

Annual Review of an Education, Health and Care Plan - Statutory processes

Introduction

This document has been developed to provide educational settings with information about the annual review process for children and young people with an Education, Health and Care Plan. It includes:

- Key information about the annual review process
- A timeline of events
- Guidance for completing the annual review report

All local authorities are required to follow legislation under the Children and Families Act (2014) section 44 and the statutory guidance under the SEND Code of Practice, 2015(s. 9.166-9. 185, s. 9.193-9.210 in regards to this process.

EHC Plans

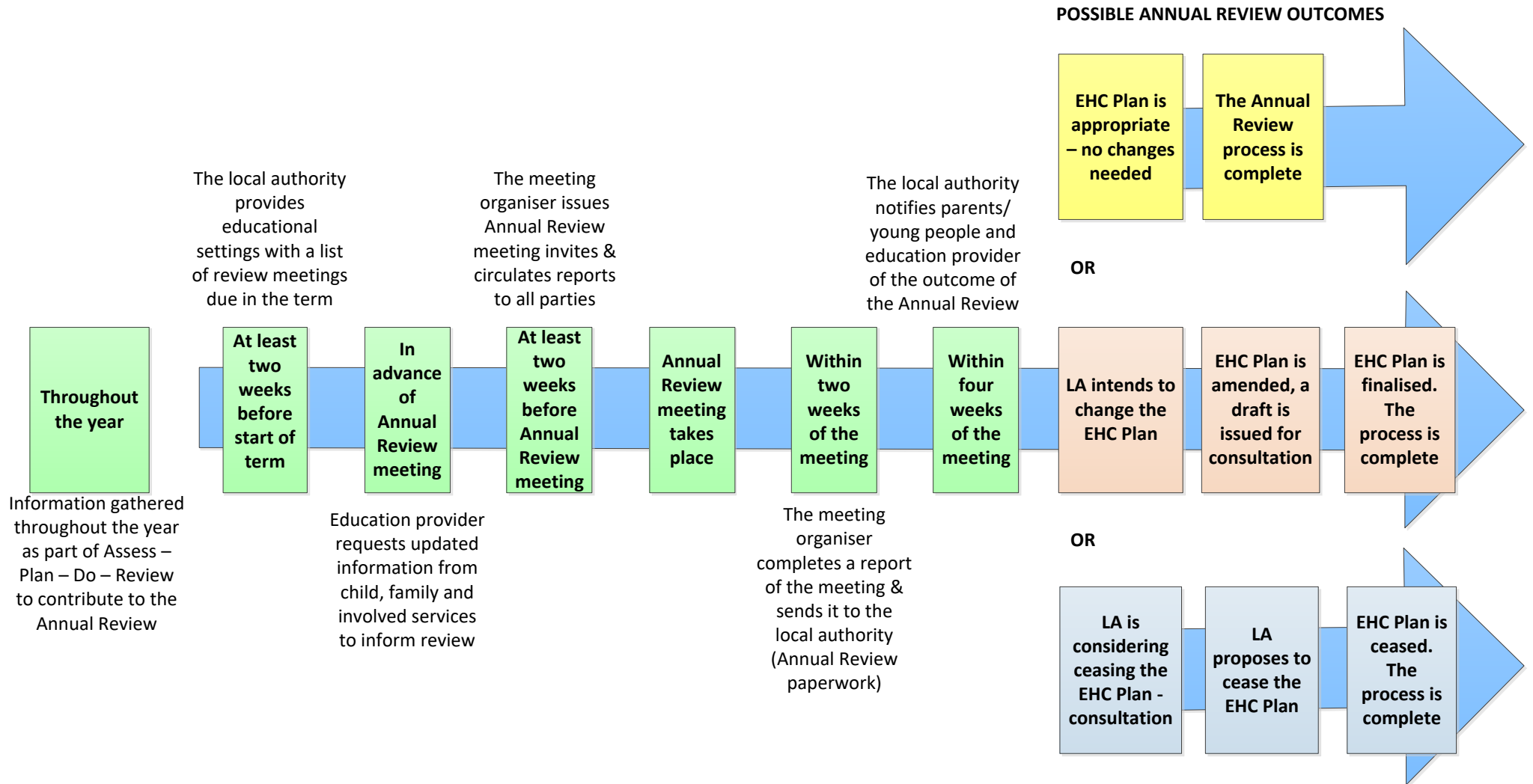
Education, Health and Care (EHC) Plans are developed for children and young people between the ages of 0 to 25 who need Special Educational provision to be made in accordance with a plan. The plans describe the child/young person's education, health and social care needs and specify the educational or training provision that is **extra or different to** that generally provided for other children/young people of the same age by their educational setting. The plans include the child/young person's health and social care needs which are related to their special educational needs and/or disability, and the health and social care provision required to meet those needs.

