

Understanding the Annual Review Process

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Overview

The Local Authority is obliged by law to carry out a review of an Education, Health and Care Plan (EHCP).

- A review must be carried out every year, within 12 months of the date of the last review or from the date the EHCP has been finalised.
- A review must be carried out within six months of the date of the last review if a child is **under the age of five**.

The Purpose of The Annual Review

- To review the specified provision, ensuring that it is producing good progress and access to teaching and learning.
- To focus on the progress made towards achieving the specific outcomes contained in the EHCP.
- To consider whether the outcomes and their supporting targets remain appropriate.
- To gather information to support future good progress and access to teaching and learning.
- To consider whether any changes are to be made. This includes any changes to outcomes, whether there is a need for more or different provision or a change of education setting.

The video below from the Council for Disabled Children shows the importance of the Annual Review and what needs to be involved in the process:

<https://youtu.be/D9n5EzYlwKA>

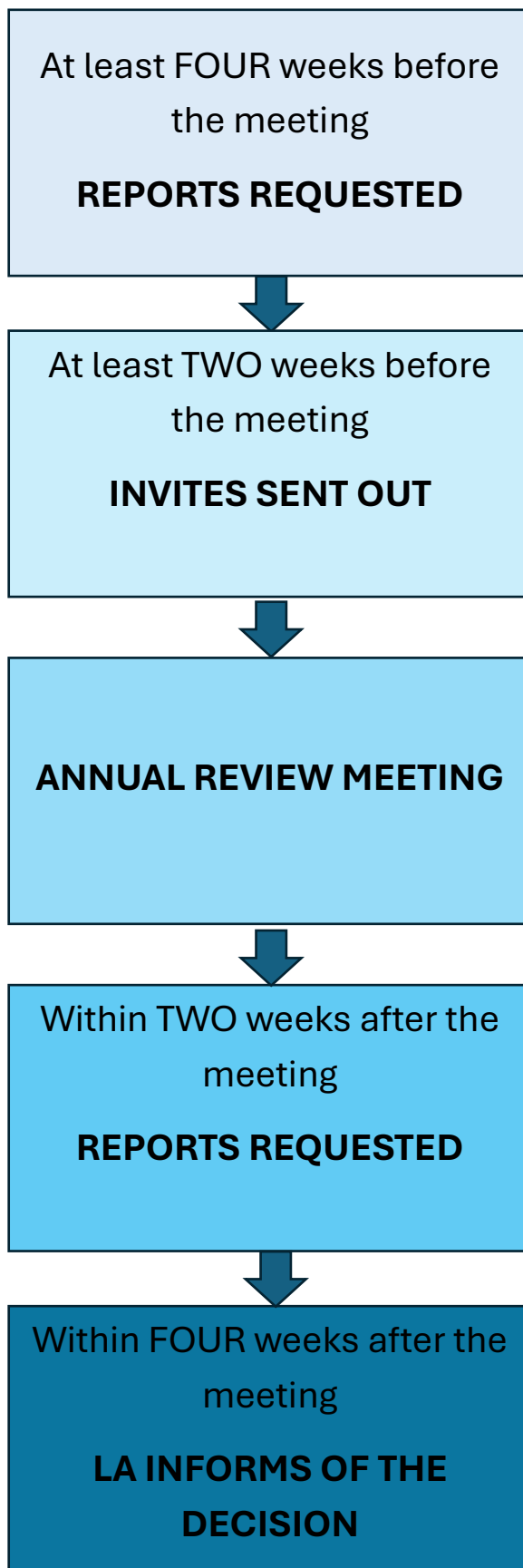
Process

There are 5 steps to the Annual Review process.

It is important to note that even though the Annual review is the responsibility of the Local Authority step 1-4 are usually delegated to the education provider to carry out.

If a child/young person is **Electively Home Educated** (EHE), or engaged in **Education Other Than at School** (EOTAS), attending **alternative provision** or is not currently on an educational setting's role/register, it is the Local Authority's responsibility to organise the meeting.

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They should adhere to the following five steps.

Step 1: Four weeks before the meeting is due to be held.

The education provider will write to all professionals involved with the child/young person including professionals employed by the school i.e. Speech and Language Therapist (SALT), Occupational Therapist.

They will also write to the young person and the parent/carer asking them to contribute their thoughts, wishes and feelings. This should include their views on the current arrangements and educational provision provided. You can also put forward any changes that you feel should be made to the EHCP. The response from the young person, parent/carer should then be sent back to the Education Provider within 2 weeks of the request being made.

Step 2: Two weeks before the meeting is due to be held.

