

# SEND PARTNERSHIP SERVICE

Special Educational Needs & Disability (SEND)  
Impartial Information, Advice and Support  
Service for Bath & North East Somerset



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

### What is an Annual Review?

The **Annual Review** usually brings together the main people involved in supporting your child or young person. The **Annual Review** meeting is one part of the process which is only completed once you have received a decision letter from the Local Authority. This factsheet will take you through the **Annual Review** process.

You might like to look at the short animation 'Education, Health and Care Plan Annual Review', which can be found at <https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-programme/useful-resources-publications/what-0>

If your child or young person has an **Education, Health and Care plan (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 of the plan every three to six months.

The statutory SEN Team is responsible for making sure that the review happens. They will ask your child or young person's educational setting to organise the meeting where the plan can be reviewed.

The **Annual Review** is a review of the **EHC plan**, rather than a general meeting to talk about your child or young person's progress. The review is for those people involved in your child or young person's education to:

- Talk about how your child or young person is doing and what progress they have made towards achieving the outcomes in their **EHC plan**.
- Look at the support that your child or young person has, and whether it's working or needs to change.

**Bath & North East Somerset Council**

Improving People's Lives



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- This is where you and your child can have an opportunity to contribute and suggest amendments.
- Review **outcomes** for the next year. **Outcomes** are about the difference that any support has made.

### Can a review happen more often than once a year?

Sometimes an **EHC plan** is reviewed before a full year has passed since the last review, you or the educational setting can request this. This could happen if your child or young person's needs have changed since the plan was last agreed, they are not making the progress that was expected or they are at serious risk of being excluded from their educational setting.

If a review is being held due to an emergency situation it will be necessary for everyone to have agreed that it will be '**the**' Annual Review so that rights of appeal to Tribunal are triggered for the parent/carer or young person if over the age of 16.

### Who is involved in the Annual Review?

The **Annual Review** usually brings together the main people involved in supporting your child or young person. This can include:

- you
- your child or young person
- staff from the educational setting, including your child or young person's teacher and/or Special Educational Needs Co-ordinator (SENCo)
- other professionals, such as health or social care staff
- a member of the statutory SEN Team
- anyone else you or your child or young person's Early Year's setting Leader, Head teacher or College Tutor thinks it may be useful to involve.

Some, or all, of these people may go to an **Annual Review** meeting. Those people who can't go will be asked to send a written report which shares their views. You may find the Annual Review checklist at the end of this factsheet useful.

The Annual Review is only completed once the LA has made a decision. It is not just the meeting at the educational setting.

### Before the Annual Review meeting

Before the **Annual Review** meeting happens, there is time for everyone involved, including you and your child or young person, to think about your child or young person's progress over the last year and what needs to happen in the next year. A **minimum of two weeks'** notice of the meeting is essential in order for this to happen.

### Your child or young person has a view too

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 all, or part of, the review meeting, where they may take

part in the discussions. It may be that they choose to bring a friend/advocate with them.

If your child or young person isn't able to go to the review meeting you can help them to give their views in another way. This could be in a drawing, a film clip or in writing; whatever works best for them.

Some of the main things for your child or young person to think about are:

- How they feel things have gone over the last year
- If they think they have the right support, and if not, what needs to change
- What they hope to achieve next year and in the future. This can be referred to as Aspirations, Outcomes and Preparing for Adulthood

### Hearing from other people

The head teacher or principal at your child or young person's educational setting will ask for written reports from:

- you
- your child or young person
- your child or young person's teachers
- other professionals invited to the meeting

All of the written reports should be sent to everyone invited to the review meeting. This should happen **at least two weeks** before the meeting date, to give everyone time to prepare.

### What do I put in my report?

Writing a report can seem daunting at first and it can be difficult to get things down on paper if there's a lot going on. If you're only able to do one thing, think about and answer these questions:

- What are your, your child's and your family's general views, wishes and feelings about how your child is getting on at the educational setting?
- Is your child or young person's needs being met? If not, what needs to change?
- Has anything changed for your child or young person, for example are new needs beginning to emerge, have they been diagnosed with a new condition or have family circumstances changed?
- What do you and your child or young person want to happen over the next year?

If you want to write a more detailed report, go through the plan section by section and make notes as you go along. Look at the following sections of the plan:

**Section E: Outcomes.** The main focus of an **EHC plan** is on the **outcomes** for your child or young person; in other words what difference is the support making to your child or young person's progress? It's really useful to look at the **outcomes** and see whether these have been met or do new ones need to be set?

**Sections B, C and D: Your child or young person's needs.** Does the plan fully describe what your child or young person's education, health and social care needs are now?

