

ANNUAL REVIEWS FOR AN EDUCATIONAL HEALTH CARE PLAN (EHCP)

The Annual Review is the statutory (legal) process of looking at the needs and provision (i.e. what the school provides for its pupils to support their learning and progress in school) as specified in a child's/young person's Education Health & Care Plan (EHCP) and deciding whether any changes needed. This is to ensure the EHCP remains up-to-date and continues to provide the appropriate support and meets the needs of the child or young person.

TIMESCALES

The first review of the EHCP must be held within 12 months of it being finalised, and subsequent reviews must be held within 12 months of the previous review. This is not affected by an ongoing Appeal and, as such, the Annual Review still needs to take place, and can be an opportunity to try and resolve some of the issues in dispute.

If the child or young person is approaching a transition for example, moving from primary school to secondary school, the Local Authority must carry out the review well in advance of the move. There are statutory dates by which the review procedures must be completed, including any necessary amendments to the EHCP (refer to Special Educational Needs and Disability Regulations 2014, Regulations 18 (1 & 2)).

Annual Reviews can be brought forward by as much as 6 months if there are significant concerns or changes, or if an alternative school is being sought.

You must be given at least two weeks' notice of the date of the review meeting. Prior to the meeting, school should also seek written reports and advice from all those invited to the meeting, including the Parent's and child's/young person's views.

If you have received less than two weeks' notice of the meeting review date, you should consider asking to postpone the meeting so procedures can be carried out properly.

THE ANNUAL REVIEW MEETING

The review/meeting itself should be person centred, which means that it puts the child or young person at the centre of everything, and must fully involve the parent, child or young person to consider their views and feelings, especially when making decisions about their education. While it is the Local Authority's responsibility to ensure Annual Reviews take place, your child's school will arrange the meetings and invite the relevant people (which must include the child's parent(s) and the young person themselves if possible, and if they are over 16).

It is a good idea to prepare notes for the meeting (e.g., what do you want to see changed? etc.) so you do not forget anything and can ensure everything you want to discuss is covered.

Points to be reviewed, considered, and discussed in an Annual Review meeting should be:

- the progress made towards achieving outcomes (Section E of the EHCP).
- whether current outcomes remain appropriate or need amending.
- review short term targets and agree new ones.
- review the SEN provisions and how they are implemented to ensure they are still appropriate and are enabling progress.
- review any health and social care provision, if appropriate.
- consider and review aspirations. Have they changed?

Two more significant questions to be should be answered:

- Is an EHCP still required.
- Is the school placement still appropriate.

The school should not only focus on how things have been in the past year in school.

It is also a good idea to take notes of what was discussed. You may want to take a friend or a Family Support Adviser from Families InFocus (Essex) to support you at the meeting.

AFTER THE MEETING AND NEXT STEPS

It is also a good idea to take notes of what was discussed. You may want to take a friend or a Family Support Adviser from Families InFocus (Essex) to support you at the meeting.

After the meeting the school must complete the Annual Review paperwork which includes any recommendations for amendments to be made to the EHCP. This should also include any differences of opinion and any parent requests.

This paperwork must be sent to the Local Authority and everyone who had been invited to the review within 2 weeks of the meeting taking place. If you think something in the paperwork is incorrect or missing, then please notify the Local Authority as soon as possible.

Upon receiving the Annual Review paperwork, the Local Authority must then decide whether the EHCP:

- a) should remain unchanged
- b) needs to be amended
- c) should be ceased

The Local Authority must inform the parent/young person of this decision within 4 weeks from the Annual Review meeting.

If the Local Authority fails to meet these deadlines, they are in breach of the law, and you can make a complaint. Refer to IPSEA's website, www.ipsea.org.uk for more details and model letters.

If the Local Authority decides the EHCP should remain unchanged or should be ceased, then they must inform the parent/young person of the following:

- their Appeal rights 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 further information, advice, and support

If the Local Authority decides to amend the EHCP, they must send a copy of the proposed EHCP to the parents or young person and include evidence supporting the amendments. They must seek the parent/young person's agreement (or otherwise) to the amendments in the proposed EHCP and must inform them of their rights to request a particular school/institution.

Once an EHCP has been finalised, if you are still unhappy with any of the content (including the school placement named), then you can Appeal Sections B, F and I within two months of the date of the final decision letter. (Please see our information page on Appeals).