EHC Plans must be reviewed annually

This administrative process is managed by the local authority's SEND Statutory Assessment and Review Service (SENDSARS):

- Email: SENDAssess&Review@sheffield.gov.uk
- Call: 0114 273 6394

Key information about Annual Reviews



Key points about the process:

- The local authority discharges its duties to arrange the Annual Review meeting to the education provider in line with the SEND Code of Practice.
- The annual review is a process that includes a meeting. Actions should be taken before, during and after the meeting to complete the process.
- The annual review process must be completed within 12 months of an EHC Plan being issued for the first time, or within 12 months of the previous annual review. An annual review can also be called at any time by involved parties if they believe significant changes are needed.
- The process ends when the local authority notifies parents/carers or the young person and the educational setting of the **outcome** of the annual review. The outcome is when a decision is made as to whether the plan will be maintained, amended or ceased, not when any amendments are finalised. The annual review process starts again if the plan is maintained.
- The SEND Code of Practice advises that local authorities should consider reviewing EHC Plans for children under five at least every 3-6 months. In Sheffield, we advise that reviews for children under 5 should take place every 6 months, unless there is a need to hold a review earlier than this.
- Reviews for children who are moving to a different phase of their education (primary to secondary school for example) need to take place by the October half-term to allow enough time for the local authority to consult with educational settings and make any changes to the plan by:
 - 15 February for children with EHC Plans who are moving from early years provision to primary school, infant to junior school and primary school to secondary school
 - 31 March for children with EHC Plans who are moving from secondary school to post-16 settings, and between post-16 settings.

Please note: In most cases, where a young person is above the age of 16, correspondence and discussion about the annual review process and the EHC Plan will be made primarily with the young person in line with SEND legislation. Families should continue to be involved as part of the discussions and decision making but the final decision will be the young persons, unless they are deemed to not have capacity to make such decisions. A young person can ask a family member or friend to support them in any way they wish, including, for example, receiving correspondence on their behalf, filling in forms, attending meetings, making telephone calls and helping them to make decisions.

Statutory process for EHC Plan Annual Reviews

The following details what should happen at all stages of the Annual Review process

