



**SENDIASS Training for  
Parents & Carers  
of children with  
Special Educational  
Needs (0-25)**

# **Welcome**

## **Annual Review of an EHC Plan and how you can be involved**

**Your Trainers:  
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# SENDIASS

(Special Educational Needs and Disability Information Advice and Support Service)

## Who are we?

### SEND

A service for those living or working with ages 0-25yrs with Special Educational Needs and Disabilities

### Information

Providing factual information found in SEND Law and practices as well as local knowledge and signposting

### Advice

Providing impartial advice on what steps to take in the areas of Education, Health and Social Care

### Support

Providing confidential individualised support to empower those who seek our assistance

## You should join this session if:

- Your child/young person's EHC plan is due (or overdue) for an annual review
- You have recently been advised of the decision made by the local authority following the annual review
- You think your child's/young person's plan needs changing
- Your child/young person's EHC plan was transitioned from a Statement to an EHC plan

## By the end of this session we hope you will:

- Understand the annual review process and what the local authority should do on an annual review
- Know how to get the best from the annual review
- Know what to do if you don't agree with the decision made following the annual review
- Know where to look for further information

# The Context of an Annual Review

# What is an Education, Health and Care Plan?

Some children with SEN may need more support than would be ordinarily available at the SEN support level. These pupils receive support through an Education, Health and Care (EHC) plan.

This is a legal document that describes a child or young person's special educational, health and social care needs; it details the support that is required to meet those needs; and how that support will enable the child or young person to achieve set outcomes and realise their aspirations.



**Contain:**

- 1. Needs**
- 2. Provision**
- 3. Goals**

# Contents of an Education, Health and Care Plan

Section A – Parent/Child Views & aspirations

**Section B – Special Educational Needs (SEN)**

Section C – Health Care Needs (related to SEN)

Section D – Social Care Needs (related to SEN)

**Section E – Outcomes** (intended result of SEP)

**Section F – Special Educational Provision** (including therapies)

Section G – Health Care Provision

Section H – Social Care Provision

Section I – Name & Type of Education Placement

Section J – Personal Budget / Direct Payments

Section K – Index / Evidence Documents



# Checking the Contents of an EHC Plan

The EHCP must describe the needs and support your child must receive in enough detail so that the reader can clearly tell **what** must be delivered, **how often**, **how long for**, and **by whom**. This detail is referred to as specificity.

- Does Section B list all of your child's needs?
- Does Section F list specific provisions for each individual need in Section B?
- Are the outcomes in Section E up-to-date and appropriate?
- Watch out for woolly phrases such as: "access to", "opportunities for", "input from", "may benefit from" etc.

**BE SPECIFIC**



See table under paragraph 9.69 of the SEND Code of Practice for more details

# What is an Annual Review of an EHC Plan?



Watch the Council for Disabled Children's video [here](#) for a summary

The statutory process of looking at the needs and provision specified in an EHC Plan, and deciding whether these need to change.

It is a process not a meeting.

The Local Authority (LA) carries out the Annual Review and often delegates parts of the process to the school/college.

# When is an Annual Review?

The first review of the EHC plan **must** be held within 12 months of the EHC plan being finalised. Subsequent reviews must be held within 12 months of the previous review.

- **Early/Interim Annual Reviews** – you can request this if there are problems with the education your child is receiving and/or content of their EHCP
- **Phase Transfer** – discussions need to begin early in the autumn term the year before to allow plenty of time for the process to happen. SEN team usually attend
- **Ongoing Appeals** – the LA is still required to carry out the AR and this could be a useful way of seeking agreement on the issues in the appeal

## Deadlines for Annual Review completion:

Secondary/Post-16 = 31<sup>st</sup> March  
All others = 15<sup>th</sup> February



# Why is an Annual Review important?



- It's a legal process bringing the right of appeal
- Chance to reflect and plan ahead for the future (Preparing for adulthood, phase transfers, change of placement)
- Many tribunals look back at the past 1 or 2 Annual Review reports so it is an important record
- Chance to find out how the child has progressed over the year
- Chance to be involved (for the parent and child/young person)

# LA's Legal Duties

## Section 44 of the Children and families Act 2014 (Statute Law)

- The LA must review an EHCP that it maintains
- The Annual Review process, including the notification of the LA's decision, must take place within 12 months of the issue of the final plan or the completion of the previous annual review.

## Paragraph 9.168 of the SEND Code of Practice 2015 (Statutory Guidance)

- 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.

