



Annual Reviews

There is a requirement for all Education, Health and Care Plans (EHC plans) to be reviewed by the Local Authority at least annually. This is usually referred to as the Annual Review. In Early Years EHC plans should be reviewed every 3 to 6 months (SEND Code of Practice 9.178). [SEND Code of Practice January 2015.pdf \(publishing.service.gov.uk\)](https://www.gov.uk/publishing.service.gov.uk/SEND-Code-of-Practice-January-2015.pdf)

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 EHC plan was first issued or the anniversary of the last review. It is laid down in law and in the SEND Code of Practice.

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, (SEND CoP 9.173-9.175) referred to for the purpose of this document as the host.

Step one

SEND Code of Practice 9.166: 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.

The host will write to all the professionals involved with the child or young person, which may also include specific professionals employed by the school. They must also write to the parent/young person inviting them to contribute their views, wishes and feelings. This should include their view of the current arrangements and provide an opportunity to discuss changes which the parent/young person may want to be made to the EHC plan. These reports should be sent to the host within 2 weeks of the request being made.

Step two

The host will then send out invitations to all those required to attend (SEND 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.

Step three

9.168 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. Please see our fact sheet on personal budgets for more information.



The Annual Review meeting should be held in the style of a person-centred planning meeting but in whatever format the meeting takes it 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 and Section 19 of the Children and Family Act Principles). Ensure that points 1-7 below are covered and that the school don't simply focus on how things have gone in the past year in school.

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 and the arrangements for delivering it to ensure it is still appropriate and 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/young person would like to request a Personal Budget.

Step four

After the meeting the host must prepare a report that includes any recommendations for amendments to be made to the EHC plan. 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 five

Upon receiving the report from the school, the LA has to decide which one of the 3 following options applies. Whether the EHC plan:

1. should remain unchanged
2. needs to be amended
3. should be ceased (9.199-9.210) 9.168

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. The LA must inform the parent/young person of this decision within 4 weeks from the Annual Review meeting and this date should be no later than the anniversary of either when the EHC plan was first issued or the last review meeting.



What happens next

If the LA decides on option 1 or 3 (SEND CoP 9.176) they must inform the parent/young person 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 EHC plan 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 EHC plan must be maintained until the hearing has taken place and they have given their decision.

If the LA decides on option 2 they should send the amendments within four weeks of the annual review meeting according to case law [High Court Judgment Template \(watkinssolicitors.co.uk\)](http://watkinssolicitors.co.uk).

(SEND CoP 9.193 -9.198). The LA must:

- send to the parent/young person a copy of the unchanged version of the EHC plan along with a notice outlining the proposed amendments.
- include the supporting evidence for the proposed changes. This may include 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/young person, within 8 weeks of when they informed the parent/young person of the proposed changes, the LA must issue an amended EHC plan and inform parents/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

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



Additional general information

EHC plans are not expected to require frequent changes and updates (SEND CoP 9.193). When they do need amending, rather than requiring a full re-assessment, there should be supporting evidence to inform any changes. However, a LA can refuse a request for a re-assessment if less than 6 months have passed since the last EHC needs assessment was conducted, or it thinks that a further EHC needs assessment is not necessary, for example because it considers that the child or young person's needs have not changed significantly. Although the annual review process is laid out in the Children and Families Act, and the SEND Code of Practice, the actual format of the meeting will differ from setting to setting but should cover the principles of a person centred review.

This factsheet is a guide to the basic process for Annual Reviews but 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 requiring their EHC plan to be amended by 15th February.
- Children and young people moving to Post 16 provision requiring their EHC plan to be amended by 31st March.
- Children in Year 9 (and following years) whose 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.
- Young people moving between Post 16 institutions must be reviewed and amended 5 months before the transfer is due to happen.
- When a child and young person doesn't attend a school or other type of education provision.
- When a child or young person has been released from custody.

The Annual Review is required to check all sections of the EHC plan 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 they expected to happen, based on their understanding or interpretation of various elements of the EHC plan, may not have been delivered exactly as they had anticipated.

Section A - aspirations should be checked to see if they remain the same. There may be additional aspirations to be included perhaps due to new experiences, interests or circumstances.

Section B - new needs may have emerged or existing needs changed and/or are having an impact on other areas of their life (in or out of school). Or the parent or child and young person may not feel their needs are described accurately or be a true representation of who they are. An example may be where a need has been described in the EHC plan as a behaviour issue when the underlying reason behind the behaviour has now been identified as being due to a communication disorder or learning difficulty.



Section C - there may be a new diagnosis or on-going investigations. Health conditions included may have stabilised or improved. Alternatively, what had previously been reported as a relatively stable health condition may now be less so.

Section D - change of circumstances may have occurred or a more up to date assessment has now been completed that should be included. Parent/young person may request an assessment of their Social Care needs.

Section E - outcomes are expected to last for 2 to 3 years but they still need to be reviewed to check they are still relevant, SMARTened up or changed. (Short-term targets will also be reviewed and new targets set). SMART stands for specific, measurable, achievable, realistic and time bound.

Section F - there should be provision to match each need included in section B. Perhaps some of the provision didn't occur or hasn't been as effective as expected or perhaps there's an alternative approach that could be tried. Provision should be clearly set out and specified.

Section G - anything included here requires agreement by the LA from the Clinical Commissioning Group (CCG). Any health provision, such as Speech and Language Therapy, that educates or trains must be included in Section F.

Sections H1 & 2 - any provision included here will depend on what needs, if any have been included in Section D. It must be reviewed and may have already changed since it was originally included.

Section I - if relevant the suitability of the school (or placement) may also be discussed. The parent/young person may want to ask for a different school or type of school if they believe it will provide a better match to their needs.

Section J - any Personal Budget (PB) already in place should be reviewed particularly where provision has been amended. This is also an opportunity to request a PB if the parent/young person would like one

For more information or tailored support, please contact IASS on 01344 354011 or IASS@bracknell-forest.gov.uk.