The Education Provider or Local Authority will send out an invitation to the parents/carer of the young person and to the necessary professionals. A representative of the school will attend along with any professionals involved with their care, where relevant i.e.

- Local Authority SEN officer
- Health Service representative Doctor, Psychiatrist, Therapist
- Social Worker
- SALT
- Youth Offending Teams
- Job Coaches

The Education provider or Local Authority is required to circulate copies of all the reports they have received with the invitation. This would be reports from all the professionals contacted in *Step 1* of the process.

Step 3: The Annual Review meeting.

The Annual Review meeting must be set up as a **Person-Centred Planning Meeting**. The feelings and wishes of the young person and parent/carer will be heard. This means that the young person and parent/carer are fully involved in making decisions moving forward with the review.

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The focus of the meeting will cover the following points:

- a) Ensuring good Progress is being made towards achieving the outcomes.
- b) Establishing whether the current outcomes remain appropriate and if not agree new ones.
- c) Review the Special Educational Provision and the arrangement for delivering it, ensuring it is still appropriate and enabling good progress and access to teaching and learning.
- d) Review any health and social care provision and check its effectiveness towards achieving the outcomes.
- e) Check if the ambitions, aims or goals of the child, young person or their parents have changed (not just academically but future plans such as paid employment, independent living, community participation)
- f) Check if the parents/carers or young person would like a personal budget.

STEP 4: Within two weeks *after* the Annual review meeting has taken place.

The Education Provider 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 agreements.

This must be sent to everyone who had been invited and to the LA. Any reports written in contribution to the Annual review (teacher reports / professional reports / parent and child contributions made outside of the meeting) should be shared alongside the Annual Review documents with the EHCP co-ordinator.

STEP 5: Within four weeks *after* the Annual review meeting has taken place.

The Local Authority must inform the Parent/Carer and Young Person of their decision – they will either:

- Maintain the plan (continue with the plan as written, with the Annual Review being added to the EHCP as an appendix)
- Amend the plan (rewrite the EHCP so that it remains up-to-date and relevant to the child/young person's current needs – if the plan is to be amended, this must be completed **within eight weeks** of the review meeting)
- or cease the plan if it is no longer needed.

What is Person-Centred Planning?

An annual review must be undertaken in partnership with both the child/ young person and their parent/carer. It must take account of their views, wishes and feelings.

An annual review should focus on exploring a much more positive future for the child/young person. Person- centred planning allows for honest communication that is open and non-judgemental, where all views are welcome. It is important that the genuine views and opinions of those present at the meeting are heard with a view to creating positive changes.

The child/young person needs to be at the centre of the Annual Review and the education provider needs to ensure they are able to share their views in a way that is appropriate for them.

This should also include attendance at the meeting wherever possible.

Supporting them to share their views beforehand, using methods that are appropriate for them - a written or verbal contribution, a short PowerPoint presentation or audio or video recording.

Their contribution to the Annual review meeting would cover a range of these questions:

For children in Year 4 and below:

- What is important to me
- What people like and admire about me
- What I like
- What I dislike
- How best to support me
- People who are important to me

For children and young people in Years 5 and above:

- What I'm good at and my achievements and successes over the past year:
- What's important to me
- Things I like about me now
- What is working well for me now
- What I'd like to change
- My aspirations and goals for the future
- My aspirations/goals for further / higher education and/or employment
- My aspirations/goals for independent living
- My aspirations/goals for friendships, relationships and being part of the community
- My aspirations/goals to be as healthy as possible in adult life

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- How I need to be supported to be heard and understood: including any strategies, and adaptations e.g., visuals, gestures, PECs, Makaton, photographs etc.

Who should attend the Annual Review meetings?

An invitation to the Annual review meeting must be sent to the child's parents or young person, a representative from the education setting, a local authority SEN officer and where relevant, representatives from health and social care.

The Education Provider must attend the review. It is expected that all efforts are made to ensure that parents are available to attend. The child/young person who is the focus of the plan should be invited and supported to attend, if possible.

Professionals who are involved with supporting the plan, e.g. Speech and Language therapist, CAMHS practitioner, social worker, employment coach, will always be invited to provide their advice before the Annual Review meeting, and will attend if those services deem it appropriate to do so.

It is not always possible or necessary for local authority Education, Health and Care Coordinators and other professionals to attend Annual Review meetings. However, they will always do everything they can to attend when appropriate.

Please note that Southwark SEND Service will prioritise Education, Health and Care Coordinators' attendance to Annual Review meetings for children and young people who are:

- Looked after by the Local Authority
- At risk of permanent exclusion / change of education placement
- Not making expected progress towards the outcomes in their EHCP
- Approaching moving up a school (this is called phase transfer)

When are changes needed?