## Paragraph 20(1) of the SEN Regulations 2014 (Statutory Provisions)

- As part of a review of a child or young person's EHC plan, the local authority must ensure that a meeting to review that EHC plan is held and in the case of a child or young person attending a school referred to in paragraph (12), can require the head teacher or principal of the school to arrange and hold that meeting.



# Reviews: What should be considered

## SEND Code of Practice 2015 : Paragraphs 9.166-7

The main purpose of the Annual Review is to review the child's progress towards achieving the outcomes specified in their EHC Plan.

The Annual Review should consider the continuing appropriateness of the EHCP in light of:

- Progress over the previous year
- Effectiveness of provisions
- Changed circumstances
- Whether changes to the following are required –
  - Outcomes
  - Enhanced provision
  - Education establishment
  - Discontinuing the plan
- The Review should also set new interim targets for the coming year



# The Process of an Annual Review

# The Annual Review Process Timeline



The process is condensed into 5 steps. We will now go through these in more detail and how you can be involved/proactive at each stage...

# Step 1 – Advice and Information

## What is Required

Information must be gathered about the EHC plan and then circulated two weeks before the meeting.

The person arranging the review meeting must obtain advice and information about the child or young person from -

- The child's parent or the young person
- Provider of early years education, head teacher/principal of the school, post 16 or other institution
- The LA's SEND officer
- Health care professionals
- Social care team

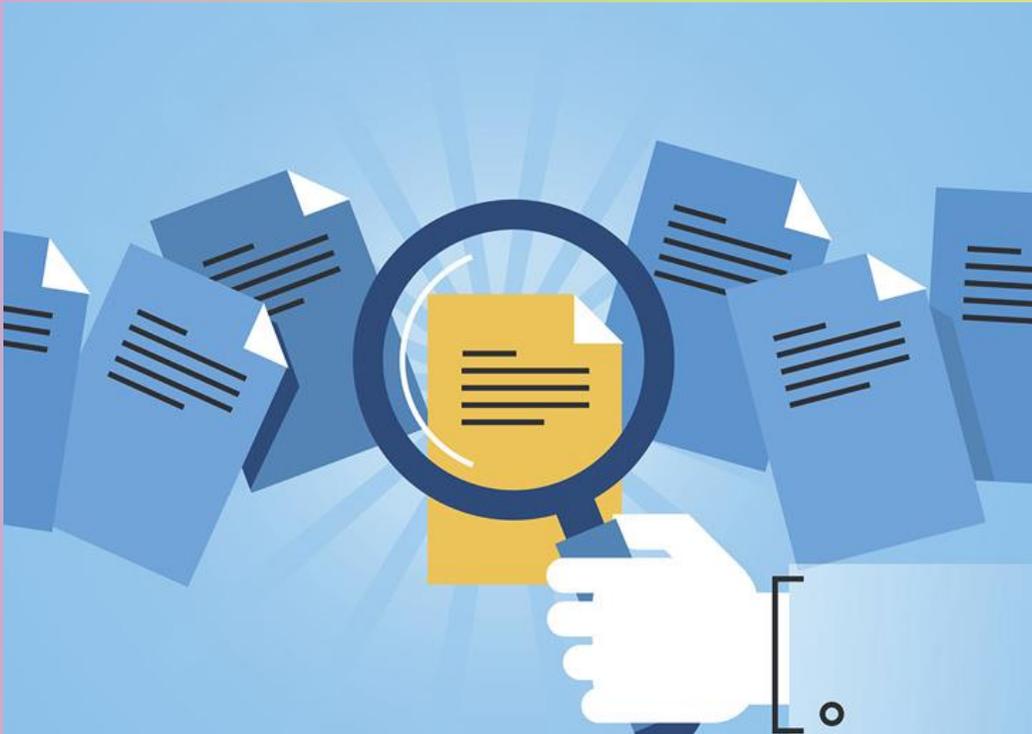


# Step 1 – Advice and Information

## How you can be involved

What to think about when preparing your views:

