



**IPSEA**  
Independent Provider of Special  
Education Advice

# Annual review checklist

The annual review should follow the steps below, in the order they appear, in order to comply with the statutory requirements. The legal requirements are set out in the Special Educational Needs and Disability Regulations 2014, and there is also statutory guidance for local authorities (“**LAs**”), schools and colleges in the [SEN and Disability Code of Practice](#) (the “**Code**”). If the process is not followed, then the parent or young person can complain. You will see from the checklist who is responsible for what. Ultimately, it is the LA which is responsible for the annual review.

What	When	Regulations	Code	IPSEA notes
Invitation to attend the annual review meeting sent <sup>1</sup> to:  - parent or young person; - early years provider, headteacher or principal; - LA officer (education); - health care professional; - LA officer (social care).  Other individuals relevant to the review should also be invited (e.g. youth offending teams, job coaches).	At least two weeks before the meeting	Reg 20(2) and (3) or Reg 21(2) and (3)	Para 9.176	Although these people must be invited to attend, attendance is not compulsory. However, where the child or young person attends a school/other institution, the Code considers that reviews are most effective where the educational establishment leads the review.  If you have received less than two weeks' notice of the meeting date, you should consider asking to postpone the meeting so the procedure can be carried out properly.

<sup>1</sup> Where the child or young person attends a school or other institution this is sent by the head teacher/principal. In all other circumstances, the LA is responsible for the invitation.

Obtain information and advice from all invitees and circulate to all invitees. <sup>2</sup>	At least two weeks before the meeting	Reg 20(4) or Reg 21(4)	Para 9.167, 9.176, 9.177	<p>Again, if you have not received the required reports within two weeks of the meeting date, you should consider postponing the meeting.</p> <p>The information and advice should provide details about the child or young person's progress and their access to teaching and learning, and consider whether the special educational provision currently being made is effective. Parents, young people or professionals can make suggestions about changes that should be made to the EHC plan. Having this information and advice gathered before the meeting is crucial where amendments to the EHC plan are sought, and is one of the stages most often omitted or not properly complied with.</p>
Hold a meeting.	Once the invitations have been made and information shared as above	Reg 20(1) or Reg 21(2)	Para 9.176 and 9.177	<p>Prepare your own notes for the review meeting and set out what you think needs to change, so you can be sure everything you want to discuss is covered.</p> <p>It is important that a record of what was discussed and/or agreed at this meeting is kept. Parents or young people can take someone with them to support them. IASS can attend meetings with parents/young people.</p>

<sup>2</sup> Where the child or young person attends a school or other institution this is done by the head teacher/principal. In all other circumstances, the LA is responsible for obtaining and circulating this information.

Consider the child or young person's progress towards outcomes and whether the outcomes remain appropriate for the child or young person.	At the meeting	Reg 19(b), Reg 20(5), Reg 21(5)	Para 9.166, 9.167, 9.168, 9.176	The outcomes may require changing. If they have been achieved, or if they need to be changed, the LA should amend the EHC plan with new outcomes.
Consider what provision is required to assist the child or young person in preparation for adulthood and independent living.	At the meeting where the child or young person is in or beyond Y9	Reg 20(6) or Reg 21(6)	Para 9.176, 9.184, 9.185	Chapters 8 and 9 of the Code have useful detail on the kinds of planning for adulthood that schools, FE institutions and LAs must undertake
Prepare and circulate <sup>3</sup> to all invitees a written report setting out: - the recommendations on any amendments to be made to the EHC plan; - any difference between those recommendations and recommendations of others attending the meeting; - all the information and advice obtained about the child or young person.	Within two weeks of the annual review meeting	Reg 20(7)(8) and (9) or Reg 21 (7) and (8)	Para 9.176	The parents or young person must be sent a copy of this. Remember, if you think something is incorrect or is missing from this report, you can contact your LA to notify them.
LA decides whether to: - maintain the EHC Plan in its current form; - amend it; - cease to maintain it.	Within four weeks of the review meeting	Reg 20(10) or Reg 21(9)		LAs have a deadline by which they <b>must</b> make a decision. It's very important to make a note of this deadline.  If the LA fails to keep to this deadline, they are in breach of the law and you can make a complaint – see <a href="#">IPSEA's website</a> for more details and model letters.