EHCPs are not expected to require frequent changes and updates. However, it is important that they remain specific and clear.

When they do need amending, rather than requiring a full re-assessment, there should be supporting evidence to inform any changes. These changes should be significant.

(EHCPs will always be amended in advance of a child/young person moving to a new educational setting. This is further detailed in the section below.)

A significant change in an Education, Health, and Care Plan (EHCP) typically refers to any substantial alteration in the child/young person's needs or circumstances that would require a modification of the support and services outlined in the plan.

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Here are some examples of what might constitute a significant change:

1. Change in Educational Needs: If there is a notable shift in the child's learning needs, such as a new diagnosis of a learning disability or a significant improvement or deterioration in academic performance, this would be considered a significant change.
2. Health Changes: Any ***specific** changes in the child's health status, such as the onset of a new medical condition, a significant change in an existing condition, or recovery from a condition that previously required support, would necessitate a review and potential amendment of the EHCP.
3. Social Care Needs: If there are ***specific** changes in the child's social care needs, such as a change in living arrangements, new safeguarding concerns, or the need for additional social care support, this would be a significant change.
4. Transition to a New Educational Setting: Moving from one educational setting to another, such as transitioning from primary to secondary school or from school to college, often requires significant adjustments to the EHCP to ensure the new setting can meet the child's needs.
5. Changes in Family Circumstances: Significant changes in the family situation, such as a move to a new area, changes in parental employment that affect the child's care, or other major family events, can also be considered significant changes.

**These changes are usually identified during the annual review process. However, they can be brought to the attention of the local authority at any time. The goal is to ensure that the EHCP remains relevant and effective in meeting the child's or young person's needs. **

Transition to Primary, Secondary and Post-16 setting.

If the child or young person is coming up to a change of school, the Local Authority must carry out the review well in advance of the move. This means:

- Children moving into primary education will have their plans reviewed and any amendments completed by 15th February (of the calendar year they will enter Reception class), **unless the EHCPs were only finalised within the last 6 months.**
- Children leaving an infant school and moving to a junior school, will have their plans reviewed in the Autumn or Spring term of Year 1. Their junior school will be named on the finalised plan by 15th February (of the calendar year they will go to junior school). *This does not affect children who attend an **all-through primary school** (e.g. where a child goes directly from Year 2 into Year 3 in the same school).*
- Children moving from primary to secondary school will complete their annual review in the Spring or Summer term of Year 5 so that their plans can be amended in advance of secondary transfer. Their secondary school will be named on the

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finalised plan by 15th February (of the calendar year they will go to secondary school).

- Young people moving into post-16 provision will have their plan finalised by 31st March of the calendar year they are going into Year 12. Annual reviews will ideally be carried out in the autumn term of Year 11 for amendments and consultation purposes.

Ceasing a Plan

Annual Reviews are an opportunity to celebrate the successes of a child/young person. This may include the child/young person no longer needing the support of an Education, Health and Care Plan (EHCP).

The purpose of an EHCP is to provide support for children and young people with special educational needs and disabilities.

When children/young people can have their needs met from provision that is ordinarily available in an educational setting, or where they are no longer involved with education, they no longer need an Education, Health and Care Plan. Some children/young people will have an EHCP for longer than others.

Local Authorities may cease to maintain an Education, Health and Care Plan under two grounds:

Ground one - the Local Authority is no longer responsible for the child or young person. This means:

- the young person has taken up full-time paid employment (excluding apprenticeships)
- the young person has started a higher education course (or other level 4 course)
- a young person aged 18 or over has left education and no longer wishes to engage in further learning
- the young person has turned 25 (Local Authorities have discretion to delay this until the end of the academic year in which they turn 25 years old)
- the child/young person moves out of the Local Authority area (though the new Local Authority may decide that it feels an EHCP is still necessary and may therefore choose to initiate a new EHC needs assessment)
- the child or young person has moved permanently outside England

Ground two - it is no longer necessary to maintain the EHC plan. This means:

- it is no longer necessary for special educational provisions to be made for the child/young person in accordance with an Education, Health and Care Plan.

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- The EHCP should only be ended if the child or young person has met all the education and training objectives specified in the plan.
- If a local authority is considering ceasing an EHCP they must let the child's parent or the young person know. The local authority must consult with the child's parent or the young person and the education setting named in the EHCP.
- If the decision is made to end the EHCP and the parent or young person does not agree with this, they can appeal to the SEND Tribunal. The EHCP will continue to be maintained until there is a decision from the tribunal.