- 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?**



# Step 2 – Notice of the Meeting

## What is Required

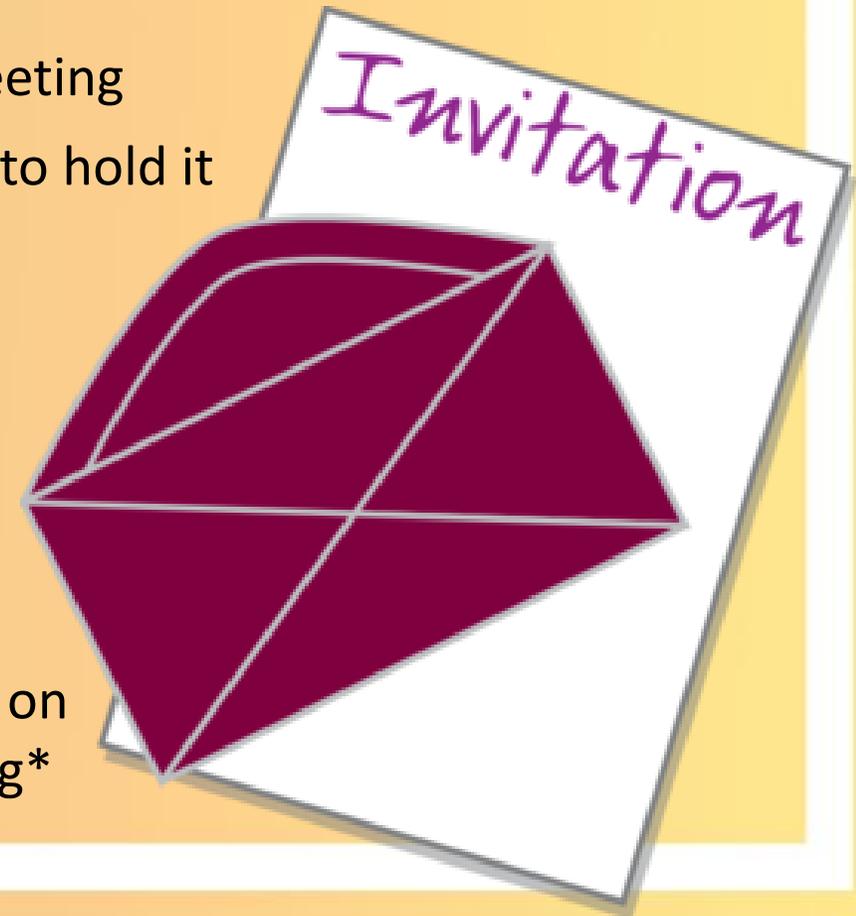
Invitations to the meeting are sent together with copies of the advice/information obtained. At least 2 weeks notice must be given to all invitees.

- School = LA can require head teacher/principal to hold the meeting
- Early Years/FE College = LA can request, but not require them to hold it

The following must be invited to the meeting -

- Child's parent or the young person
- Provider of early years education, head teacher/principal of the school, post 16 or other institution
- The LA's SEND officer
- Health care professionals
- Social care team

\*There is no legal requirement on any party to attend the meeting\*



# Step 2 – Notice of the Meeting



## How you can be involved

- Ensure/follow up that you receive all documents at least two weeks before the meeting
- Put the meeting date in your diary, calendars, phone reminders etc.
- Check who will be/plans on attending
- Check the documents that are being circulated – do they accurately reflect your child?
- If you have any queries with the reports/information, then ask for them to be amended before the meeting

## Step 3- The Meeting

### What is required

An annual review meeting must take place to discuss the EHC plan.

- This should consider the advice and information provided
- This will review progress towards achieving outcomes and what changes might be needed
- In year 9 and beyond, it must consider what provision is required in preparation for adulthood and independent living – look at chapters 8 and 9 of the SEND Code for further information.



# Step 3- The Meeting

## How you can be involved

- List the points you want to make in advance
- Bring a supporter who can check that you cover all your points and to take notes for you
- If something is sprung on you unexpectedly, you can cite the law and request to adjourn the meeting
- Ask others at the meeting to agree with you on key points – this could be built into a reasonable request for more/right support from views being accurately recorded
- You also have the right to request a personal budget during the annual review process. It gives families greater choice and control of provision in an EHCP. You can find out more about what can be included in a Personal Budget in paragraphs 9.110 – 9.118 of the SEND Code of Practice.



