

**Annual Review Detailed Guidance**  
***(Please read in conjunction with the Annual Review Flowchart)***

This guidance aims to provide an overview of the key duties which apply to Local Authorities (LA), Schools and Educational providers as set out in the Children & Families Act 2014 (C&FA 2014) Section 44; Regulations 2, 18, 19, 20 and 21 of the Special Educational Needs and Disability Regulations 2014; and the SEND Code of Practice 2015 (CoP) paragraphs 9.166 to 9.185. **This guidance should be read in conjunction with the CoP: [www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25)**

This guidance 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:

**EHC plan Annual Reviews for children under the age of 5** - Local authorities should consider reviewing an EHC plan for a child under five at least every three to six months to ensure that the provision continues to be appropriate. Such reviews would complement the duty to carry out a review at least annually, but may be streamlined and not necessarily require the attendance of the full range of professionals, depending on the needs of the child. The child's parents **must** be fully consulted on any proposed changes to the EHC plan and made aware of their right to appeal to the First Tier Tribunal (**CoP 9.178**).

**Young people in Year 8** - onwards **must** include a focus on Preparing for Adulthood (PfA) outcomes. Consideration of:

- education, employment and training
- independent living
- good health
- friends, relationships and inclusion in their community

should be discussed from the earliest stage for a child or young person (CYP) in receipt of an EHC plan. PfA transition planning **must** be built into the EHC plan and where relevant should include effective planning for young people moving from children's services to adult care and health services. It is particularly important in these Annual Reviews to seek and record the views, wishes and feelings of the young person. Planning **must** be centred around the individual and should also explore the CYP'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. Local authorities should ensure that children and young people have the support they need (for example, advocates) to participate fully in this planning and make decisions.

**CoP 8.13** As a CYP develop, and increasingly form their own views, they should be involved more and more closely in decisions about their own future. After compulsory school age (the end of the academic year in which they turn 16) the right to make requests and decisions under the Children and Families Act 2014 applies to them directly, rather than to their parents. Parents, or other family members, can continue to support young people in making decisions, or act on their behalf, provided that the young person is happy for them to do so, and it is likely that parents will remain closely involved in the great majority of cases.

When reviewing an EHC plan for a young person over the age of 18, the LA **must** have regard to whether the educational or training outcomes specified in the plan have been achieved. Part of the PfA Annual Review could include a *Transition Assessment* undertaken to comply with the Care Act 2014, which should be completed at the right time for the young person, or carer and at a point with the LA is reasonably confident about what the young person's needs for care and support will be once they turn 18. There is not a time to complete the transition assessment, they generally occur when the young person is between 15 years and 17 ½,

and prior to the Annual Review to inform this statutory process.

**Young People Detained in Custody** - for a young person detained in custody, the provision put in place during their time in custody will be monitored at least annually. A monitoring meeting will take place which should consider the special educational and health provision arranged for the detained person in custody and the appropriateness of the provision in the EHC plan, in light of the detained person's progress or changed circumstances. Their EHC plan **must** be formally reviewed upon release and if the special educational provision specified is no longer appropriate this should trigger a reassessment of the CYP's needs.

**EHC plan Annual Reviews for Looked After Children and Children In Need** - where possible the Annual Review should coincide with one of the reviews of the CYP's *Care Plan* and in particular the *Personal Education Plan* (PEP) element of the *Care Plan*. The person with responsibility for organising the Annual Review will need to liaise closely with relevant professionals from social care. A combined meeting will take longer and attendees should be advised of the expected meeting length.

There is a requirement for all EHC plans to be reviewed by the LA at least annually. This is usually referred to as the Annual Review. Professionals across education, health and social care **must** cooperate with local authorities during Annual Reviews.

**CoP 9.166** Reviews **must** focus on the CYP's progress towards achieving the outcomes specified in the EHC plan. The review **must** also consider whether these outcomes and supporting targets remain appropriate.

The Annual Review is more than just a review meeting; it is a statutory process that **must** be completed on or before the anniversary of when the EHC plan was first issued or the anniversary of the last review. This is laid down in law and in the CoP. The **first** Annual Review **must** be held **within 10 months (and completed within 12 months)** of the date when the original EHC plan was issued (please refer to your current EHC plan to see the date when the final plan was issued). Further reviews will be held within 12 months of the previous Annual Review. The Annual Review is also an opportunity to get the CYP, their parents/carers and the professionals who support them around the table where possible. **See 'Annual Review Flowchart' which explains the steps involved.**

Although the overall Annual Review process is the LA's responsibility, it is usual practice for Steps 1 to 4 below, to be delegated by the LA to the schools, educational settings or other educational providers. **(CoP 9.173-9.175)**

The Local Authority's 0-25 Education Team has the statutory duty to coordinate and manage the Annual Reviews of EHC plans. Annual Reviews will normally be held at the educational setting attended by the CYP. They are generally most effective when led by the educational setting because, other than the family, they will usually know the CYP best, have the closest contact with them and their family, and will have the clearest information about progress and next steps.