Time - weeks	What happens	What educational settings need to do
Throughout the year	Educational settings should review progress against outcomes at least three times per year and work with services to gather evidence of progress being made. Short term targets and support needs should be considered.	Arrange at least three progress reviews per year. Record any evidence of changed needs and reports in preparation for the Annual Review meeting.
At least two weeks before the start of every term	<p>The local authority issues educational settings with a list of the annual review meetings that are due to take place in the term.</p> <p>The list identifies which reviews should focus on transition and preparation for adulthood.</p> <p>As of September 2019, this list will be sent to educational settings six weeks before the start of term (to give more time for preparation).</p> <p>Educational settings should share information about the reviews with SENDSARS (see next column). When they do this, SENDSARS will then contact the setting to discuss the meetings for the next term in further detail.</p>	<p>Ensure that annual review meetings are booked within a year of the EHCP being issued/ within a year of the previous annual review meeting. (The list provided by the local authority may help with scheduling).</p> <p>Ensure that annual review meetings for young people moving to their next phase of education are booked in before the October half term holiday.</p> <p>On receiving the list of annual review due dates from SENDSARS, schools will be asked to return key information relating to the annual review including the anticipated meeting date and pertinent information relating to the review as asked for in the form.</p>
As soon as the meeting date has been set – and at least two weeks before the annual review meeting	<p>The person organising the meeting should invite relevant people and request updated information/reports.</p> <p>NB: The local authority is responsible for making sure EHC Plan annual reviews take place. In Sheffield we require educational settings to carry these out on our behalf in line with national guidance.</p>	<p>Ensure that the views of the child/young person are gathered.</p> <p>Invite relevant people to the annual review meeting – giving at least two weeks’ notice. People invited must include:</p> <ul style="list-style-type: none"> • The child/young person and their parents/carers

Time - weeks	What happens	What educational settings need to do
	<p>NB: The local authority is wholly responsible for ensuring that annual reviews take place for young people who are electively home educated.</p>	<ul style="list-style-type: none"> • A representative of the educational setting • The local authority. This should include involved LA services, not just SENDSARS • A health service representative • A local authority social care representative • Anyone involved with meeting the child/young person's needs <p>Other individuals relevant to the review should also be invited. (This includes services working with the child/young person and others the child/parent/carer may request are invited).</p> <p>The person arranging the meeting must also seek up to date advice and information about the child/young person from all those invited to the annual review meeting, including the parents/carers. This advice and information should be circulated at least two weeks in advance of the meeting to all invited.</p> <p>NB: Some services will send information or advice rather than attend the Annual Review meeting. It is not expected that an LA officer will be able to attend all reviews.</p>
<p>The annual review meeting</p>	<p>Annual review meetings must consider:</p> <ul style="list-style-type: none"> • What is working well and identify what needs to change - from the child/young person's perspective, parent/carer perspective, educational settings and services' perspective • Whether outcomes have been achieved • Whether anything needs to change in terms of: <ul style="list-style-type: none"> • The child or young person's needs • Outcomes 	

Time - weeks	What happens	What educational settings need to do
	<ul style="list-style-type: none"> • Provision – education, health and/or social care • Education provider • Whether or not the EHC Plan is still required. <p>Reviews must be undertaken in partnership with the child and their parent/carer or the young person, and must take account of their views, wishes and feelings, including their right to request a Personal Budget. The review should also include the review of any existing Personal Budget arrangements.</p> <p>NB: A personal budget is an amount of money identified by the local authority that is used by parents/carers or young people to secure some of the provision specified in the EHC Plan. Personal budgets can be requested at the point of assessment or during a review of an EHC Plan. The local authority will consider all applications for personal budgets.</p> <p>Visit the Local Offer website for more information.</p> <p>Children, parents/carers and young people should be supported to engage fully in the review meeting. This will include gathering their views before the meeting.</p> <p>Review meetings must focus on progress towards outcomes in the EHC Plans and what changes might be needed to support them to achieve these outcomes. Review meetings should be person-centred focussing on what is important to and important for the child/young person – for example, a child may say it’s important to them to use the internet, play on playground equipment and make friends. Others (e.g. parents, SENCO) may say it’s important for them to stay safe online, carry out physiotherapy exercises and develop an understanding of personal boundaries.</p> <p>From Year 9 onwards the review meeting must include a focus on preparation for adulthood including planning for:</p> <ul style="list-style-type: none"> • Employment • Independence • Community participation • Health <p>For children looked after the annual review should, if possible and appropriate, coincide with one of the reviews in their Care Plan and in particular the personal education plan (PEP) element of the Care Plan. It may also be possible to combine the review with other meetings such as a Child in Need meeting.</p>	

