



## SENDIASS guide to the annual review

This guide explains what happens during the annual review process and gives hints and tips for families as they move through the process. Extracts from the SEND Code of Practice have been included as, sometimes, it can be useful to quote them in meetings.

### What is an annual review?

The annual review (AR) is a process that takes several weeks. It involves looking at your child or young person's Education, Health and Care (EHC) plan in detail to ensure that:

- the description of special educational needs is still accurate (see Section B)
- your child is making progress towards the outcomes (see Section E)
- the education, health and care provision they require meets their needs (see Sections F, G and H)

The local authority (LA) has a statutory duty to review your child's EHC plan every 12 months. This annual review process includes a meeting to gather information, discuss progress and make recommendations for the coming year.

If your child or young person is transferring between schools or moving from one key stage to the next, for example from primary to secondary, the annual review must be completed by 15 February in the year of the transfer. Young people moving to a post-16 college, school sixth form or apprenticeship must have their AR completed by 15 March. If your child is under five, the AR should be conducted at least every three to six months to ensure that the provision is still suitable to meet their needs.

If there have been any changes in your child's needs, then the AR creates an opportunity for their EHC plan to be amended. From Year 9 onwards, each annual review should also focus on preparing for adulthood.

The head teacher or principal is usually responsible for the AR but can delegate it to the special educational needs co-ordinator (SENCO) or learning support manager to manage. Your local authority (LA) caseworker does not generally attend reviews unless they are requested to do so, or if there are particular concerns about your child. Although usually held at school, the AR meeting must also include discussion

about any health and social care needs your child has and the support they require to meet these needs. All professionals working with your child can be invited to the meeting and they are expected to provide a report if they cannot attend.

## Preparing for the AR meeting

### ***The SEND Code of Practice section 9.176 states***

The following requirements apply to reviews where a child or young person attends a school or other institution:

- The child's parents or young person, a representative of the school or other institution attended, a local authority SEN officer, a health service representative and a local authority social care representative must be invited and given at least two weeks' notice of the date of the meeting. Other individuals relevant to the review should also be invited, including youth offending teams and job coaches where relevant.
- The school (or, for children and young people attending another institution, the local authority) must seek advice and information about the child or young person prior to the meeting from all parties invited, and send any advice and information gathered to all those invited at least two weeks before the meeting.

## Four weeks before the meeting

About a month before the annual review meeting, your child's school will ask you for your parental contribution. When your child's EHC plan was originally written, you would have been asked to write your views. There may not have been many changes since then and, rather than starting from scratch, it might be easier just to update it, highlighting any new information received since the last review. You are the expert on your child, so your parental contribution is as important as all the professional reports used for the annual review.

### **Make a list of things that are going well and things that are not going so well.**

You should also think about the priorities for your child during the next 12 months, and whether the EHC plan needs to change to accommodate these.

**Have a look at the outcomes written in Section E. Have any of the outcomes been achieved,** do any need to be changed or are new outcomes needed? Usually the outcomes are set for two to three years ahead, for the end of the next Key Stage. Is your child making progress towards achieving these outcomes?

**Have a look at Section B of the plan. Does this accurately reflect your child's current special educational needs?** If there have been any new assessments, these reports need to be incorporated into the plan and the provision in Section F will need to be updated to reflect these changes. However, there may have been no significant changes since your child's last annual review and it is not a requirement that the plan needs changing at every review.

If your child's needs have changed significantly since the last review, and are having an impact on other areas of their life both in and out of school, this could be a good time to ask the LA for a **re-assessment**. The LA may refuse this request if less than 6 months have passed since the last EHC needs assessment was conducted, or it may consider that an EHC needs assessment is not necessary. This could be because they believe that the child or young person's needs have not changed significantly.

If your family has never had a **social care assessment** this might be a good time to ask for this to take place. The Amaze website has lots of helpful information and more detail about social care assessments - <https://amazesussex.org.uk/parent-carers/info-advice-parent-carers/help-with-daily-life/social-care-assessments/>

For any changes to be made to the EHC plan, you will need to provide **written evidence**. This can include progress reports, minutes from meetings or reports written following professional assessments. Send any new paperwork to the SENCO in plenty of time so that all the professionals have time to read your contribution to the review.

It is important to **involve your child** or young person in the meeting too. When the meeting is being planned, you should discuss with the SENCO how this will happen e.g., will your child attend all or part of the meeting and how will they record and express their wishes and views? Sometimes your child's school or college may support them with recording their views and wishes. Some children may want to supply their views and aspirations in advance and this could be in writing, a video, drawings, or in any way in which they are best able to express themselves.

## Two weeks before the meeting

The SENCO at your child's school will circulate the annual review paperwork to all the invited people. This will include copies of your views and your child's views. Go through all the reports carefully and make a note of anything that you want to discuss at the meeting. It might be helpful to write a list of questions you want to ask.