# Step 4 – The Report

## What is required

After the meeting, a report of what happened must be prepared and circulated to everyone who attended or submitted information to be discussed. This must –

- Be prepared by the Head Teacher/LA depending on placement
- Be sent within 2 weeks of the meeting
- Set out recommendations such as changes to the EHC plan
- Set out any differences between those attending the meeting
- Include copies of the advice and information



# Step 4 – The Report



## How you can be involved

- Check that the report accurately represents what happened in the meeting, stating your views, as well as other attendees views
- If you disagree with anything in the report, then you should write to the LA without delay (and within 4 weeks of the meeting)
- Keep a copy of the report for your records

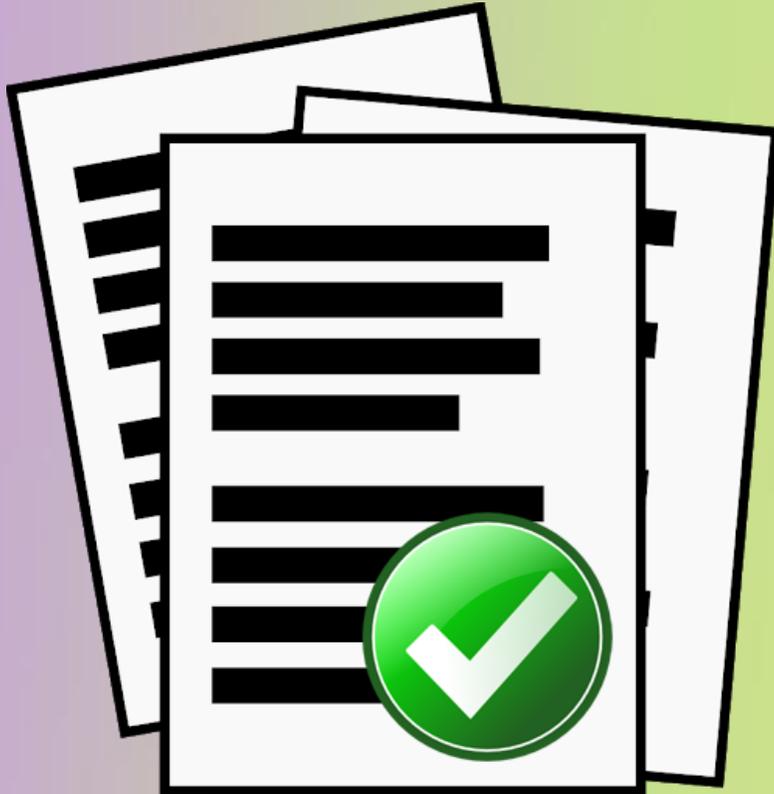
# Step 5 – The Decision

## What is required

- The LA reviews the EHC plan in light of the Annual Review report.
- **The LA can make one of three decisions: not to change the EHC plan, to amend the EHC plan, or cease to maintain the EHC plan.**
- The LA must notify the parent and education provider of their decision with their reasons within 4 weeks of the meeting. **The decision completes the Annual Review.**
- If the Local Authority doesn't confirm its decision in writing – this will frustrate your right of appeal.
- Completion of all steps in the review must take place within 12 months of the date the EHC plan was first issued or completion of the previous annual review (Section 44 CAFA 2014).



# Decision 1 - Continue



**This means that the EHCP remains exactly the same for the next year.**

## How you can be involved

### **Agree with decision**

Continue to monitor your child's progress in light of the EHCP and keep an eye out for any changes that may be needed in future.

### **Disagree with decision**

You should lodge an appeal with the SEND Tribunal. If after the Annual Review meeting you decided that you want to propose amendments and/or a different placement, you can still appeal for this.

# Decision 2 - Amend

**This means that the EHCP will be changed to reflect the current needs.**

- The LA should start the process of amendment 'without delay', although there is no time limit for this. You will be sent the original EHCP plus the proposed amendments. You will then have 15 calendar days to respond/comment and request a particular school. You can request a meeting with the LA to discuss the proposed changes.
- Within 8 weeks of sending the proposed amendments, the LA must issue a final amended EHCP, or let you know they have decided not to amend the plan after all. Amendments must be incorporated into the EHC plan to become statute. The right of appeal will only arise when the new EHC plan is finalised.