Time - weeks	What happens	What educational settings need to do
	<p>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.</p> <p>The person leading the review should carry out the meeting covering the points noted in the Annual Review template. (Available on the Inclusion Taskforce section of the Learn Sheffield website: www.learnsheffield.co.uk/inclusiontaskforce)</p> <p>Any changes made to a child/young person's outcomes should be clearly evidenced in reports where appropriate, e.g. amendments to needs and provision. We recommend making amendments directly onto the EHC Plan, either electronically or annotated in writing.</p>	
<p>Within two weeks of the annual review meeting</p>	<p>A report of the meeting must be sent to everyone invited within two weeks of the meeting.</p>	<p>Education settings must prepare and send a report of the meeting to everyone invited within two weeks of the meeting, including parents/carers.</p> <p>The report must set out recommendations for any changes 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.</p> <p>The report should be completed using the Sheffield local authority Annual Review template. (Available on the Learn Sheffield website: www.learnsheffield.co.uk/inclusiontaskforce).</p> <p>The report should include an annotated copy of the EHC Plan detailing any proposed changes and the reports and other evidence collated during the review.</p>
<p>Within four weeks of the annual review meeting</p>	<p>The local authority logs the annual review report and records the date of the meeting and the date that the report has been received.</p>	<p>Record the end date and start the process for the next review.</p>

Time - weeks	What happens	What educational settings need to do
	<p>Reports are then reviewed by Inclusion Officers in the SENDSAR service who will determine the outcome of the annual review process. The outcomes are:</p> <ol style="list-style-type: none"> 1. NO CHANGE: The EHC Plan remains appropriate and the local authority will not be making any amendments following the annual review 2. CHANGES: The local authority intends to amend the EHC Plan 3. PROPOSE TO CEASE: The local authority is considering ceasing the EHC Plan <p>The local authority will issue a letter to parents/carers or the young person advising of the outcome of the annual review. It will send a copy of the same letter to the educational setting. The 12 month annual review process is now complete. The process then starts again. Please see the information below for details about the next steps for the three annual review outcomes.</p>	
<p>Outcome 1: NO CHANGE</p> <p>The EHC Plan is appropriate and the LA will not be making any amendments following the annual review</p>	<p>The letter from the local authority advises that the EHC plan will not be amended following the annual review.</p> <p>If the young person or their parents/carers disagree with the decision they have the right of appeal to the First-tier (SEND) Tribunal. Before an appeal can be lodged with the First-tier tribunals, parents/carers or young people must consider mediation and discuss this with the mediation advisor. Details of these services can be found within the letter from the local authority.</p>	

Time - weeks	What happens	What educational settings need to do
<p>Outcome 2: CHANGES</p> <p>The local authority intends to amend the EHC Plan</p>	<p>The letter from the local authority advises that it intends to amend the EHC plan and that the amendments will be issued without delay.</p> <p>Inclusion officers will create a new draft of the EHC Plan noting changes using the following formatting convention:</p> <ul style="list-style-type: none"> • <i>Text that the local authority proposes to add to the EHC Plan will be noted in italic font</i> • <i>Text that the local authority proposes to remove from the EHC Plan will be noted in italic font with strikethrough</i> <p>An amended draft EHC Plan will be issued to parents/carers or the young person and a copy will be sent to the educational setting – a copy of the original EHC Plan, information and advice about the changes and a letter explaining the process will also be sent.</p> <p>The letter contains a form for parents/carers or the young person asking them to state their preferred educational placement, as well as any further proposed changes to the EHC plan. This placement will most often be their current placement. They are asked to return this form within 15 calendar days.</p> <p>If the annual review includes a request for a change of placement, the local authority will consult with the parent/carer or young person's preferred educational setting, as well as other educational settings as appropriate, including their current placement.</p> <p>When consultation responses are received, documentation is prepared for the Education, Health and Care (EHC) Panel,</p>	<p>It may be helpful for someone from the child/young person's educational setting to discuss the amended draft EHC Plan with the parents/carers and/or the young person.</p> <p>The annual review letters advise that people can contact Sheffield Special Educational Needs and Disability Information, Advice and Support (SSENDIAS) service for additional advice and support about the annual review process – please remind people of this if needed.</p> <p>SSENDIAS can be contacted by:</p> <ul style="list-style-type: none"> • Tel: 0114 273 6009 • Email: ssendias@sheffield.gov.uk

