



## Annual Reviews with flow chart

The **Annual Review (AR)** is more than just a review a **meeting**, it is a **process** that must be completed. The process is only completed when parents/young people are informed of the Local Authority's (LA) decision. This is known as a decision notice, which will be a letter from the LA.

The meeting **must** take place within 12 months of the last Annual Review. (If you have a new EHCP your first AR should take place within 12 months of it first being finalised). The Annual Review process is laid down in law and in the Code of Practice.

At the beginning of each term, the LA will send a reminder to Schools, telling them which pupil's EHCP at their School must be reviewed in the coming term. If your child is out of School, the LA should carry out the AR, this will include where children are educated at home (elective home educated, EHE).

**Emergency (or Interim) Annual Reviews (EAR's) / Interim Reviews (IR's)** can be requested if your child is not due an Annual Review, but changes need to be made to the EHCP. Examples of reasons for this type of review being called could be -

- When new reports have been written or new evidence comes to light and this is not included in your child's EHCP
- There are significant changes in your child's needs
- There is a breakdown in placement
- You feel that provision stated in the EHCP is not being delivered.

As a Parent or Carer you can request an Emergency or Interim AR by completing an 'Interim Annual Review request' form and sending it to the LA. If you have not already done so, these forms are available from the SEN Review Officer at your child's School, on request. WIRED also have copies of these available to Parents/Carers or Young People on request.

Your child's School can also request an EAR/IR by following the same process.

### Transition Reviews (TR's)

A Transition Review is held at key stage transfer times, i.e. Foundation stage to Primary School; Primary to Secondary; Secondary to Post-16. These are normally held in the summer term or early autumn term the year before the transfer is due to happen. For example, if your child is due to transfer from Primary to Secondary School in September 2024, their Transition review should be held at the end of Year 5 or - at the latest - the first term in Year 6.

A Transition Review should be held separately from an Annual Review.

Whilst Schools often arrange and coordinate a Review, it is the LA's duty to ensure that all Reviews are completed.

**STEP 1: Up-to-date Advice**

**Legislation:**

Regulations 20 & 21 of The SEND Regulations 2014

SEND Code of Practice 9.166 - 9.179

Section 44 of The Children and Families Act 2014

The Lead Person responsible for coordinating the Review must obtain up-to-date written advice and information from -

- Parents/Carers and the Child or Young Person themselves.
- Nursery/School or other education provider
- Health
- Social Care
- Any other relevant professional involved with the child

**What should you do:**

If you feel the EHCP needs to be changed, the Annual Review is a perfect time to raise your concerns. It is an opportunity to discuss any changes you feel necessary. If there are any new reports or assessments, highlight them at this point.

The LA are likely to ask you to propose changes to the Plan by using a digital copy of it and making your additions/deletions

**STEP 2: Invitations**

Those named in step 1 **must** be invited to the meeting and **must** be given a minimum of 2 weeks notice of the meeting.

All of those invited **must** be provided with copies of the up-to-date advices obtained, at least two weeks before the meeting

**STEP 3: The Annual Review Meeting**

**The following is covered:**

- The Child or Young Person’s progress towards achieving the outcomes specified in their EHCP:
  1. Whether the outcomes still remain appropriate
  2. If their aspirations have changed
  3. Review and set new short-term targets
  4. Whether any changes need to be made to the provision (Section F) including if the placement is still appropriate.
  5. If a Child or Young Person is in year 9 or beyond, the meeting must consider what provision is required to assist them in preparation for adulthood and independent living.

**What should you do:**

Be prepared. Write a list of things you highlighted at stage 1, note any questions you want to ask and make sure you check everything is covered before the meeting ends.

If there are sections of the EHC Plan that you want to change, make sure that you discuss this.



**STEP 5: Decision**

2 weeks.

The LA then has 2 weeks (4 weeks from the date of the meeting) to decide to:

- a) maintain (leave the plan unchanged )
- b) amend
- c) cease to maintain

AND to tell the parents, the young person and the school/setting of its decision in writing:

for a) and c) this is called a ‘notice of decision’ (this letter gives you a specific right to appeal).

Failure of the LA to confirm their decision in writing is in effect frustrating the parent’s right of appeal.

for b) this is called an ‘amendment notice’ (this letter does not give you the right to appeal – you MUST wait for the letter with the amended Final EHCP to have the right to appeal).

PLEASE NOTE: At this point we advise that you email back to the LA to state that you require the copy of the EHCP together with the list of changes to be made along with supporting evidence of the changes, without delay/as soon as possible and expect the EHCP to be finalised 12 weeks from the date of the meeting.

(SEN Regs 20(10) 21(9))

What should you do:

Check you get your letter on time and chase your Case Officer if it has not been received.

If the LA wrote to you (four weeks after your Annual Review) to state they are making amendments to the Plan (b) they must first issue a copy of the EHCP together with a notice of proposed amendments (sometimes called a statement of changes) and include any evidence supporting the amendments without delay. (C of P, 9.176) and must then send the amended FINAL EHCP within 12 weeks of the annual review meeting.

The LA must send a copy of the EHCP with proposed amendments and any evidence to support these amendments and finalise the EHCP within 12 weeks of the date of the meeting.

Note:

Case Law: R (L, M and P) v Devon County Council [2022] EWHC 493 (Admin) was decided by the High Court on 8 March 2022.

Once you receive the copy of the EHCP you have 15 days to:

- make representations about the content of the EHCP
- request that a particular school or other institution be named in the EHCP and
- request a meeting with an officer of the LA, if you wish to make representations orally (SEN Reg 22(2)c) C of P 9.195)).

The right of appeal will arise when the amended EHCP is finalised.

Please note: Annual Reviews must still take place even if a Tribunal appeal is under way. The annual review could be an opportunity to try and resolve some of the issues in dispute. If the LA issues a new amended EHCP after the annual review, this can be treated as a working document in the current appeal, rather than you having to register a new appeal.