

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

Key Legal points

- If your child or young person has an Education Health and Care Plan (EHCP) it **must** be discussed and reviewed at least once a year.
- The **Annual Review Meeting** is a review of the plan, rather than a general meeting to talk about your child or young person's progress
- The Annual Review process is only completed once the LA has considered the recommendations from the meeting and informed you of its decision. There are time frames which govern this.
- The review looks at the progress your child or young person has made, the support they get and the difference that has made to them (their **outcomes**).
- Hearing yours and your child or young person's views is an important part of the review. The main people involved in supporting your child or young person in their educational setting will be asked for their views too.
- Everyone must be given **at least two weeks'** notice of the meeting.
- Everyone involved will be asked to write and share their views ahead of the meeting, including you and your child or young person.
- Any information gathered must be shared to all those invited **at least two weeks** before the meeting.
- The main review takes place at a meeting, usually at your child or young person's educational setting.
- At the meeting, everyone should have a copy of your child or young person's EHC plan and it should be used to guide the discussions.
- After the meeting, a report about what was discussed and agreed is sent to the statutory SEN Team at the Local Authority.

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- The statutory SEN Team will write and tell you about any changes they want to make to the plan and why.
- You have **15 calendar days** to think about the changes and tell the statutory SEN Team whether you accept the plan, or not.
- If you disagree with the changes, and can't come to an agreement with the statutory SEN Team, you have the right to appeal.

What is an Annual Review?

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.
- Set some **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. This could happen if:

- Your child or young person isn't making the progress that was expected
- Their needs have changed a lot since the plan was last agreed
- Your child or young person is 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.

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
- someone from the statutory SEN Team
- anyone else you or your child or young person's Head teacher 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.

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 can take part in the discussions.

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.

Hearing from other people

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

- you (you may be given a form to help you do this)
- 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 general views, wishes and feelings about how things are going at the educational setting?
- Are 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 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 not.

Sections B, C and D: Your child or young person's needs. Does the plan 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 up to a new 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 educational setting (transport).

Long Term. It can also be helpful to think more broadly about the long term; what you child or young person wants for their future and what they will need to help them reach their goals.

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 speech and language therapy will make to your child or young person. So, an **outcome** could 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, three hours of speech and language therapy a week **isn't** an **outcome**.

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.

Some parents/carers find review meetings a bit intimidating, and it can sometimes feel like it's hard to get your child or young person's and your views across. Being there and sharing your views can really make a difference though.

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. Meetings usually last around an hour, though this will depend on how much there is to discuss and how many people are at the meeting.

After hearing everyone's views and looking at the progress made over the last year, new **outcomes** may be agreed for the coming year. The head teacher at your child or young person's educational setting will send a report to the Local Authority about the review and their 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 young person.

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

Moving up to secondary school 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 from year 9.

From year 9 onwards the Annual Review meeting should also consider the four Preparing for Adulthood pathways: Education, Employment and Training, Independent Living, Health and Community Inclusion. Please contact us for more information or look at the Preparing for Adulthood website [here](#)

After the Annual Review meeting

The meeting report is sent to everyone involved in the review, **within two weeks** of the meeting. This includes you, the SEN team and anyone who wasn't able to be at 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 to accept the head teacher's recommendations for next years' plan.
3. Tell you, the head teacher and 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 will 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 changes and tell 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 changes they're suggesting, the first thing to do is to talk to statutory SEN Team and suggest alternative wording. 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.

The law about EHC plan Annual Reviews

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**.

Education health and care professionals **must** cooperate with the local authority during reviews.

Useful Webpages

SEND Partnership Service

www.bathnes.gov.uk/sps

Statutory SEN Team

www.bathnes.gov.uk/services/schools-colleges-and-learning/support-parentscarers-educational/special-educational-needs

Preparing for Adulthood

www.preparingforadulthood.org.uk/

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 1st 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 [here](#)

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 [here](#)

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 [here](#)

You can download a shorter version for parents/carers [here](#)

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.