Time - weeks	What happens	What educational settings need to do
<p>15 days after the draft EHCP has been issued</p>	<p>which makes a decision about the child/young person's placement.</p> <p>If the annual review contains a request for additional funding, further discussions may take place before documentation is prepared for the EHC Panel, which will make a decision about this request. Guidance on accessing funding for different types of provider will be developed in future.</p> <p>If the annual review contains a request for a personal budget, further discussions will take place with the parent/carer or young person to determine the nature and details of the request. Documentation will then be prepared for the EHC Panel which will make a decision about this request.</p> <p>15 days after the draft EHCP has been issued:</p> <p>If there are no requests for additional funding, a change of placement or a personal budget, the EHC Plan can be prepared to be finalised.</p> <p>The process may take longer than 15 days if there have been requests for additional funding or a change of placement – to allow for consultation with educational settings if needed, and for the decision to be submitted to the EHC Panel.</p> <p>If amendments have been received from parents/carers or young people they will be considered by Inclusion Officers in the SENDSAR service and incorporated into the EHC Plan if the local authority agrees with the proposed amendments.</p> <p>Some of these amendments must be evidenced in advice, such as those relating to specific diagnosed and detailed</p>	

Time - weeks	What happens	What educational settings need to do
	<p>needs and subsequent provision.</p> <p>Inclusion Officers may contact parents or young people to discuss additional proposed amendments.</p> <p>A copy of the final amended EHC Plan will be issued to the parents or young person and a copy will be sent to the educational setting and Sheffield's Clinical Commissioning Group (CCG). This process must be completed within eight weeks of advising the intention to make amends.</p> <p>NB: As a reminder (and as stated above) the annual review process is complete when the local authority issues the outcome letter (within four weeks of the annual review meeting). If a decision is made to amend the plan, the amendments can carry on into the start of the next year of the cycle.</p>	
<p>OUTCOME 3: PROPOSE TO CEASE</p> <p>Information suggests that the EHC Plan is no longer</p>	<p>The local authority will consider ceasing an EHC Plan if:</p> <ol style="list-style-type: none"> 1. The local authority is no longer responsible for the young person – this includes where a young person progresses to university, takes up employment or leaves education after their 18th birthday. 2. The child or young person no longer requires the special educational provision to be made in accordance with the EHC Plan - this applies where a young person can be provided for by the resources normally available to the educational setting. <p>If any of the above criteria are met, the local authority will issue a letter within four weeks of the annual review meeting to advise that they are considering ceasing the EHC Plan, and to</p>	<p>Please respond to propose to cease consultations within 15 calendar days as set out in the letters sent by the local authority.</p> <p>Education setting should ensure that the young person and parent/carer are clear about the support that continues to be in place if a plan is ceased. This is particularly important for where formal education is coming to an end in line with preparation for adulthood expectations.</p>

