

# sendiass

## NORTH YORKSHIRE

Leaflets and Factsheets

Annual Review of an EHC Plan

# What is an Annual Review?

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 same year. For young people moving on from secondary school to further education or training this must be completed by 31 March.

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.

## *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 review process with 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 reassessment becomes appropriate, particularly when a child or young person's needs change significantly. (9.186)”

# Preparing for Adulthood

**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.

If your child has an EHC plan, it is expected that preparation for adulthood begins from year 9 as part of their Annual Review.

**Preparing for adulthood reviews should include discussion about support with:**

- further learning, training or employment
- living independently
- planning health services and support to maintain good health
- how to take part in society including using transport, help to find activities and with friends and relationships

As part of your child's annual review you could ask for an assessment of their care needs in preparation for adulthood.

You can find out more about assessments for disabled children and their families on the Carers UK website, [www.carersuk.org](http://www.carersuk.org) where they have a useful assessments factsheet.

## 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)

# 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. If you do not receive this information you should contact the school and request it.

Think about anyone you would like to invite either to attend the review, or to provide any updated information about your child. You should give school as much notice as possible before a review to enable them to ensure professionals you would like to attend are available, or provide a report in their absence.

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.sendiassnorthyorkshire.co.uk](http://www.sendiassnorthyorkshire.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.

**Reminder:** Do not forget school should be including a focus on adulthood from Year 9. Ensuring aspirations are taken into account.

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](http://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.

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 SEND Caseworker 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.

# 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 (LA) 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.

The LA have **4 weeks** from the date of the Annual Review meeting to issue an amendment notice to let you know their decision.

If the decision by the local authority is to make amendments, it **must** issue the amended EHC plan as quickly as possible and within 8 weeks of the original amendment notice.

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 SEND Caseworker, to discuss the proposed changes.

## Appealing a SEN decision following an 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.

# Where can I get more Information, Advice and Support?

You can read about Education, Health and Care needs assessments in the **SEND Code of Practice** Chapter 9. The North Yorkshire Local Offer includes more information on the local arrangements for EHC needs assessments: [www.northyorks.gov.uk/send-local-offer](http://www.northyorks.gov.uk/send-local-offer)

**SENDIASS** can give you:

- Information about **the Annual Review Process**
- Advice and support for preparing an Annual Review
- Support with what to do if you disagree with an Annual Review decision
- Details of other organisations, support groups and services that may be of help
- Information, advice and support about your rights to make a complaint, seek independent disagreement resolution or mediation

## Further Information

View our other information leaflets and resources at:  
[www.sendiassnorthyorkshire.co.uk/leaflets](http://www.sendiassnorthyorkshire.co.uk/leaflets)

# Useful Links

- **Ace Education** (independent advice and information on state education in England.)
- **Child Law Advice** (education law advice for families) [www.childlawadvice.org.uk](http://www.childlawadvice.org.uk)
- **Collis Mediation Ltd** (mediation and disagreement resolution service) [www.collismediationltd.com](http://www.collismediationltd.com)
- **Contact** (for families with disabled children) [www.contact.org.uk](http://www.contact.org.uk)
- **Council for Disabled Children** (umbrella body for the disabled children's sector) [www.councilfordisabledchildren.org.uk](http://www.councilfordisabledchildren.org.uk)
- **IASSN** (information, advice and support services network) [www.cyp.iassnetwork.org.uk](http://www.cyp.iassnetwork.org.uk)
- **IPSEA** (national charity providing legally based information advice and support) [www.ipsea.org.uk](http://www.ipsea.org.uk)
- **Our Website** [www.sendiassnorthyorkshire.co.uk](http://www.sendiassnorthyorkshire.co.uk)
- **SEND Code of Practice** (explains the statutory duties of schools and local authorities) [www.gov.uk/government/publications/send-code-ofpractice-0-to-25](http://www.gov.uk/government/publications/send-code-ofpractice-0-to-25)
- **SEND Tribunals Service** (organisation responsible for handling claims) [www.justice.gov.uk/tribunals/send](http://www.justice.gov.uk/tribunals/send)

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Special Educational Needs and Disabilities  
Information, Advice and Support Service

If you would like any further information please see the links below to our website and social media pages.

Alternatively, if you would like some extra support for your child/young person you can call or email our

Advice Line service on 01609 536923 or

[info@sendiassnorthyorks.org.uk](mailto:info@sendiassnorthyorks.org.uk)

Our Advice Line is open 9:30-1pm Monday to Friday during Term-Time and 9:30-1pm Tuesday and Thursday during School Holidays.



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[www.sendiassnorthyorkshire.co.uk](http://www.sendiassnorthyorkshire.co.uk)



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