



Annual Reviews

Managing the Process Effectively



Context

- National average for Education Health and Care Plans - 3.1%
- 359,000 EHC plans
- Timeliness still an issue
- Quality still an issue

They all need reviews



Learning Objectives / Aims

- To understand the full range of requirements relating to the Annual Review process.
- To produce a local area action plan that ensures the Annual Review process meets statutory requirements.



Section 1

The Annual Review



Annual Review Definition

The review of an EHC plan which the Local Authority must make as a minimum every 12 months.



Reflection

Spend 10 mins with LA colleagues, reflecting on your current position, such as:

1. How have annual reviews been going from the SEN team perspective – positives, negatives?
2. What feedback do you currently seek?
3. Is anything working particularly well?
4. Is there anything you know needs to change as a result of feedback from professionals or parents?



Section 2

Reviewing an EHC Plan

Statutory requirements for the
Annual Review process



Reviewing an EHC Plan – the Legal References

1. **Section 44 of the Children and Families Act 2014**
2. **Regulations 2, 18, 19, 20 of the SEND regulations 2014**
3. **The SEND Code of Practice 0-25 2014**



Common misconception:

- The annual review is the meeting.
- It is the date of the annual review meeting which dictates the date by which the next annual review must be completed.



The 'musts' for reviewing an EHC plan (I)

- **Must** be reviewed by the LA as a minimum every 12 months.
- **Must** focus on the child or young person's progress towards achieving the outcomes specified in the EHC plan.
- **Must** consider whether outcomes and supporting targets remain appropriate.
- **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 the right to request a personal budget.
- Professionals across education, health and care **must** co-operate with LAs during reviews.



The 'musts' for reviewing an EHC plan (II)

- The first review **must** be held within 12 months of the date when the EHC plan was issued, and then within 12 months of any previous review.
- LAs **must** review and maintain an EHC plan when a child or young person has been released from custody.
- When reviewing an EHC plan for a young person aged 18+, the LA **must** have regard to whether the educational/training outcomes specified in the EHC plan have been achieved.
- LAs **must** ensure that the EHC plan review at Year 9, and every review thereafter, includes a focus on preparing for adulthood.



Some common problems reported by parents

- No real notice of meeting
- Reports are not prepared and/ or distributed in enough time for proper consideration and comment before the meeting
- Surprises sprung on parents at meeting
- Parents' views not recorded
- The annual review report goes to the LA but the LA either does nothing or does not inform the parent/young person of their decision



Activity 2: The 'Musts'

How do you / could you evidence each of the 'musts' and also avoid the issues on the previous slide?



Section 3 – Phase Transfers



The 'musts' – Transfer between phases

For transfers into or between schools, reviews and amendments **must** be completed by 15 February in the calendar year of the transfer at the latest.

The key transfers are:

- early years provider to school
- infant to junior school
- primary to middle school
- primary to secondary school
- middle to secondary school



The 'musts' continued – Transfer between phases

- For young people moving from secondary school to a Post-16 institution or apprenticeship, the review and any amendments to the EHC plan (including specifying the Post-16 provision and naming the institution) **must** be completed by 31 March in the calendar year of the transfer.
- For young people moving between Post 16 institutions, the review process should normally be completed by 31 March where a young person is expected to transfer to a new institution in the new academic year.



Section 4 – Preparing for Adulthood

What to keep in mind throughout the process



Why are outcomes important?

Support and Aspiration Green Paper – a reminder

“We want to put in place a radically different system to support better life outcomes for young people; give parents confidence by giving them more control; and transfer power to professionals on the front line and to local communities”



We know that:

- Children who are disabled or who have SEN have disproportionately poor outcomes.
- Compared with their peers, children and young people who are disabled or who have SEN are considerably more likely to be at risk of poorer outcomes.
- They are less likely to achieve well at school and are four times less likely to participate in higher education.
- Pupils with SEN are more than twice as likely to be eligible for free school meals than their peers; and pupils at SEN Support more likely to receive a permanent exclusion or a fixed-period exclusion than pupils with no identified SEN.
- Looked after children are three-and-a-half times more likely to have SEN compared with all children.



