

# What is an Annual review of an EHCP?

*It may surprise you...*

# Annual review information today

We will:

- Explain the law and guidance around annual reviews
- Explain the process for an annual review and the decisions that can be made by the local authority
- Explain what you can do if you don't agree with the decision made following the annual review

# Today will be especially useful if...

- Your child/young person's EHC plan is due (or overdue) for an annual review
- You have recently been advised of the decision made by the local authority following the annual review
- You think your child's/young person's plan needs changing

# At the end of today's session

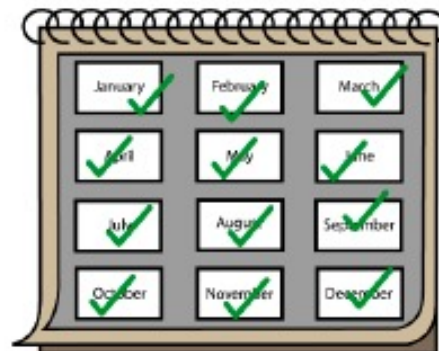
## You will:

- understand the annual review process and what the local authority should do on an annual review
- know how to get the best from the annual review
- know what to do if you don't agree with the decision made following the annual review
- know where to look for further information

# The Annual Review is more than just a review meeting

An Annual Review is actually a 5 step process that must be completed each year. This must be on or before the anniversary of when the EHCP was first issued or the anniversary of when it was last reviewed. It is laid down in law and in the Special Educational Needs and Disability Code of Practice 2015 (CoP).

Although the overall Review process is the LA responsibility, it is usual practice for Steps 1 to 4 to be delegated by the LA to the school/setting/or other education provider, (CoP9.173-9.175)



# The legal bit

- The duties on the Local Authority, schools and education providers are set out in the Children & Families Act 2014 section 44, SEND Regs2014; 2, 18, 19,20 and 21 and the SEND Code of Practice (CoP) 9.166 –9.185
- There is a requirement for all Education, Health and Care Plans (EHCP) to be reviewed by the Local Authority at least annually.
- In early years settings EHCPs should be reviewed every 3 to 6 months



# Why do we need to have an Annual Review?

The purpose of the review meeting is to:

- bring together the views of you, your child and all those involved in helping your child
- review the special educational arrangements made for your child. This can look at what is working well and why, as well as what is not working and why?
- make sure that targets set previously are being achieved and to set new short term targets for the next year, and where appropriate agree new outcomes
- recommend possible amendments to the EHC plan
- consider whether an EHC plan is still required

# What are the steps to conduct an Annual Review?

## Step 1: Gather advice and information (ASSESS)

The school will write to all the professionals involved with the child or young person requesting up to date information and advice. This should be done at least 4 weeks ahead of the planned meeting. The school **must** also write to the parents/young person inviting them to contribute their views, wishes and feelings.

This will often be via a form sent through to you. It is helpful if you can include comments on:

- your views on progress over the last year
- what you think is going well and also any concerns
- what you feel are your child's needs in school for the coming year
- what you think you and the school can do to help meet those needs
- any significant changes or events you feel may have affected your child's progress



# What are the steps to conduct an Annual Review?

## Step 2: Notice of the meeting

Once the school have received these reports (usually within 2 weeks of requesting them), school will then send out invitations to all those required to be invited at least 2 weeks before the date of the Annual Review meeting. The school is required to circulate copies of all the reports they have received with the invitations.

If the child/young person is at school then the school **must** invite:

- Child's parents or young person
- Relevant teacher
- LA SEN Officer
- Health Service representative
- Social Care representative
- Any others whose assistance or contribution may be required.

Although they must be invited there is no requirement that they attend.

# What are the steps to conduct an Annual Review?

## Step 3: The meeting

The Annual Review meeting should be held as a Person Centred Planning Meeting. It must enable the full involvement of the parent, child or young person and consider their views, wishes and feelings especially when making decisions ( CoP 9.166 to 9.168 and section 19 principles)



# What are the steps to conduct an Annual Review?

## Step 3: The meeting

The meeting should ensure the following points below are covered and that school

- don't simply focus on how things have gone in the past year in school.
- Check if the aspirations have changed in section A
- Do needs remain the same in section B
- Review any health and social care provision in sections C and D and check its effectiveness towards achieving the outcomes if appropriate
- **Must** focus on progress made towards achieving outcomes in section E of the EHCP
- **Must** establish whether the current outcomes remain appropriate and if required
- agree new ones

# After the meeting

## Step 4: The Report

- After the meeting, the school prepares a report summarising the results of the review meeting and setting out targets for the coming year and recommendations for amendments to be made to the EHCP.
- This should include where there are differences of opinions and not just general consensus.
- The report should be sent to all those who attended the review and the Local Authority
- It should be sent within 2 weeks of the meeting.

