

EHCP Annual Reviews

If you/your child has an Education, Health and Care Plan (EHCP) Solihull Local Authority (LA) StART 0-25 Team must review all EHCP's at least once a year to monitor progress and make sure the EHCP continues to meet the child/young persons needs.

The law requires all Education, Health and Care Plans are reviewed by the LA at least annually. This is usually referred to as the Annual Review. The exception to this is in Early Years, where EHCPs should be reviewed every 3 to 6 months (*CoP 9.178*).

The Annual Review is more than just a review meeting; it is a process that **must** be completed on or before the anniversary of when the EHCP was first issued, or the anniversary of the last review. The process has the 5 steps which are laid down in law.

Although the overall Review process is the LA's responsibility, it is usual practice for Steps 1 to 4 to be delegated by the LA to the school/setting/or other education provider, (*CoP 9.173-9.175*) referred to for the purpose of this document as the host.

Annual Reviews must be undertaken in partnership with the child and their parent or the young person, and must take account of their views, wishes and feelings, including their right to request a Personal Budget.

Although the annual review process is laid out in the Children & Families act 2014 and the Code of Practice 2014, the actual format of the meeting will differ from setting to setting but should cover the principles of a person centred review.

Before the Annual Review Meeting

Step 1

The host will write to all the professionals involved with the child or young person to ask for reports, which may also include specific professionals employed by the school. They **must** also write to the parent inviting them to contribute their views wishes and feelings & gather this information from the child/Young Person (YP). This should include their view of the current arrangements and provide an opportunity to discuss changes which the parent/YP may want to be made to the EHCP. These reports should be sent to the host within 2 weeks of the request being made.

Step 2

The host will then send out invitations to all those required to attend (*CoP 9.176*), **at least 2 weeks before the date of the Annual Review meeting**. The host is also required to circulate copies of all the reports they have received with the invitations. This will usually be the same people they contacted in Step 1 but may include others if it is thought their assistance or contribution may be required.

Reviews must focus on the child or young person's progress towards achieving the outcomes specified in the EHC plan. The review must also consider whether these outcomes and supporting targets remain appropriate.

During The Annual Review Meeting

Step 3

The Annual Review meeting **must** enable 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 & Section 19 Principles).

The Annual Review is required to check all sections of the EHCP not just the educational targets and provision. It can provide an opportunity for parents and young people to request changes and updates. It may also be that what you expected to happen, based on your understanding/interpretation of various elements of the EHCP has not been delivered exactly as you had anticipated.

The meeting:

1. **must** focus on progress made towards achieving outcomes
2. **must** establish whether the current outcomes remain appropriate and if required agree new ones
3. **must** review the short-term targets and set new ones
4. **must** review the special educational provision, how it is delivered, ensuring it is still appropriate & is enabling good progress
5. review any health and social care provision and check its effectiveness towards achieving the outcomes
6. check if the aspirations have changed (consider them in the context of paid employment, independent living and community participation (CoP 9.69)
7. **must** check if the parent/YP would like to request a Personal Budget.

The meeting should ensure that points 1-7 are covered and that school don't simply focus on how things have gone in the past year in school.

After The Annual Review Meeting

Step 4

After the meeting the host **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 consensus. This **must** be sent to everyone who had been invited and the LA within **2 weeks** of the meeting taking place.

Step 5

Upon receiving the report the LA has to decide which one of the 3 following options applies.

1. Should the EHCP remain unchanged
2. Does the EHCP need to be amended
3. Should the EHCP be ceased

The LA must inform the parent/YP of their decision within **4 weeks** from the Annual Review meeting (which should be held no later than the anniversary of either when the EHCP was first issued or the last review meeting).

What happens next?

If the LA decides on option 1 or 3 (CoP 9.176) – refuse to amend or cease to maintain - they must inform the parent/YP of the following:

- ✓ their right of appeal to the tribunal and the time limits for this to take place
- ✓ the requirement for them to consider mediation if they decide to appeal
- ✓ their right to receive information, advice and support

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 – amend the EHCP - they should make the amendments as soon as possible. (CoP 9.193 -9.198)

The LA **must**:

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

Once the LA has received its response from the parent/YP, within **8 weeks** of when they informed the parent/YP of the proposed changes, the LA **must** either issue an amended EHCP or inform parents/YP they will not be amending it and give their reasons why and inform parents/YP of:

- ✓ their right of appeal to the tribunal and the time limits for this to take place
- ✓ the requirement for them to consider mediation if they decide to appeal
- ✓ their right to receive information, advice and support

If the amended EHCP is issued it should

- clearly state it is an amended version and be dated.
- be clear which parts have been amended.
- have attached to it the additional reports and the minutes from the review meeting.
- still clearly state the date the original EHCP was issued as this will still be the date that determines when the next Annual Review is to be completed by.

The LA **must** also inform the parent or young person of:

- ✓ their right of appeal to the tribunal and the time limits for this to take place
- ✓ the requirement for them to consider mediation if they decide to appeal
- ✓ their right to receive information, advice and support.

This is particularly important if the parent or young person is unhappy or not satisfied with the changes that have been made to the EHCP.