Where the CYP is Electively Home Educated or has an Alternative Provider, the Local Authority will organise, arrange and manage the EHC plan's Annual Review process. These Annual Reviews will be held at an agreed location with the CYP and their parents/carers (this could be at the Local Authority offices).

While there is no statutory obligation on early years settings to organise, arrange and manage reviews of an EHC plan, many support the Local Authority with the process as they are the professionals in contact with the parents/carers and they have the clearest information about progress and next steps for the child in their care. The Local Authority will provide support with the process to early years settings and where required will organise, arrange and manage the EHC plan Annual Review process.

**CoP 5.46** Where a child has an EHC plan, the local authority **must** review that plan as a minimum every twelve months. As part of the review, the local authority can ask settings and require maintained nursery schools, to convene and hold the annual review meeting on its behalf.

**Annual Review Process Timeline** (please refer to *Annual Review Flowchart*)

### Step 1 – In June/July – Local Authority Allocation of Annual Reviews

Around June/July the Local Authority's 0-25 Education Team will inform schools and educational settings of the proposed dates of Annual Reviews for the forthcoming academic year. Schools and educational settings will be required to set the date for the Annual Review at least a term before the annual review meeting is due to take place. This process will allow for Annual Reviews taking place during the first term of the academic year to be arranged. The 0-25 Education Team will also advise schools and educational settings of statutory timeframes and when Annual Reviews to meet these **must** take place. The only exception to this is if an emergency review of a CYP's EHC plan is required.

The Local Authority will highlight key transition Annual Review dates:

These are as follows:

- Children moving from one phase of education to another requiring their setting to be named by the 15th February in the year preceding phase transfer e.g. 15<sup>th</sup> February of move from early years to school, infants to juniors and Year 6.
- Children and young people moving to Post 16 provision require their EHC plan to be amended by the 31st March of Year 11
- Young people moving between Post 16 settings should be reviewed and amended 5 months before

the transfer is due to happen

- When a CYP doesn't attend a school or other type of education provision (for example Elective Home Education)
- When a CYP is due to be released from custody

## Step 2 – In September – Decide who should be involved in the Annual Review Meeting

We recommend that schools and educational settings discuss all children with EHC plans with their Educational Psychologist (EP) at the whole school consultation meetings to plan for the year ahead any input that will be needed from EPs. This would also be a good opportunity to think about who else may need to be involved for example, for reviews for Children in Need or Looked After Children, whether Social Workers need to be involved.

The 0-25 Education Team and Education Psychology will not be able to attend every Annual Review however they can prioritise an Annual Review where there may be a key transition or if an Early Review is required because the CYP is at risk of school/family breakdown.

Schools and educational settings will provide confirmation to the Local Authority of the Annual Review dates for all CYP with an EHC plan for the forthcoming academic year by no later than the 15<sup>th</sup> September.

The date of the Annual Review will need to be confirmed with CYP and their parents/carers. It would also be useful at this point to ask CYP and the parents/carers who they would like invited at the meeting so that the appointed person knows who to invite.

## Step 3 - Six Weeks before the Annual Review – Arranging the Meeting

The Code of Practice states invitees to the Annual Review **must** be given at least two weeks' notice of the commencement of an Annual Review. The LA however, recommends that the school or educational setting gives parents/carers and professionals at least six weeks' notice, if not more, to ensure their availability and to provide sufficient time so that they can submit a written report or supporting information.

The Chair of the Annual Review (usually the SENCO or Head teacher) should confirm with the CYP and the parents/carers who they would like invited at the meeting. They should write to all professionals involved with the CYP to invite them to attend the Annual Review and to seek up to date advice and information, this may also include specific professionals employed by the school.

They **must** also write to the young person and parent/carer inviting them to contribute their views, wishes, aspirations and feelings. This should include their view of the current arrangements and provide an opportunity to discuss changes which they may want to be made to the EHC plan. Parents/carers can be provided with the *Parents'/Carers' Views* document to complete prior to the meeting.

An invitation should be sent in all cases to the LA's 0-25 SEND Case Coordinator/Senior Case Coordinator, providing as much notice as possible; indicating clearly this is an invitation.