**Sections F, G and H: Support.** Look at all of the support your child or young person is getting. Is it enough, is the support still needed or does it need to change, is the information in the plan detailed enough?

**Section I: Placement.** Will your child or young person be moving to a new or different educational setting in the next two years? Think about where they will learn best, as well as practical things like how they will get to and from the educational setting (transport). Please see the Home to School Travel and Transport Guidance at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/575323/Home\\_to\\_school\\_travel\\_and\\_transport\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575323/Home_to_school_travel_and_transport_guidance.pdf)

**Long Term.** It can also be helpful to think more broadly about the long term; what your child or young person's aspirations are for their future and what they will need to help them reach their goals. This is known as Preparing for Adulthood and should be considered from the earliest age. It **must** be considered from Year 9.

### More about Outcomes

**Outcomes** should be SMART, (Specific, Measureable, Achievable, Realistic and Timed) for your child or young person, so that you can easily see if they have been achieved.

An **outcome** is the difference that an intervention will make to your child or young person. For example, a speech and language therapy outcome might be that your child or young person will be able to 'clearly say their name and age by the end of the summer term.'

**Outcomes** are **not** a description of the service or support that your child or young person is having, for example, providing three hours of speech and language therapy a week **isn't** an **outcome**. This is provision and should be in Section F.

### At the Annual Review meeting

The **Annual Review** meeting aims to bring together the main people involved in your child or young person's education. Everyone should have a copy of your child or young person's **EHC plan** and all the reports before the meeting and these should be used to guide the discussions. The meeting is usually at your child or young person's educational setting.

It might help to go to the meeting with a friend or supporter. We can sometimes support you at meetings too; contact us for more information about this. If someone goes with you to the meeting, ask them to take notes, to help you remember what was talked about and agreed. The length of the meeting will depend on how much there is to discuss and how many people are present.

After hearing everyone's views and reviewing the existing EHC plan, new **outcomes** may be agreed for the coming year. The head teacher or principal at your child or young person's educational setting will send a report to the Local Authority about the review and recommendations for any changes to the EHC plan. This must be sent to everyone who was invited to the meeting **within two weeks**, including the parent/carer and/or young person.

## Moving from pre-school to primary, primary to secondary school and then on to Post 16.

Moving from one phase of education to another can be a particularly challenging time so planning ahead is important.

Talk about your child's move to secondary school at your year 5 and year 6 **Annual Review** meetings and your young person's move to Post 16 at the year 9 and year 10 **Annual Review**.

From year 9 onwards the **Annual Review** meeting should also consider the four Preparing for Adulthood pathways: Education, Employment and Training, Independent Living and Housing, Keeping Healthy and Community and Relationships. Please contact us for more information or look at the Preparing for Adulthood website at <https://www.preparingforadulthood.org.uk/>

### After the Annual Review meeting

The educational setting will send the meeting report to everyone involved in the review **within two weeks** of the meeting.

The statutory SEN Team will then:

1. Review your child or young person's **EHC plan**, based on the report and recommendations from the meeting.
2. Decide whether or not to accept the recommendations.
3. Tell you and all the professionals involved what the decision is.

If the statutory SEN Team decides to change the **EHC plan**, they will write and tell you what they are proposing to change and why. They must do this **within four weeks** of the date of the **Annual Review** meeting.

You then have **at least 15 calendar days** to think about these proposed changes and inform the statutory SEN Team whether you accept the plan for the next year, or not.

**If you agree** with the changes, the statutory SEN Team will confirm and send out the updated **EHC plan**.

**If you disagree** with the proposed changes, the first thing to do is to talk to the statutory SEN Team. We can help you with this. If you can't reach an agreement, you then have the right to appeal through the **Special Educational Needs and Disability Tribunal (SEND)**.

If you have asked the statutory SEN Team to make changes to the plan after the **Annual Review** and they decide not to, you also have a right of appeal through the **Special Educational Needs and Disability Tribunal (SEND)**.

We can give you more information about the Tribunal process and other options, such as independent **mediation**.

## Where can I get further information, advice or support?

We can also help you with:

- Preparing for the **Annual Review** meeting.
- Support at the **Annual Review** meeting (though this depends on how busy our service is, so we can't guarantee this).
- Thinking about the move from one setting to the next.
- Deciding whether to ask for changes to an **EHC plan**.
- Working with the statutory SEN Team.