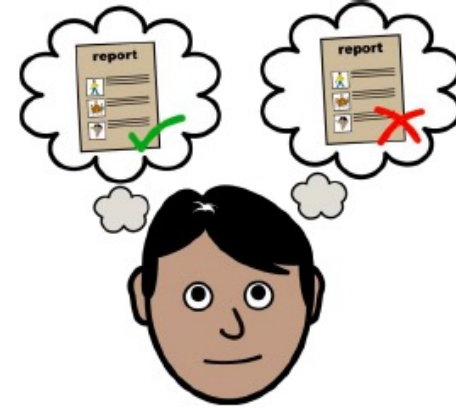


# What happens next?

## Step 5 The decision

The LA can make one of three decisions:

- not to change the EHC plan
- to amend the EHC plan
- to cease to maintain the EHC plan



The local authority must notify the parents or young person and the person providing the education and anyone else involved, of its decision within **2 weeks** of receiving the report and no later than **4 weeks** after the annual review meeting .

It is this final date that that should be no later than the anniversary of either when the EHCP was first issued or the last review meeting.

This decision marks the end of the Annual review process but...

# What happens next?

## There are still things to do

- If the LA decides on option 1 (not to change the EHC plan) or option 3 (to cease to maintain the EHCP) they must inform the parent/Young Person of their right of appeal and requirement to consider mediation.
- 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 (to amend to the EHCP) they should make the amendments as soon as possible ( CoP 9.78 & 9.94). This is now a draft EHCP and you will then have at least 15 days to consider these changes and submit your response, in line with assessment timetables. The LA should send through all the reports that they have used to make their decision along with the draft EHCP.

# What happens next?

## And more things to do.

- If the LA decides on option 2 (to amend to the EHCP) they should make the
- amendments as soon as possible ( CoP 9.78 & 9.94). This is now a draft EHCP

## The LA **must**:

- send to the parent/YP a copy of the unchanged version of the EHCP along with a notice outlining the proposed amendments.
- include the supporting evidence for the proposed changes. This may include 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) 9.94). They should also be informed of their right to meet with the LA to discuss the proposed changes.

# How can I be prepared?

- Know your key dates
- Use your Annual Review time line
- Know which professionals you would like to attend the meeting or to submit reports
- Take your EHCP sections checklist to the meeting
- Ensure that you have thoroughly considered how things are going at school and any difficulties you feel your child is having
- Ensure that your child has their say



# How can I be prepared?

- Discussion points for the Annual Review
- Section A Aspirations should be checked to see if they remain the same. There may be additional aspirations to be included perhaps due to new experiences, interests or circumstances.
- Section B New needs may have emerged or existing needs changed and/or are having an impact on other areas of their life (in or out of school). Or the parent or Children and young people may not feel their needs are described accurately or be a true representation of who they are. An example may be where a need has been described in the EHCP as a behaviour issue when the underlying reason behind the behaviour has now been identified as being due to a communication disorder or learning difficulty.
- Section C There may be a new diagnosis or on going investigations. Health conditions included may have stabilised or improved. Alternatively, what had previously been reported, as a relatively stable health condition may now be less so.
- Section D Change of circumstances may have occurred or a more up to date assessment has been completed that should be included. Parent/YP may request an assessment of their Social Care needs.
- Section E Outcomes are expected to last for 2 to 3 years but they still need to be reviewed to check they are still relevant, Smartened up or changed.
- (Short term targets will be reviewed and new targets set)

# How can I be prepared?

- Section F There should be provision to match each need included in B. Perhaps some of the provision did not occur or hasn't been as effective as expected or perhaps there's an alternative approach that could be tried.
- Section G Anything included here requires agreement by the LA from the Clinical Commissioning Group (CCG). Any health provision, such as Speech and Language Therapy, which educates or trains, must be included in Section F.
- Sections H1 & 2 Any provision included here will depend on what needs, if any have been included in Section D it must be reviewed and may have already changed since it was originally included.
- Section I If relevant, the suitability of the school (or placement) may be discussed. The parent/YP may want to ask for a different school or type of school if they believe it will provide a better match to their needs.
- Section J Any Personal Budget (PB) already in place should be reviewed particularly where provision has been amended. This is also an opportunity to request a PB if the parent/YP would like one.
- Look at the timeline handout from this meeting

# What help is available to me?

- Visit Camden SENDIASS website <http://www.sendiasscamden.co.uk/>
- Visit Camden Local Offer [www.localoffer.camden.gov.uk](http://www.localoffer.camden.gov.uk)
- IPSEA has lots of information on their website, plus details of helplines and Tribunal support service <https://www.ipsea.org.uk/>

Other charities include:

- Coram Children's Legal Centre <https://www.coram.org.uk/>
- SOS SEN <https://www.sossen.org.uk/>
- Contact <https://contact.org.uk/>
- Look for disability-specific charities in Contact's A-Z of conditions and learning disabilities
- Advice from a solicitor: [gov.uk/check-legal-aid](http://gov.uk/check-legal-aid) or instruct privately

# Contact us below

## **SENDIASS**

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We're here for you