Ofsted comments on outcomes in EHC plans

- Bury – “EHC plans are written to a high quality. Parents and carers readily recognise their children and the professionals who use them find them to be realistic and appropriate. The need for a person-centred approach is well understood by the professionals who make the assessments of need. EHC plans are effective at communicating outcomes and aspirations. Person-centred approaches are well embedded in settings across the Bury system. Parents appreciate how they are involved in planning and reviewing the plans.”
- Rochdale – “Where there are contributions from all services, children, young people and their parents or carers, EHCPs are of good quality with clear aspirations articulated. The majority of plans are outcome-focused and promote child-centred approaches.”

Reviews must actively monitor CYP progress towards outcomes and longer term aspirations



Preparing for Adulthood from the earliest years

This means preparing for:

Higher
Education and /
or employment

Independent
Living

Participating in
society

Being as healthy
as possible in
adult life



Activity 3 – Outcomes and Inspections

Spend 5-10 minutes considering these questions about the impact of EHC plans:

1. If inspected today, what would you expect to see in an inspection comment about the outcomes achieved in your LA for children and young people with EHC plans?
2. What are your sources of evidence?
3. If you have had an inspection, update the comment to reflect the current position.



Section 5 – The Annual Review Process



The Annual Review Process – starting the process

1. At least 2 weeks before the meeting invitations to attend the Annual Review **must** be sent to:

- Parent or young person
- EY provider, headteacher or principal
- LA officer (education)
- Health care professional
- LA Officer (social care)
- Any other individuals relevant to the review



At least 2 weeks before the meeting information and advice must be obtained from all those invited and circulated to all those invited.

This information and advice should:

- Provide details about the child or young person's progress and their access to teaching and learning.
- Consider whether the current special educational provision is effective.
- Consider whether the current health and social care provision is effective.

The information and advice from young people or professionals can make suggestions about changes that should be made to the EHC plan – this is especially important where amendments are sought.



The Annual Review Process – planning the meeting

- Consider where the meeting will take place to get the best outcome.
- Enable parents and the child or young person to have their say – does the environment encourage them to do this?
- Consider whether the space is big enough, does the IT work, is there room for flipcharts etc.
- Do parents and YP know how they can be supported?



The Annual Review Process - during the meeting (I)

- Consider the child or young person's progress towards the outcomes and whether they are still appropriate
- Consider what provision is required to help the child or young person prepare for adulthood and independent living
- Review any interim targets set by the early years provider, school or college or other education provider
- Set new interim targets for the coming year and, where appropriate, agree new outcomes



The Annual Review Process - during the meeting (II)

- Take account of the views, feelings and wishes of the child, young person and parent, including their right to a personal budget
- Review any arrangements for direct payments



The Annual Review Process - after the meeting (I)

Within 2 weeks of the review meeting the LA or the headteacher/principal **must** send a written report to all invitees setting out:

- Recommendations on any amendments to be made to the EHC plan.
- Any difference between those recommendations and the recommendations of others attending the meeting – this is important for parents to see easily.
- All the information and advice obtained about the child or young person.



The Annual Review Process - after the meeting (II)

Within 4 weeks of the review meeting, the LA must decide whether to:

1. Maintain the EHC plan in its current form
2. Amend the EHC plan
3. Cease to maintain the EHC plan



If the LA decides to keep the EHC plan the same, or cease to maintain it, it must *send a notice of the decision* and with it provide:

- information about the availability of disagreement resolution services and information about SEND for CYP
- the parent with notice of their right to appeal to the Tribunal and the time limits for doing so
- information about mediation and National Trial



If the LA decides to amend the EHC plan it *must* within 4 weeks of the meeting:

- send a copy of the EHC plan to the parent or young person showing the proposed amendments and any evidence that supports the amendment
- inform the parent or young person of their rights to make representations about the content of the EHC plan and to request a particular school or institution
- give at least 15 calendar days for the parent or young person to comment and make representations on the proposed changes



The LA **must**:

- issue the amended EHC plan within 8 weeks of the original amendment notice

or

- notify the young person or parent within the same timescale of the decision not to make amendments



Monitoring

From one LA:

- Their data analysis shows they achieved 99% completion of annual reviews last year.
- Every school is contacted by an officer who judges the complexity and level of satisfaction / concern for each child or young person.
- Using this information, the annual review process is based on the needs of each child or young person and that determines who will be involved in the process and the meeting.