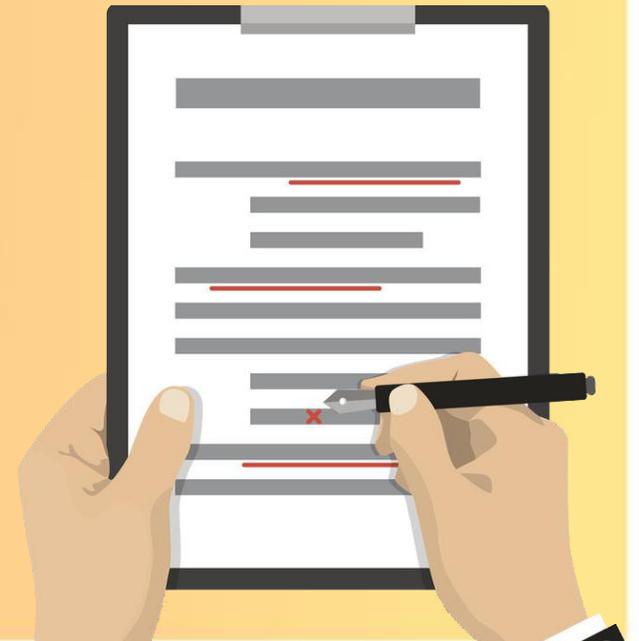
## How you can be involved

### **Agree with decision**

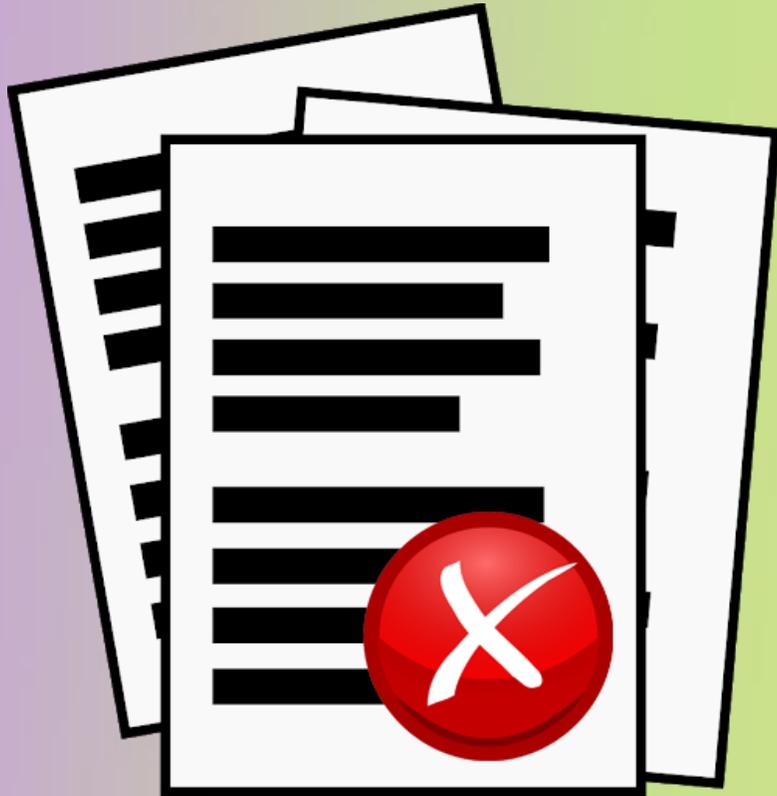
If you are happy with the final amended EHCP, remember to check for specificity in the wording to ensure you are getting what you expect, and monitor your child's progress in light of the new EHCP content.

### **Disagree with decision**

If you disagree with the amendments or don't think the EHCP needs amending at all, you should lodge an appeal to the SEND Tribunal.



# Decision 3 - Cease



**This means that the EHCP will be terminated and all special provisions will end.**

## How you can be involved

### **Agree with decision**

Reflect on the achievement of outcomes that were in the EHCP. Continue to monitor your child's progress and focus on their preparation for adulthood.

### **Disagree with decision**

You should lodge an appeal with the SEND Tribunal if you want to keep the EHC plan in place. With this, you can also appeal for changes to be made in the EHCP.

# Lodging an Appeal - Checklist

1. Make a note of your appeal deadline. Add to calendars, diaries, and set reminders
2. Received signed LA decision letter – opening your right of appeal
3. Obtain signed mediation certificate
4. Complete SEND35 appeal form with your reasons
5. Add the EHCP and all documents listed in Part K
6. Add the evidence documents that support your appeal
7. Add a chronological list of all the documents enclosed
8. Make scans/photocopies of your appeal bundle, keep the originals for your records
9. Register your appeal: submit a COPY of your bundle to the SEND Tribunal
10. Submit any further evidence that is relevant up until the evidence deadline



The Annual Review meeting completes the Annual Review of an EHC Plan.

**FALSE**

The LA must notify the parents or young person of its decision within 4 weeks of the Annual Review meeting.

**TRUE**

Section F of the EHCP must state a rough guide to all the special educational provision required.

**FALSE**

The Annual Review is not required if there is an ongoing appeal.

