

Information Advice & Support Service Bromley

ANNUAL REVIEWS OF EHC PLANS

There is a requirement for all Education, Health and Care Plans (EHCPs) to be reviewed by the LA at least annually. This is usually referred to as the Annual Review. In Early Years EHCPs should be reviewed every 3 to 6 months.

The Annual Review is more than just a review meeting, it is a process that must be completed within a year of when the EHCP was first issued or within a year of the last review.

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.

Step 1

The host of the meeting will write to all the professionals involved with the child or young person (YP), which may also include specific professionals employed by the school. They must also write to the child/YP/parent 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 child/YP/parent may want to be made to the EHCP. These reports should be sent to the host within 2 weeks of the request being made.

Step 2

Whoever is organising the annual review meeting will then send out invitations to all those required to attend, 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 3

The Annual Review meeting should be held in the style of a Person Centered Planning Meeting (see separate handout) and it must fully involve the child, young person and/or parent, considering their views, wishes and feelings, especially when making decisions.

The meeting should ensure that points 1-7 below are covered and that the discussion doesn't simply focus on how things have gone in the past year in school.

The meeting MUST:

1. Focus on progress made towards achieving outcomes
2. Establish whether the current outcomes remain appropriate and if required agree new ones
3. Review the short-term targets and set new ones

4. 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)
7. Check if the YP/parent would like to request a Personal Budget.

Step 4

After the meeting the chair must prepare a report that includes any recommendations for amendments to be made to the EHCP. 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 5

Upon receiving the report the LA has to decide which one of the 3 following options applies - whether the EHCP:

1. Should remain unchanged
2. Needs to be amended
3. Should be ceased

The LA must inform the YP/parent 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 EHCP was first issued or the last review meeting.

What happens next?

If the LA decides on Option 1 or 3 they must inform the YP/parent 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 EHCP 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 EHCP must be maintained until the hearing has taken place and they have given their decision.

If the LA decides on Option 2 they should make the amendments as soon as possible. The LA must:

- Send a copy of the unchanged EHCP to the YP/parent 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 YP/parent at least 15 calendar days to respond with their views. This could include naming a school. 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 YP/parent, within 8 weeks of when they informed the YP/parent of the proposed changes, the LA must either issue an amended EHCP or inform YP/parents they will not be amending it and give their reasons why. They must then inform YP/parents 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 EHCP 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 EHCP was issued as this will still be the date that determines when the next Annual Review is to be completed by.

The LA must also inform the YP/parent 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.

This is particularly important if the YP/parent is unhappy or not satisfied with the changes that have been made to the EHCP.

Additional information to be aware of regarding Annual Reviews

EHCPs are not expected to require frequent changes and updates. 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 e.g. because it considers that the child or young person's needs have not changed significantly.

The format of an annual review meeting can differ but should always cover the principles of a person centered 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 EHCP to be amended by the 15th February

- Children and young people moving to Post 16 provision requiring their EHCP to be amended by the 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 EHCP not just the educational targets and provision. It can provide an opportunity for YP/parents to request changes and updates. It may also be that various elements of the EHCP 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 Child/YP/parent 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 EHCP 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. YP/parent 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.

*SMART Acronym: Specific, Measureable, Achievable (by the child), Reasonable (for the school/college to provide), Timebound.

Section F: Provision. There should be provision to match each need included in 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.

Section G: Anything included here requires agreement by the LA from the Clinical Commissioning Group (CCG). Any health provision that educates or trains (e.g. Speech and Language Therapy) 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, college, or other placement may also be discussed. The YP/parent may want to ask for a different school or type of school/college/placement 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 YP/parent would like one.

Bromley Information Advice & Support Service (IASS)

Telephone Helpline: 020 8461 7630

(Available weekdays 9.30 am – 1.00 pm and 2.00pm to 4.00 pm)

E-mail: iass@bromley.gov.uk

Website: www.bromley.gov.uk and search for IASS

Mobile / Text: 07834 106347