## Key legal points

These are some of the main laws around **EHC plans**. They come from section 44 of the **Children and Families Act 2014** (section 6) and the **SEND Code of Practice 2015** (section 9.166)

- EHC plans **must** be reviewed by the Local Authority at least once every 12 months.
- Reviews **must** focus on the child's or young person's progress toward achieving the **outcomes** specified in the **EHC plan**.
- The review **must** consider whether these **outcomes** and supporting targets remain appropriate.
- Reviews **must** be undertaken in partnership with the child and their parent/carer, or young person and must take account of their views, wishes and feelings, including their right to request a personal budget.
- The Local Authority **must** notify the child's parent/carer or the young person about the decision of the review meeting **within four weeks**.
- You have 15 calendar days to think about the proposed changes and inform the Statutory SEN Team whether or not you accept the **EHC plan**.
- Education health and care professionals **must** cooperate with the local authority during reviews.

## Useful Webpage

### Statutory Special Educational Needs (SEN) Team

<https://www.rainbowresource.org.uk/pages/0-5-years/education-health-and-care-plans/special-educational-needs-and-disabilities-send-education-education-health-and-care-ehc-plans>

## Glossary

### Annual Review

Under the Education Act 1996 local authorities had to carry out a review of every Statement of Special Educational Need at least once every 12 months.

Under the Children and Families Act 2014 local authorities must carry out a review of every EHC plan at least once every 12 months.

### Children and Families Act 2014

This law came into force on 1<sup>st</sup> September 2014. Part 3 of the Act sets out the new law on special educational needs and disability. The Act is supported by the SEND Regulations 2014 and the SEND Code of Practice: 0-25 Years. You can download a copy of the Act at <http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

### Education Health and Care Plan (EHC plan)

An EHC plan describes the special educational needs that a child or young person has and the help that they will be given to meet them. It also includes the health and care provision that is needed. It is a legal document written by the local authority and is used for children and young people who have high support needs.

### First Tier Tribunal (SEND Tribunal)

The First-tier Tribunal (Special Educational Needs and Disability) is a legal body. The Tribunal hears appeals from parents/carers of children with SEN, and young people with SEN, about EHC needs assessments and EHC plans.

You can find out more at <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

### Mediation

Mediation is a type of disagreement resolution. Every local authority must provide independent mediation to help parents/carers and young people resolve disputes with local authorities about:

- a decision not to carry out an EHC needs assessment
- a decision not to draw up an EHC plan
- the content of a final EHC plan or amended plan
- a decision not to amend an EHC plan
- a decision to cease to maintain an EHC plan.

Mediation must also be provided on the health and social care elements of an EHC plan.

You can find more information on mediation in the SEND Code of Practice 11.13 to 11.38.

### Must

The SEND Code of Practice says in Section i of the Introduction:

*...where the text uses the word '**must**' it refers to a statutory requirement under primary legislation, regulations or case law.*

This means that wherever the term 'must' is used all the organisations listed in Section iv of the Introduction to the Code have a legal duty to do what the Code says.



## **Outcome**

Section 9.66 of the SEND Code of Practice says:

An outcome can be defined as the benefit or difference made to an individual as a result of an intervention. It 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). When an outcome is focused on education or training, it will describe what the expected benefit will be to the individual as a result of the educational or training intervention provided.

## **SEND Code of Practice**

This is the statutory guidance that supports Part 3 of the Children and Families Act 2014.

It tells local authorities, early year's settings, schools, colleges, health and social care providers and others what they must and should do to identify, assess and provide for children and young people with SEN or disabilities.

You can download a full copy of the Code at

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

You can download a shorter version for parents/carers at

<https://www.gov.uk/government/publications/send-guide-for-parents-and-carers>

We have made all reasonable efforts to ensure that the information contained in this leaflet is accurate and up to date at the time of publication. It does not constitute legal advice and the SEND Partnership Service cannot accept any responsibility for any loss or damage suffered as a consequence of any reliance placed upon it.

**This document can be made available in a range of community languages, large print, Braille, on tape, electronic and accessible formats.**



## ANNUAL REVIEW CHECKLIST

**The Annual Review process is not just the meeting. The Annual Review does not finish until the Local Authority has produced an updated Plan (with or without changes)**

### Before Meeting

- Invitation sent (at least two weeks before meeting) Date: .....
- Reports received (at least two weeks before meeting) Date: .....

### All those invited to attend

Name	Reports Received	Attending
		Yes / No
		Yes / No
		Yes / No
		Yes / No
		Yes / No

### Annual Review Meeting

Date: ..... Time: .....

Location: .....

### Following Annual Review Meeting

Educational setting to send reports by (maximum of 2 weeks after meeting)

Date: .....

Local Authority Response (Maximum of 4 weeks after meeting)

Date: .....

Decision: EHCP remains same / EHCP to cease / EHCP to be amended

Parents must be given at least 15 days to respond (you can respond as soon as you wish within this time frame)

Date to respond by: ..... Completion date: .....

The LA must issue the amended Plan within 8 weeks of making their decision to update the plan.