Additional Notes

The Annual Review is the opportunity for parents & YP to reflect on the past year in terms of:

- ✓ What's working/not working (whose perspective this is);
- ✓ What's Important now and in the future (things they enjoy and want to continue doing);
- ✓ What's important for them (what good support looks like specifically for their situation and circumstances)

Make notes before the Annual Review meeting; include examples to illustrate your points. Where you identify things that are not working well, try to think of helpful suggestions that might be worth exploring or trialling as an alternative.

It is important to understand that the content of an EHCP is evidence based; EHCPs are not expected to require frequent changes and updates (CoP 9.193). However when they do need amending, there should be supporting evidence to inform any changes.

Evidence can include:

- reports from professionals'
- school assessments and observations
- monitoring of progress
- minutes/notes from meetings

If there are any new reports, parents/YP can include them in the information they're providing. If you are waiting for reports or appointments, make sure a reference is made to them & ensure they are sent to the local authority as soon as possible.

Prepare for the meeting by:

- ✓ going through all the reports sent out prior to the Annual Review meeting.
- ✓ consider any issues or questions arising from the reports that you would like discussed at the Annual Review meeting.
- ✓ look again at the outcomes included in the EHCP to check they are still relevant or if they need to be changed or modified in some way.
- ✓ check if the aspirations are still the same.
- ✓ Consider the different ways that your child and young people can be involved in the meeting. Check with them if the school is helping with this – has anyone gathered their views?
- ✓ Consider how you would like to be supported at the meeting. Do you need a scribe, someone to take notes, someone to speak for you /to be your voice? (SENDIAS & IS offer this support both are free & impartial)
- ✓ ask the host of the meeting nearer the date for details of who will be attending

Parents can ask the school at any time, for a copy of their child's timetable clearly marked to show when support is being provided, by who, in class or withdrawn from class, 1 to 1 or small group (size of group) etc. to help them understand when and how their child is being provided with support in school.

General tips for meetings

1. Try and anticipate what possible issues might arise
2. Write down important points & key questions you would like answered
3. Use a Highlighter to identify what you feel needs to be amended/removed in the EHCP.
4. Ensure the host is aware of any additional needs you have beforehand e.g. can't walk too far, can't manage stairs, cannot concentrate/sit for more long i.e. will need a break.

Additional information to be aware of regarding Annual Reviews

Whilst this is a guide to the basic process for Annual Reviews, there are some variations relating to particular age groups or specific situations to be aware of.

These relate to:

- children moving from one phase of education to another - their EHCP **must** be amended by the **15th February**
- Children and young people moving to Post 16 provision - their EHCP **must** be amended by the **31st March**.
- Children in Year 9 (and following years) – their Annual Reviews are to be treated as Preparing for Adulthood (PFA) and **must** include consideration for employment, independent living and their inclusion in their community and society. If they have a preferred Post 16 setting, they must be invited to the Annual review meeting.
- when a child and young person doesn't attend a school or other type of education provision, the LA must convene & host the review meeting

(For more information please check the relevant sections in the CoP 9.166-9.210)

An early Annual Review (sometimes known as an Interim/Emergency Review) can be requested by you if:

- there is a sudden change in needs or circumstances
- the placement is at risk of breaking down

If this request is refused and you are concerned, you can ask for a reassessment needs instead. If the LA refuses to reassess, you have a right of appeal to the Tribunal.

Solihull SENDIAS – Our Role

Don't hesitate to contact Solihull SENDIAS if you feel you need support. You can call us on **0121 516 5173** or email solihullsendias@family-action.org.uk

At the Annual Review meeting (Step 3)

All the preparation beforehand should mean you (the parent, child or young person) are as ready as you can be for the meeting, you should be involved with every decision that needs to be made. We can help you throughout the Annual Review process to have a good understanding of what good support looks like, understand any reports, to understand everything that is being said this includes explaining any terms, acronyms or jargon, we will ask everyone to stick to plain English.

At the end of the meeting we will check with you that everything you wanted to say or discuss has been covered and that you understand what is going to happen next.

After the Annual Review Meeting (step 4)

We can go through the meeting report with you and make sure that it isn't just a general summary but does record differences of opinions relating to recommendations for updates and amendments. If there are major concerns over the content, then we help you put your concerns in writing as soon as possible to the local authority.

The LA's decision (step 5)

We can go through the LA's decision and make sure you're aware of your right of appeal if they decide not to amend or to cease the EHCP.

If the local authority decides to amend the plan then we can make sure you understand why the changes are being made and that you agree with them. We can also support you to request additional amendments.

Annual Reviews: Timetable

Step 1

The school (or host) obtains advice and information about the Child/Young Person

2 weeks

Step 2

The school (or host) circulates the reports received along with the invitations to attend the Annual Review meeting.

2 weeks

Step 3

The Annual Review meeting will consider:

- ✓ the C/YP's progress towards achieving the outcomes specified in their EHCP
- ✓ whether the outcomes still remain appropriate
- ✓ if their aspirations have changed
- ✓ review and set new short term targets
- ✓ whether any changes need to be made to the provision including if the placement is still appropriate

2 weeks

Step 4

Following the meeting the school (or host) **must** prepare a report that includes recommendations for amendments to the EHCP including details where views differ. This **must** be sent to everyone invited to the meeting, including the LA within 2 weeks.

Step 5

The LA has 2 weeks (4 weeks from the date of the meeting) to decide to leave the plan unchanged, amend it or cease it and inform the parent, the YP and the school/setting of its decision.

2 weeks