The *invitation letter* sent out to all parties will include in it the date that the statutory Annual Review process will begin (i.e the date of the Annual Review).

The education setting will collate all appropriate educational information and reports, including the latest EHC plan, any information from other meetings, national attainment levels, progress against outcomes, impact of interventions and information from all staff who have contact with the CYP on a regular basis. This information will be used to populate the school's *Annual Review Paperwork*.

All reports should be received by the appointed Chair of the Annual Review at least three weeks before the Annual Review meeting to ensure there is time to send out the paperwork within statutory timeframes. The Chair will also need to plan who will be taking notes of the Annual Review meeting.

#### **Step 4 – 3 weeks before the Annual Review meeting – Preparation & Circulation of Reports**

The school/education setting will collate and prepare all the paperwork for the Annual Review meeting. The Chair **must** send out all reports and information gathered to all those attending (**CoP 9.176**), **at least 2 weeks** before the date of the Annual Review meeting, so that everyone has a chance to read all the reports and views before the meeting. This will usually be the same people contacted in Step 3 but may include others if it is thought their assistance or contribution may be required.

**9.168** 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.

The Chair should prepare additional copies of the current EHC plan and all contributions to be available for attendees should they be required.

#### **Step 5 – At the Annual Review meeting**

The Annual Review meeting should be held in the style of a person centred approach, but in whatever format the meeting takes it **must** enable full involvement of the CYP and their parents/carers. It **must** consider their views, wishes and feelings especially when making decisions. Ensure that points 1-10 below are covered and that school don't simply focus on how things have gone in the past year in school. (**CoP 9.166 to 9.168**).

The Chair of the Annual Review should explain clearly the purpose of the meeting and introduce any ground rules that they feel are appropriate. The meeting should begin with a welcome and introductions where everyone can explain their relationship to the CYP and their role and or contribution to the meeting. It is the Chair's responsibility to indicate any agencies involved that are not present.

The Chair should ensure everybody has a copy of the CYP's most up to date EHC plan and also the *Annual Review Report* (plus any other reports and information which may be appropriate), although this will have been sent out two weeks before the meeting).

The Annual Review meeting:

1. **Must** check if the CYP's aspirations have changed with a clear focus on preparation for adulthood.
  2. **Must** take account of the CYP's views, wishes and feelings.
  3. **Must** check to see if there are parent/carer's views.
  4. **Must** review the description of the SEND in section B, health needs in section C, and social care needs in section D, also check their effectiveness in achieving good progress towards outcomes as specified.
  5. **Must** focus on the CYP's education progress made towards achieving the **long term (end of Key Stage)** outcomes set out in the EHC plan.
  6. **Must** identify any new needs from information received from the previous 12 months.
  7. **Must** establish whether the current outcomes and supporting targets remain appropriate and if required agree new ones.
  8. **Must** review the special educational provision and the arrangements for delivering it to ensure it is still appropriate and enabling good progress.
  9. **Must** be undertaken by working in partnership (person-centred) with the CYP and their parents/carers.
  10. **Must** check if the CYP and their parents/carers would like to request a Personal Budget.
  11. **Must** review any existing Personal Budget arrangements and/or direct payments arrangements
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1. **Should** agree together and set new shorter term targets for the coming year and how this will be monitored.
  2. **Should** review the long-term outcomes in the EHC plan and update at the end of 6 months for children in Early Years, at the end of each key stage thereafter, until Post 19 if an EHC plan remains in place
  3. **Should** consider the continuing appropriateness of the EHC plan against the CYP's progress over the past year, where a change of establishment, change in provision or change in outcomes need to be made, or ceasing the plan is recommended
  4. **Should** review any transport arrangement to consider whether this meet eligibility and to plan for any transitions

#### **Step 6 – 2 weeks after the Annual Review**

After the meeting the Chair **must** prepare a report that includes any recommendations for amendments to be made to the EHC plan. The completed *Annual Review Summary*, should be signed by the Chair, CYP and parent/carer. This Summary **must** be sent to **everyone** invited and to the 0-25 Education Team **within 2 weeks** of the Annual Review, this **must not** be exceeded. This should include where there are differences of opinions and not just the general consensus and must clearly show any recommendations to amend the EHC plan on an annotated copy of the current plan – crossing out wording which no longer applies and adding in any proposed wording.