Time - weeks	What happens	What educational settings need to do
	<p>consult with parents, young people and educational settings.</p> <p>First letter: Notification of Intention to cease</p> <p>As noted above, the local authority will issue a letter within four weeks of the annual review meeting to advise that they are considering ceasing the EHC Plan, and to consult with parents, young people and educational settings.</p> <p>15 calendar days are given for people to respond to this letter.</p> <p>Second letter: Decision to cease</p> <p>If the local authority decides to cease the EHC Plan, a second letter is sent to parents or young people, and the educational setting advising them of this and of their rights to appeal this decision.</p> <p>If parents or young people want to appeal the decision, they must first consider taking part in mediation before lodging an appeal with the First-tier tribunal.</p> <p>Appeals must be made within two months of the letter advising that the local authority decides to cease the EHC Plan.</p> <p>EHCP has been ceased</p> <p>If an appeal is not received, the local authority will cease the EHC Plan once the appeal window has closed (two months after the decision to cease letter is sent).</p> <p>The local authority issues a third letter at this point, confirming that the plan has ceased. There are no rights of appeal at this point in the process.</p>	

Completing the EHC Plan Annual Review Report

1. **Front page** - Please ensure that all of the details on the first page are completed, including the name of the educational setting, young person's address and the date of the annual review meeting. This information allows the local authority to ensure that records are up to date and record annual reviews against the timescales identified in the SEND Code of Practice. All those invited should be detailed in the attendance section and any contribution detailed e.g. written report, discussion with service.
2. **Record of the Review** – Please provide a summary of the views of all those involved. It may be that more detailed information and advice is provided that can be appended to the annual review report. Parents, carers and young people must be supported to participate in annual reviews.
3. **Review of progress against EHC Plan outcomes** - Please review progress against all outcomes listed in the EHC Plan - these can just be referred to by number. Please rate progress made towards each outcome in the last year using the five-point scale listed on the report. Any suggested new outcomes should be added.
4. **Preparation for Adulthood** – This section must be completed for young people in Y9 upwards. Please detail plans for progression into post-16 education and the further preparation for adulthood that is taking place. A young person's plans for their post-16 education and adult life may change so please provide the information that is available at the time of the review. Please evidence in the report that young people have participated in their transition plan and planning for adult life.
5. **Proposed amendments to the EHC Plan** – As per the SEND Code of Practice, 'EHC plans are not expected to be amended on a very frequent basis. However, an EHC plan may need to be amended at other times where, for example, there are changes in health or social care provision resulting from minor or specific changes in the child or young person's circumstances, but where a full review or re-assessment is not necessary.'

Please indicate if you feel that the EHC Plan should be amended and note the sections that require amendments. Depending on the format of the EHC Plan, you may be able to type these onto the EHC Plan itself, write them on by hand and scan a copy of the plan or include them on a supporting document. Please be clear if there is any information that you feel needs to be removed from the EHC Plan. Suggested amendments should be specific and evidence based.

The local authority will amend EHC Plans where there are significant changes in circumstances e.g. outcomes have been met or are no longer relevant for other reasons, the child/young person has changed education phase or placement, or education, health or social care information contained in the EHC Plan is no longer an accurate description of the young person's needs.

EHC Plans will not be amended where the changes in circumstances are minor e.g. a change in social interests for the young person or where progress has been made towards outcomes but the outcomes have not been met. This information, however, is relevant to the EHC Annual Review and should be recorded on the report. The most recent Annual Review report is a legal update to the existing EHC Plan and the documents should be viewed in conjunction. Where a plan isn't changed following the review, the education provider should ensure that any minor changes are included in the next annual review report also.

If the local authority does not make amendments to the EHC Plan, as changes are not significant, the education provider should maintain a record of possible minor amendments to contribute to the next annual review.

The report should note if there is a request for a change of placement and a brief summary of this. You can also identify if the plan should be maintained or ceased following the annual review.

- 6. Agreed actions following review** – If there are any agreed actions following the meeting, please identify them here along with responsible practitioners and timescales. Ensure that people have agreed to the actions that are allocated to them.

Once the annual review report is complete, please send a copy of it and all accompanying advice and information to the local authority via Anycomms. Where possible, please send the report as a Word Document.

For guidance about the EHC Needs Assessment process please visit the Inclusion Taskforce section of the Learn Sheffield website:
www.learnsheffield.co.uk/inclusiontaskforce