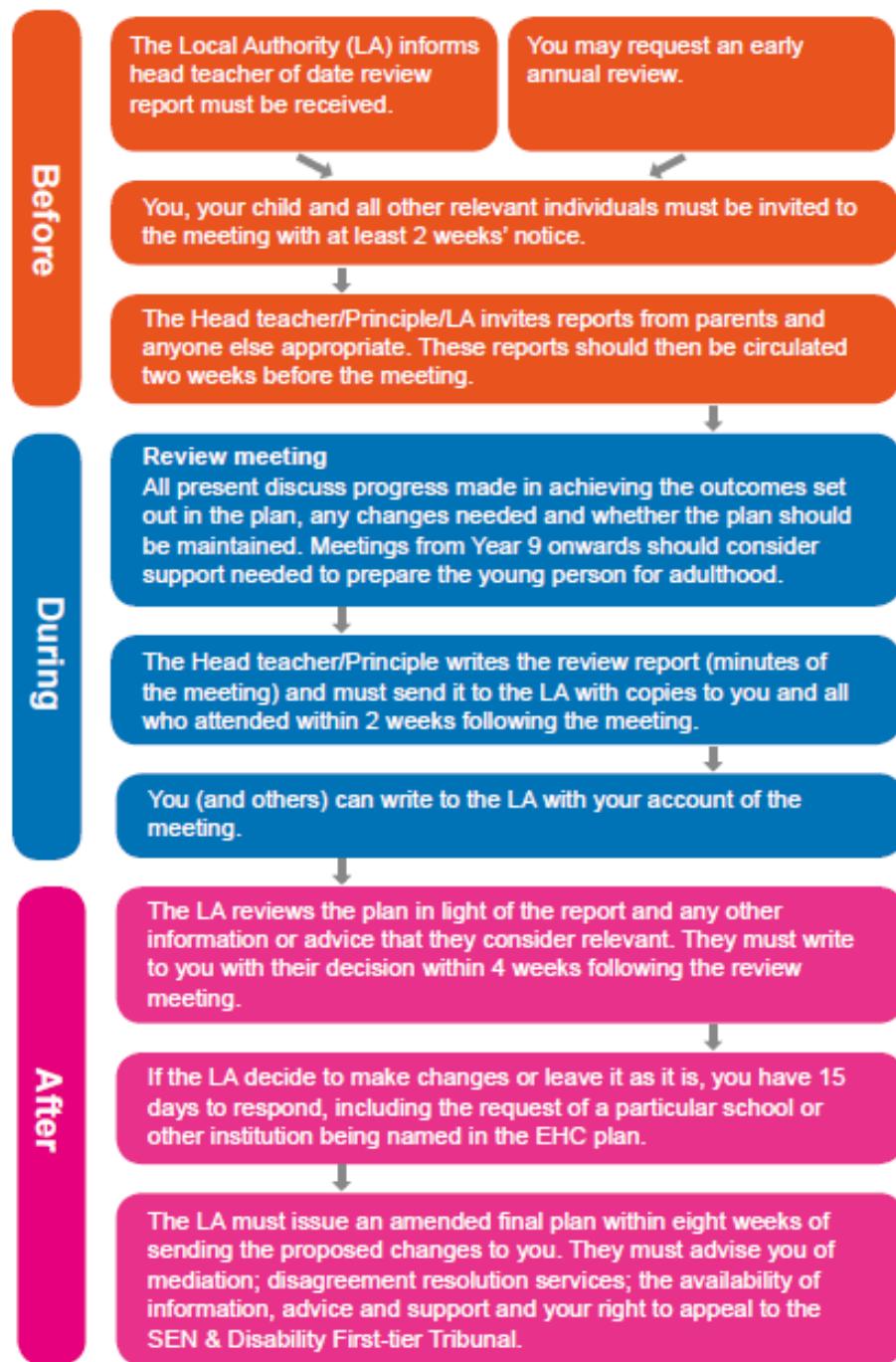
maintain the EHC plan simply because the young person is aged 19 or over.

Where an EHC plan will still be maintained for a young person aged 19 or over, it must **continue** to be **reviewed at least annually**. The plan must continue to contain **outcomes** which should enable the young person to **complete** their **education** and **training** successfully and so move on to the next stage of their lives, **including employment or higher education and independent living**.

Local authorities should ensure that **young people** are **given clear information** about what support they can receive, including information about continuing study in adult or higher education, and support for health and social care, when their plan ceases.



## Annual Review Process – Flowchart



Contact SENIASS Rutland if your child has Special Educational Needs (diagnosed **and** undiagnosed) to discuss Annual Reviews. We can offer impartial help and advice to ensure that your child receives the appropriate help and support.

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