Section 6 – When does the process differ?



1. Preparing for Adulthood

- All reviews from Y9 onwards (and preferably before) must include a focus on PfA
- Recording the wishes, views and feelings of children and young people is an important part of the review. LAs and others have a duty to support and involve the young person and his or her parent and pay regard to their views, wishes and feelings.
- Representatives of post-16 organisations should be invited to the review, particularly where the young person has expressed a desire to attend a particular institution.
- The review meeting should have a particular focus on options and choices for the next phase of education.
- As the young person is nearing the end of formal education and the EHC plan is likely to be ceased within the next 12 months, there should be a focus on good exit planning.



2. Looked after children

- Ensure that the EHC plan Annual Review coincides with one of the Care Plan reviews, e.g. PEP which feeds into review of the wider Care Plan.
- Work closely with social workers to ensure that transitions from being looked after to returning home are managed effectively.
- Consider if it is appropriate for a long term carer to take on the responsibility for managing a personal budget.



3. Release from custody

- A LA cannot cease an EHC plan because a young person has been given a custodial sentence.
- If a detained young person has an EHC plan before being detained, the home LA must arrange appropriate SEN provision while s/he is detained.
- Consider if it is appropriate for a long term carer to take on the responsibility for managing a personal budget.
- If a Health Care plan for a detained young person specifies health care provision the health services commissioner for the custodial establishment must arrange appropriate health care.



4. Children not attending school or other institution

- The child's parent or young person, a LA SEN officer, a health service representative and a LA social care representative must be invited to the review and given at least 2 weeks notice of the date of the meeting.
- Other relevant individuals should also be invited e.g YOT, job coaches and any other person whose attendance the LA considers appropriate.
- The review must focus on outcomes and any changes needed to either the support or the outcomes themselves.
- Children, young people and parents should be supported to engage fully in the review meeting.



5. Children aged 0 – 5

- LAs should consider reviewing every 3 – 6 months to ensure provision remains appropriate
- More frequent reviews may not need to involve all professionals every time depending on the child's needs
- The child's parent must be fully consulted on any proposed changes and made aware of their right to appeal to the Tribunal



A local LA's reflection on its annual review process



- At the heart of the new SEN system is the requirement to co-produce with parents, children and young people
- How can we make sure that the annual review process is person-centred, and not process and paper dominated?



Activity 4 – Action planning

Does your annual review process:

- Complete the review within 12 months of issue of the EHC plan or of the last review?
- Address all the ‘musts?’
- Take into account the needs of the attendees to get the best outcome?
- Meet the requirements for children and young people including those who fall into the ‘other circumstances’ category
- Ensure that needs, provision outcomes in the EHC plan are fully aligned

Put development points from your answers above into an Action Plan which could help develop a checklist and improve annual reviews.



Plenary

Issues about Action Planning



Thank you



Questions, Comments?



Useful links

<https://www.preparingforadulthood.org.uk/SiteAssets/Downloads/jze5lzuv637084755715631724.pdf>

Preparing for Adulthood checklist

<https://councilfordisabledchildren.org.uk/independent-support/resources/annual-review-process-guidance-and-training>

Council for Disabled Children training and factsheets

<https://contact.org.uk/advice-and-support/education-learning/ehc-plans-assessments/annual-reviews/>

Contact advice

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

SEND code of Practice

<https://linwood.bournemouth.sch.uk/linwood/files/2018/05/Person-Centred-Reviews-booklet.pdf>

An example of ensuring reviews are person-centred