The report and any additional documents should be sent to the 0-25 Education Team via SOFIE. If the host is unable to access SOFIE documents can be sent by secure email. If sending the paperwork by post please send to:

South Gloucestershire Council  
Department for Children, Adults and Health  
PO Box 1955  
0-25 Education Team  
Bristol  
BS37 0DE

**(clearly marked for the attention of 0-25 Education Team)**

### **Step 7 – within 4 weeks of the Annual Review meeting – LA to review and decide**

Upon receiving the report the 0-25 Education Team will review, monitor and process the Annual Review paperwork. It will go to the Annual Review Panel to review and monitor. Based on the information provided they will decide which one of the 3 following options applies. Whether the EHC plan:

1. Should remain unchanged
2. Agreeing to amend
3. Should be ceased (**CoP paras: 9.199-9.210**)

CYP and their parent/carers along with the school or educational setting will receive a letter confirming the LA's decision. This **must** happen **within 4 weeks** of the Annual Review meeting taking place.

If the LA decides on **option 1 or 3** (no change or to cease) (**CoP 9.176**) they **must** inform the parent/carer/young person of the following:

- Their right to receive information, advice and support
- The requirement for them to consider mediation if they decide to appeal
- Their right of appeal to the tribunal and the time limits for this to take place

The EHC plan **must** be maintained until the two month period for the Appeal to be lodged at the First Tier SEN and Disability Tribunal has passed. If an appeal is made to the First Tier SEN and Disability Tribunal the EHC plan **must** be maintained until the hearing has taken place and they have given their decision.

### **Step 8 - Within 8 weeks of the Decision Letter from the LA**

If the LA decides on **option 2** (to amend the plan) they should make the amendments as soon as possible (**CoP 9.193 – 9.198**). However the Local Authority will aim to get this completed within 8 weeks of the *Decision Letter*.

The LA **must**:

- Send to the young person/parent/carer a copy of the unchanged version of the EHC plan along with an *Amendment Notice* outlining the proposed amendments. This will be annotated on the new Draft EHC plan showing the new changes.
- Include any supporting evidence for the proposed changes. This may include additional reports and notes from the meeting.
- Give the CYP and their parent/carer at least 15 calendar days to respond with their views. This could include naming a school (**CoP 9.78 and 9.94**). They should also be informed of their right to meet with the LA to discuss the proposed changes.

### Step 9 - 10 weeks after the Decision Letter from the LA

Once the LA has received its response from the young person/parent/carer, the LA **must** either issue an Amended Final EHC plan or inform the CYP and parents/carers they will not be including further recommendations. The LA **must** inform the parent/carer/young person of the following:

- Their right to receive information, advice and support
- The requirement for them to consider mediation if they decide to appeal
- Their right of appeal to the tribunal and the time limits for this to take place

If the Amended Final EHC plan is issued it should clearly state it is an amended version of the original and be dated. It should be clear which parts have been amended. It should still clearly state the date the original EHC plan was issued (**CoP 9.197**).

### **Additional information be aware of regarding Annual Reviews**

EHC plans are not expected to require frequent changes and updates (**CoP 9.193**). When they do need amending, there should be supporting evidence to inform any specific changes. However, the LA will should update EHC plans at the end of every key stage ie. key stage 1, 2, 3, 4 and Post 16.

#### **What is an Early Review?**

An Early Review can be requested at any time by a parent/carer, young person, a setting or practitioner if there are any significant changes of circumstances for example:

- The CYP's education, health or social care needs have changed and are no longer accurately described in the EHC plan
- The education, health or social care provision in the EHC plan is no longer meeting the CYP's needs
- The CYP is at risk of permanent exclusion

#### **Reassessment of a CYP's Special Educational Needs**

The Local Authority **must** conduct a reassessment of a CYP's needs if a request is made by the child's parent, the young person, the governing body or principal of the educational setting, that the CYP attends and the CCG (or NHS England where relevant). The Local Authority can also initiate a reassessment without a request if it thinks it is necessary.

An 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 for example because it considers that the CYP's needs or the provision required, have not changed significantly.

A reassessment may also happen when a young person with care support in their EHC plan turns 18. This may be necessary to identify what adult support services may need to be provided and prepare for these to be in place in a timely manner.

Transition planning needs to be made based on current advice. If the CYP has not been seen by professionals or services for more than two years but have clear SEND, a reassessment may be necessary.

If a decision to undergo a reassessment after the Annual Review meeting is made, the notification letter from the Local Authority with their decision will start the timescale for that assessment. The assessment will take **14 weeks** before the decision to issue a draft EHC plan or not to issue an EHC plan is made.

A reassessment does not guarantee that an EHC plan will be drafted and issued as a Final EHC plan at the end of this process.

**For more information on the above please check the relevant sections in the CoP 9.186-9.210**