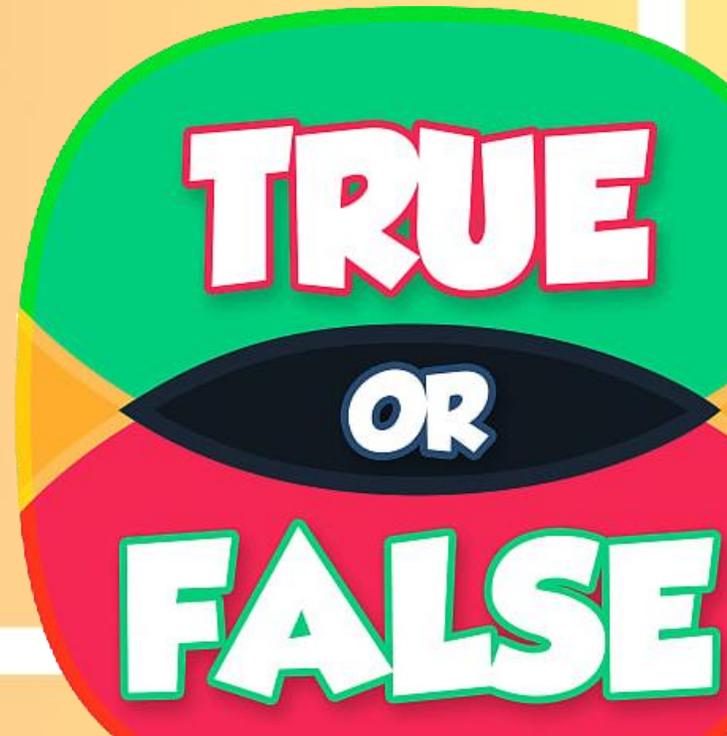
**FALSE**

Any amendments to the EHCP following the Annual Review will only be enforceable when written in to the EHCP itself.

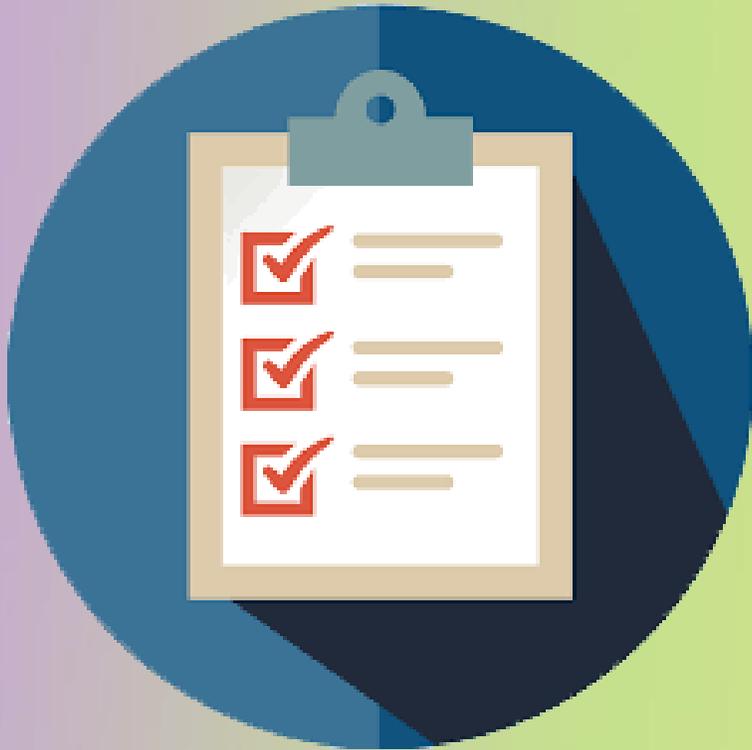
**TRUE**

The LA must attend the Annual Review meeting.

**FALSE**



# Resources & Model Letters



- IPSEA [EHC Plan checklist](#) – use this to check whether the necessary steps are being followed in your EHC Plan.
- IPSEA [Annual Review checklist](#) – use this to check whether the necessary steps are being followed in your Annual Review.
- [Model letter 8](#) – Complaints
- [Model letter 4](#) – Amendments Appeals
- [SEND35 Form](#) – Appeal Form to Tribunal

# You can find out more information about The Annual Review process & changing plans by:



- Reading the **relevant legislation** in:  
Children and Families Act 2014 (Section 44-47)  
SEND Code of Practice 2015 (Paragraphs 9.153-9.210)  
SEN Regulations 2014 (15-31)
- Getting in touch with your local **SENDIASS** and reading our factsheets
- Viewing the **IPSEA** website & resources
- Other organisations such as **Contact & the Council for Disabled Children**

# Thank you for listening. Any Questions? Contact Us



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