<sup>3</sup> Again, where the child or young person attends a school/institution the head teacher/principal is responsible. In all other circumstances, the LA must do this

Where the LA decides to keep the EHC plan the same or cease to maintain it				
<p>If the decision is to keep the EHC plan the same or to cease to maintain it, the LA must also provide the parent with:</p> <ul style="list-style-type: none"> <li>- notice of their right to appeal to the First-tier Tribunal (Special Educational Needs and Disability) (the “<b>SEND Tribunal</b>”) and the time limits for doing so;</li> <li>- information about mediation;</li> <li>- information about the availability of disagreement resolution services and information and advice about matters relating to the SEN of children and young people.</li> </ul>	With the notice of their decision	Reg 20(11) and 21(10)	Para 9.199-9.210	Usually LAs will give reasons for their decision but, if this is not provided, you can ask for their reasons.
Where the LA decides to amend the EHC plan				
<p>If the decision is to amend the EHC plan, the LA must send a copy of the EHC plan to the parents or young person with notice of proposed amendments and include any evidence supporting the amendments. They must also inform the parent/young person of their rights to make representations about the content of the EHC plan and to request a particular school/institution.</p>	With the notice of their decision	Reg 20(10), 22(1) and (2)	Para 9.193, 9.194, 9.176	<p>This case <a href="#">R (L, M and P) v Devon County Council [2022] EWHC 493 (Admin)</a> confirms that the LA’s draft amendments must be sent at the same time as the decision notice.</p> <p>The Code says at para 9.176, “<i>If the plan needs to be amended, the local authority should start the process of amendment without delay</i>”.</p> <p>If the LA fails to send you the decision notice and proposed amendments within four weeks of the review meeting, they are in breach of the law and you can make a complaint – see <a href="#">IPSEA’s website</a> for more details and model letters.</p>

<p>Parents/young person can make representations about the content of the EHC plan and/or the proposed amendments, request that a particular school/institution is named, and request a meeting with an LA officer.</p>	<p>Must be given at least 15 days in which to do this</p>	<p>Reg 22(2)(c)</p>	<p>Para 9.195</p>	<p>See the section of IPSEA's website on choosing a school or college for more information.</p>
<p>LA issues final EHC plan or decides not to amend EHC plan after all.</p>	<p>As soon as practicable and within 8 weeks of the date the LA sent the EHC plan and proposed amendments to parents/young person</p>	<p>Reg 22(3) and (4)</p>	<p>Para 9.196, 9.197</p>	<p>The Code requires the LA to be clear on the face of the new EHC plan that it is an amended EHC plan, the date it was amended and also the date of the original plan. The minutes of the review and other information and advice obtained should be appended to the amended plan.</p> <p>If the LA fails to keep to this deadline, they are in breach of the law and you can make a complaint – see <a href="#">IPSEA's website</a> for more details and model letters.</p>
<p>The LA must also provide the parent with:</p> <ul style="list-style-type: none"> <li>- notice of their right to appeal to the SEND Tribunal and the time limits for doing so;</li> <li>- information about mediation;</li> <li>- information about the availability of disagreement resolution services and of information and advice about matters relating to the SEN of children and young people.</li> </ul>	<p>With the final EHC plan / decision not to amend the plan</p>	<p>Reg 22(5)</p>	<p>Para 9.198</p>	

**If the child/young person is approaching a phase transfer (e.g. primary to secondary):**

When the child or young person is going to transfer between phases of education, then there are statutory deadlines by which the review processes (including amending the EHC plan as necessary) *must* be concluded.

Reg 18(1) states:

*“[...] where a child or young person is within 12 months of a transfer between phases of education, the local authority must review and amend, where necessary, the child or young person’s EHC plan before—*

*(a) **31 March** in the calendar year of the child or young person’s transfer from secondary school to a post-16 institution; and*

*(b) **15 February** in the calendar year of the child’s transfer in any other case, and where necessary amend the EHC plan so that it names the school, post-16 or other institution, or type of school or institution, which the child or young person will attend following that transfer.”*

Reg 18(2) states:

*“Where it is proposed that a young person transfers from one post-16 institution to another post-16 institution at any other time, the local authority must review and amend, where necessary, the young person’s EHC plan **at least five months before that transfer takes place** so that it names the post-16 institution that the young person will attend following the transfer.”*

These deadlines cannot be extended because the LA hasn’t started the annual review in sufficient time to comply with the timeline. If you believe that your LA isn’t going to start the annual review process in time to comply with these long-stop deadlines, then you can make a complaint. [IPSEA’s website](#) has further details on how to complain, and details on how to contact IPSEA for further advice.