

Special Educational Needs
and Disability Information,
Advice & Support Service

sendiass

in Suffolk

Annual Review
(of an EHC plan)



Information,
Advice & Support
Services Network
for SEND

www.suffolksendiass.co.uk

What is an Annual Review?

The **SEND Code of Practice** says:

EHC plans should be used to actively monitor children and young people's progress towards their outcomes and longer-term aspirations... The review must also consider whether these outcomes and supporting targets remain appropriate. (9.166)

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

When should an EHC plan be reviewed?

EHC plans must be reviewed at least every 12 months. You can request an early annual review if you have concerns, for example, if you believe your child's needs have changed significantly or that the provision is no longer meeting their needs.

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**.

The **SEND Code** also says:

The review process will enable changes to be made to an EHC plan, 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 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 their needs.

The local authority can refuse where assessment has taken place within the last six months or where they have decided that re-assessment is not necessary. Re-assessment is the same process as for the first EHC needs assessment, including the right of appeal. You can read more about the process in chapters 9.186 to 9.192 of the SEND Code of Practice.

Preparing for adulthood

The **SEND Code of Practice** 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)

Where young people have EHC plans, local authorities should consider the need to provide a full package of provision and support across education, health and care that covers five days a week, where that is appropriate to meet the young person's needs. (8.39)

When reviewing an EHC plan for a young person aged over 18, the local authority must have regard to whether the educational or training outcomes specified in the EHC plan have been achieved. (9.171)

Section 58 of The Care Act 2014 says local authorities must carry out an assessment of a child's care 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.

The local authority should make sure they plan ahead as your child approaches their 18th birthday, so there are no gaps between child and adult services.

The review process

The Annual Review is more than just a meeting and preparation is key to getting the most out of the process.

Invitations to attend

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

Professionals involved across education, health and care services will also be invited to attend and share up-to-date information about your child or young person as part of the review. These reviews should be combined with Social Care reviews where possible.

Seeking views

Ahead of the meeting you will be asked for your views and those of your child. The school or setting will seek advice from all parties invited and circulate any information gathered at least two weeks before the meeting.

Think about anyone you would like to invite either to attend the review, or to provide any updated information about your child.

It is really important that you are able to share your views and participate in the annual review process. Your child's views wishes and feelings must be taken into account during review. Your child or young person might find it difficult to share these - we have some information and resources on our website about person-centred planning and how to support children and young people to express their views:

www.suffolksendiass.co.uk

What to think about when preparing:

- 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?

Meeting and discussing

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.

The Council for Disabled Children (CDC) also have some useful resources explaining the Annual Review process and the importance of person-centred planning: www.councilfordisabledchildren.org.uk

Requesting a Personal Budget

Parents, carers and young people have the right to request a personal budget during the annual review process.

You can read more about the process including the Personal Budget policy in Suffolk within the "Assessments, Education, Health and Care Plans" section of the local offer website: www.suffolklocaloffer.org.uk

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. It can include support that is managed by the school or college – but only if the Headteacher 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. If you are considering a Personal Budget, or want to request one, talk to your Family Services Coordinator at the local authority.

Sometimes the local authority or the 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 over this refusal.

You can read more about personal budgets on our website, including a leaflet you can download: www.suffolksendiass.co.uk

After the meeting

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

What happens next

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 (will cease if a young person goes to University) or where they are over the age of 25.

They 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 do this without delay **although there is no time limit for this**. 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. You can request a meeting with your Family Services Coordinator, to discuss the proposed changes.

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.