## The annual review meeting

### ***The SEND Code of Practice section 9.166 and 9.167 states:***

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.

### ***The SEND Code of Practice section 9.167 states that reviews should also:***

- gather and assess information so that it can be used by early years settings, schools or colleges to support the child or young person's progress and their access to teaching and learning
- review the special educational provision made for the child or young person to ensure it is being effective in ensuring access to teaching and learning and good progress
- review the health and social care provision made for the child or young person and its effectiveness in ensuring good progress towards outcomes
- consider the continuing appropriateness of the EHC plan in the light of the child or young person's progress during the previous year or changed circumstances and whether changes are required including any changes to outcomes, enhanced provision, change of educational establishment or whether the EHC plan should be discontinued
- set new interim targets for the coming year and where appropriate, agree new outcomes
- review any interim targets set by the early years provider, school or college or other education provider

The annual review meeting must **focus on the child's or young person's progress** towards meeting the outcomes in their EHC plan. There should be time to discuss the content of the EHC plan to ensure that these outcomes match the needs, wishes and aspirations of your child. It may be difficult for some of the professionals to find time to attend but you should still spend time in the meeting discussing their reports and any new proposals.

You can **take someone with you to the meeting**. You could ask that person to remind you of the questions you wanted to ask and to take notes for you. This makes it easier for you to take part in the meeting and means that you will have a reliable record of the conversation. During the meeting, all aspects of the EHC plan will be discussed. This is a meeting about your child so if you do not understand anything that is said, **ask people to explain things**.

The meeting should focus on:

- The progress your child has made towards achieving the outcomes specified in their EHC plan
- Whether the outcomes still remain appropriate, or do they need updating and changing
- Whether their aspirations have changed
- Reviewing and setting new short-term targets
- What needs to be changed to make it work better for your child, if something is not working
- Whether any changes need to be made to the education, health or care provision
- Whether the placement is still suitable to meet their needs
- Whether the parent carer or young person would like to request a Personal Budget.

## Two weeks after the meeting

***The SEND Code of Practice section 9.176 states:***

The school (or, for children and young people attending another institution, the local authority) must prepare and send a report of the meeting to everyone invited within two weeks of the meeting. The report must set out recommendations on any amendments required to the EHC plan and should refer to any difference between the school or other institution's recommendations and those of others attending the meeting.

The school or college must send a report of the meeting to the LA and a copy to you. This should be an accurate representation of the discussion and include differences of opinion if there were some. Check to see that you agree with the content. Contact the school SENCO, or whoever hosted the AR meeting, to discuss this report if you have any concerns about the content.

## Four weeks after the meeting

The LA must decide on one of three things:

- To **continue** with the existing EHC plan
- To **amend** (change) the EHC plan
- To **cease** to maintain (end) the EHC plan

The local authority must write to you within four weeks of the meeting to inform you of their decision regarding your child's EHC plan. If you do not agree with the decision to amend, cease or maintain the plan following the review you can appeal the decision at a tribunal. Please refer to the Amaze '**Appealing to the SEND Tribunal**' information sheet.

### **The SEND Code of Practice section 9.176 states:**

- Within four weeks of the review meeting, the local authority **must** decide whether it proposes to keep the EHC plan as it is, amend the plan, or cease to maintain the plan. They must notify the child's parent or the young person and the school or other educational setting they attend.
- If the plan needs to be amended, the local authority should start the process of amendment without delay (see paragraph 9.193 onwards below).
- If the local authority decides not to amend the plan or decides to cease to maintain it, they **must** notify the child's parent or the young person of their right to appeal that decision and the time limits for doing so. They must also notify them of the requirements for them to consider mediation should they wish to appeal, and the availability of information, advice and support and disagreement resolution services.



If the LA decide they are going to amend your child's plan they must also tell you what the proposed changes are. They will send you a proposed amended version of the plan. You have 15 days to comment on this and request changes to be made. Please see Amaze's '**Guide to checking your draft EHC plan**' which will help you respond to the proposed amended plan. Case law has determined that the LA must send the parent or young person the final amended EHC plan within a maximum of 12 weeks of the annual review meeting.

It is important to realise that an EHC plan should only be changed through the annual review process. EHC plans are not expected to require frequent alterations but if your child's circumstances change you may feel that you cannot wait for up to twelve months so you can request an early annual review if it seems appropriate.

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Amaze SENDIASS is the Special Educational Needs and Disability Information, Advice and Support service for East Sussex and Brighton & Hove. We offer impartial and confidential support with anything to do with special educational needs and disabilities for 0-25 year olds.

Please contact us on 01273 772289 or by email on [sendiass@amazesussex.org.uk](mailto:sendiass@amazesussex.org.uk) if you would like further advice and support.