

Annual Review

What is an Annual Review?

The purpose of an EHCP Annual Review is to ensure that the contents of the plan are still relevant and are helping your child to make progress towards their aspirations and the outcomes as specified in the plan. It is an opportunity to look closely at the plan, and make sure it is helping your child to achieve what they would like to be able to do as they get older.

You will be able to propose any changes you would like to see made to their plan, for example with the support that is provided or with the outcomes themselves.

You can watch the Council for Disabled Children's video 'What is an Annual Review?'

<https://www.youtube.com/watch?v=D9n5EzYlwKA>

When should an EHC plan be reviewed?

EHC plans must be reviewed at least every 12 months, though you can request an early review with the local authority if you have any concerns or there are any changes to your child's needs.

Where an EHC plan is amended, the following review must be held within 12 months of the date of issue of the original EHC plan or previous review (not 12 months from the date the amended EHC plan is issued). (SEND Code of Practice 2015 9.197)

For children and young people moving between phases of education (early years to primary and primary to secondary etc) the Annual Review and any amendments, including the name of the setting they will attend in September, must be completed by 15 February in that year. For young people moving on from secondary school to further education or training this must be completed by 31 March.

You can ask for a re-assessment of your child's needs. This is helpful if their needs have changed significantly since the EHC plan was first issued, the professional advice used to write the plan needs to be updated, or the provision is no longer meeting needs.

The SEND Code of Practice 2015 says:

EHC plans should be used to actively monitor children and young people's progress towards their outcomes and longer-term aspirations. They must be reviewed by the local authority as a minimum every 12 months. 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.
(9.166)

The review process will enable changes to be made to an EHCP, so it remains relevant to the needs of the child or young person and the desired outcomes. There may be occasions when a re-assessment becomes appropriate, particularly when a child or young person's needs change significantly. (9.186)

you or your young person will be invited and given 2 weeks' notice to attend the review meeting, usually held at the educational setting.

Other professionals involved across education, health and care services will also be invited to attend and to update information about your child, as part of the review. These reviews should be combined with Social Care reviews where possible.

Ahead of the meeting, you will be asked for your views and those of your child. The school or setting will seek advice and information about your child from all parties invited and circulate any information gathered before the meeting. Think about anyone you would like to invite to either attend the review, or to provide any updated information about your child.

It is important that you are able to share your views, and to participate in the review process. Your child's wishes and feelings must be considered during the annual review - your child is able to attend the review meeting to have their say if they wish, and this is particularly encouraged from year 9 onwards in preparation for adulthood. If your child does not want to attend think about other ways they could express their views, for example recording a short video clip.

What to think about when preparing for the review meeting

- What progress has your child made towards the outcomes in their plan?
- If your child has not made progress in some areas, what do you think needs to change? Are new strategies of support needed, or perhaps some new advice?
- Is the learning setting still appropriate?
- Have there been any new assessments or observations?
- Have any new needs been identified?
- Have any of the outcomes been achieved?

The Annual Review Meeting

The review meeting must focus on progress towards the outcomes laid out in the plan, whether they remain appropriate and what changes might be needed.

Interim targets should be reviewed, and new targets set for the coming year. You will be able to propose any changes you would like to see made to the plan, for example with the support that is provided or with the outcomes themselves.

Following the meeting, the review paperwork will be circulated to you, the Local Authority and anybody else who attended the meeting, within two weeks. This report must include recommendations on any amendments required to the plan and highlight any areas of disagreement.

The local authority will then review the paperwork and make one of three decisions:

- to leave the plan unchanged
- to amend the plan

- to cease the plan

An EHC plan will only cease for example, where the outcomes have all been achieved, where the young person does not want to continue in further education or training (it will cease if a young person goes to university) or where they are over the age of 25.

The LA have 4 weeks from the date of the Annual Review meeting to let you know their decision. If they decide to amend the plan, they should start the process without delay.

You will be sent the original plan plus the proposed amendments. You will have 15 calendar days to respond or comment on the amendments, and you will also be asked to request a particular school to be named in the plan.

Within 8 weeks of sending the proposed amendments, the local authority must issue an amended plan, or let you know they have decided not to amend the plan after all.

Preparing for Adulthood

The SEND Code of Practice 2015 says:

Local authorities must ensure that the EHC plan review at Year 9, and every review, thereafter, includes a focus on preparing for adulthood. It can be helpful for EHC plan reviews before Year 9 to have this focus too.

Planning must be centred around the individual and explore the child or young person's aspirations and abilities, what they want to be able to do when they leave post-16 education or training and the support they need to achieve their ambition. (8.9)

It is expected that preparation for adulthood begins from year 9 as part of the Annual Review. The local authority has to provide support to enable you to plan ahead as your child approaches their 18th birthday, so there are no gaps in services.

Preparing for adulthood reviews should include discussion about support with:

- further learning, training or employment
- living independently
- planning health services and support to maintain good health
- how to take part in society including using transport, help to find activities and with friends and relationships

Section 58 of The Care Act 2014 places a duty on local authorities to carry out an assessment of a child's needs where this would be of 'significant benefit' to the child, and if it is likely they will have care and support needs when they turn 18.

As part of your child's Annual Review, you could ask for an assessment of their care needs in preparation for adulthood. The local authority can be flexible with the timing of the assessment, and they decide whether and when there is 'significant benefit' to assessing needs.

Where a young person has Autism, they have a right to a community care assessment and their parents a right to a carer's assessment.

The duty lies with the SENCO (or in college with the named SEN person) to build this into 'preparing for adulthood' reviews.

Personal Budgets

Parents, carers and young people have the right to request a personal budget during the Annual Review process. A personal budget gives families greater choice and control of provision within an EHC plan. A personal budget for educational provision cannot cover payment for a place at the school or college. A personal budget can include any top-up funding (known as element 3 funding). It can include support that is managed by the school or college but only if the Head teacher or Principal agrees.

You can find out more about what can be included in a personal budget in sections 9.110 to 9.118 of the SEND Code of Practice 2015.

Sometimes the local authority or health authority may not agree to a personal budget. If the local authority refuses a personal budget for special educational provision it must tell you why. You cannot appeal to the SEND Tribunal about this.

See our Personal Budgets Information Sheet for more information about personal budgets.

Time Scales

The Local Authority are expected to follow the lawful process and timescales set out above (outlined from chapter 9.166 in the SEND Code of Practice 2015), however our advice is to speak to them initially to find out what is causing a delay. If you are unhappy that a timescale has been missed, and particularly where the delay is preventing support or planning of support, you could complain to the Local Authority and if you are dissatisfied with their response, to the Local Government & Social Care Ombudsman.

IPSEA have some useful model letters on this subject:

<https://www.ipsea.org.uk/complaining-when-the-la-has-not-completed-an-annual-review>

What if I disagree with the Annual Review decision?

If you disagree with a local authority decision to leave the plan unchanged; to amend the plan; (or with the proposed amendments); or to cease the plan following Annual Review you have the options of going to mediation and/or appealing to the SEND Tribunal.

You have two months from the date of the decision letter to make an appeal.

Read our information about appealing an Annual Review decision in our information sheet:

Appealing Against a Local Authority Decision Following Annual Review of an EHC Plan, appeal pack also available.

For further information and advice, contact your local SENDIASS Service



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