Appealing a SEN decision following annual review

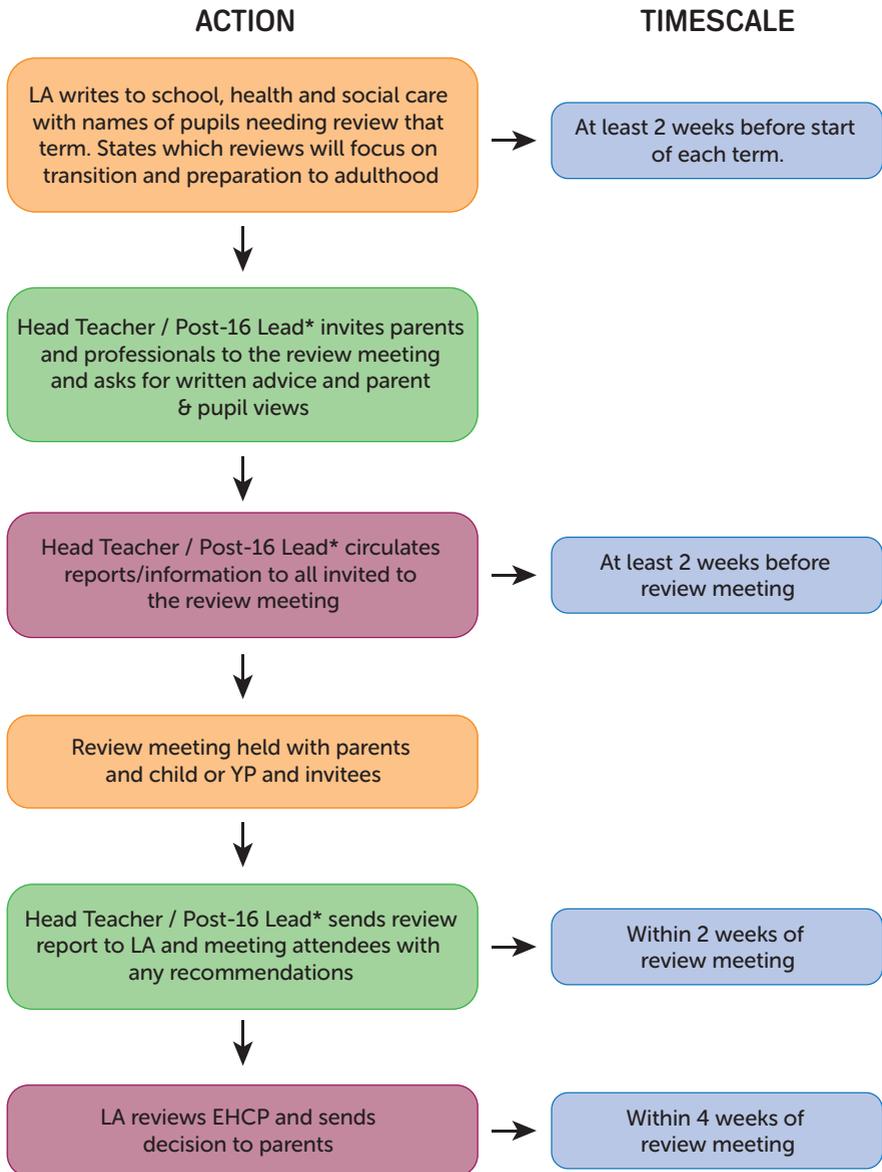
If you disagree with a local authority decision to leave the plan unchanged, to amend the plan or to cease the plan following an annual review you have options of going to mediation and/or appealing to the SEND Tribunal. You have two months from the date of the decision letter to register an appeal.

We have some information on our website about mediation and appealing:

www.suffolksendiass.co.uk



EHC plan Annual Review



LA = Local Authority YP = Young Person

*This responsibility may be delegated to the SENCO.

For children and young people who do not attend a setting the LA will manage the review and circulate information to all parties.

Where can I get more information, advice and support?

Find out more by:

- Reading our information online about Education, Health and Care plans and the Annual Review process: www.suffolksendiass.co.uk
- Reading more about the Annual Review process in Suffolk within the "Assessments, Education, Health and Care Plans" section of the the Local Offer website: www.suffolklocaloffer.org.uk , including how to contact the Family Services Team.

SENDIASS can give you:

- information about the Annual Review process
- advice about preparing for an Annual Review
- support with what to do if you disagree with an Annual Review decision

Further Information

View our other information leaflets and resources at www.suffolksendiass.co.uk/leaflets



Information: You may find it helpful to look at our other leaflets and information on our website, social media channels and through our workshops and courses.



Advice: We provide unbiased information and advice about what the law says, the local authority's policies and procedures, and about the policy and practice in local schools or other settings.



Support: We can help you by listening to your views and concerns, and working with you to explore your options.

Useful Links

Activities Unlimited (short breaks and leisure activities for disabled children and young people up to age 25 in Suffolk)

www.activities-unlimited.co.uk

Anglia Care Trust (local SEND mediation services)

www.angliacaretrust.org.uk

Contact (for families with disabled children) **www.contact.org.uk**

Child Law Advice (education law advice for families)

www.childlawadvice.org.uk

Council for Disabled Children (umbrella body for the disabled children's sector) **www.councilfordisabledchildren.org.uk**

IPSEA (national charity providing legally based information advice and support) **www.ipsea.org.uk**

SEND Code of Practice (explains the statutory duties of schools and local authorities) **www.gov.uk/government/publications/send-code-of-practice-0-to-25**

SEND Tribunals Service (organisation responsible for handling claims)

www.justice.gov.uk/tribunals/send

The Source (for young people in Suffolk) **www.thesource.me.uk**

Suffolk Local Offer (for the full range of services and support for children and young people with SEND) **www.suffolklocaloffer.org.uk**

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Providing confidential and impartial information, advice and support to help children, parents and young people take part in decisions that affect their lives.



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01473 265210



ADVICE4ME to 87007



If you need help to understand this information in another language please call **03456 066 067**.

Se precisar de ajuda para ler estas informações em outra língua, por favor telefone para o número abaixo.

Portuguese

Jeżeli potrzebujesz pomocy w zrozumieniu tych informacji w swoim języku zadzwoń na podany poniżej numer.

Polish

এই লেখাটি যদি অন্য ভাষাতে বুঝতে চান তাহলে নিচের নম্বরে ফোন করুন

Bengali

Jeigu jums reikia šios informacijos kita kalba, paskambinkite 03456 066 067

Lithuanian

Dacă aveți nevoie de ajutor pentru a înțelege această informație într-o altă limbă, vă rugăm să telefonați la numărul 03456 066 067

Romanian

Если для того чтобы понять эту информацию Вам нужна помощь на другом языке, позвоните, пожалуйста, по телефону 03456 066 067.

Russian

If you would like this information in another format, including audio or large print, please call **03456 066 067**.



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