



**ANNUAL REVIEW GUIDANCE
FOR SCHOOLS AND
EDUCATION SETTINGS**

Working Document

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Foreword

The Annual Review process is statutory and as such is governed by SEND Code of Practice (2014) guidance.

*“EHC plans should be used to actively monitor children and young people’s progress towards their outcomes and longer term aspirations. They **must** be reviewed by the local authority as a minimum every 12 months. Reviews **must** focus on the child or young person’s progress toward achieving the outcomes specified in the EHC plan. The review **must** also consider whether these outcomes and supporting targets remain appropriate.”* SENDCOP 9.166

Duties to co-operate apply to *“professionals across education, health and care (who) **MUST** co-operate with local authorities during reviews.”* SENDCOP 9.169

The timescales for completing the Annual Review process apply to all schools and settings and to the Local Authority.

The review of the EHC Plan should include the review of any existing Personal Budget arrangements and arrangements for direct payments where this is necessary.

For Looked After Children (LAC) the Annual Review should, if possible and appropriate, coincide with one of the reviews in the Care Plan and in particular the Personal Education Plan (PEP) element of the Care Plan.

Annual Reviews should:

- *“Gather and assess information so that it can be used by early years settings, school or colleges to support the child or young person’s progress and their access to teaching and learning*
 - *Review the special educational provision made for the child or young person to ensure it is being effective in ensuring access to teaching and learning and good progress*
 - *Review the health and social care provision made for the child or young person and its effectiveness in ensuring good progress towards outcomes.*
 - *Consider the continuing appropriateness of the EHC plan in the light of the child or young person’s progress during the previous year or changed circumstances and whether changes are required, including any changes to outcomes, provision, change of educational establishment or whether the EHC plan should be discontinued.*
 - *Set new interim targets for the coming year and where appropriate, agree new outcomes*
 - *Review any interim targets set by the early years provider, school or college or other education provider.”*
- SENDCOP 9.167

For additional national guidance, please see:

The SEN Toolkit – Conducting Annual Reviews, Section 9

<http://media.education.gov.uk/assets/files/pdf/t/toolkit%209%20text.pdf>

The SEN Toolkit – Enabling Pupil Participation, Section 4

<http://media.education.gov.uk/assets/files/pdf/t/toolkit%204%20text.pdf>

Types of Review

❖ **Early Years Annual Reviews (for children 0-5 years)**

The first review **must** be held within 12 months of the date when the EHC Plan was issued.

The SEND Code of Practice recommends reviewing the EHCP every 3 to 6 months, but annually at the very minimum.

❖ **Secondary Transfer Reviews**

For a pupil attending a mainstream primary school, a secondary transfer review should be held no later than the Summer Term of Year 5.

The law requires that an EHC Plan **must** be amended to name the intended secondary placement by **February 15th** in the year of transfer and in order to do this, parental preferences need to be with the **SEN Team by 3rd October** in the year preceding the transfer.

Once amended for secondary transfer, further amendments should not be needed in Year 6, prior to secondary school admission.

❖ **Year 9 Annual Reviews – Preparing for Adulthood**

All Annual Reviews taking place from Year 9 onwards **must** include a focus on preparing for adulthood, including employment, independent living and participation in society.

This transition planning must be built into the EHC Plan and where relevant should include effective planning for young people moving from children to adult care and health services.

❖ **Transfer from secondary school to post-16 institution/apprenticeship**

Final EHCP/Amended EHCP **must be issued by Lewisham LA by the 31st March** in the calendar year of the transfer.

In some cases, young people may not meet the entry requirements for their chosen course or may change their minds about what they want to do after the 31st march. Where this is the case Lewisham Local Authority should review the EHCP with the young person as soon as possible, to ensure that alternative options are agreed.

❖ **Interim or Early Annual Reviews**

These may be called when:

- there is a recommendation to do so from a previous Annual Review
- a school identifies that a child or young person is at serious risk of disaffection/exclusion
- the needs of a child or young person have changed significantly
- there is a parental request
- to offer reassurance to parents and professionals where there is disagreement
- at the request of the Local Authority

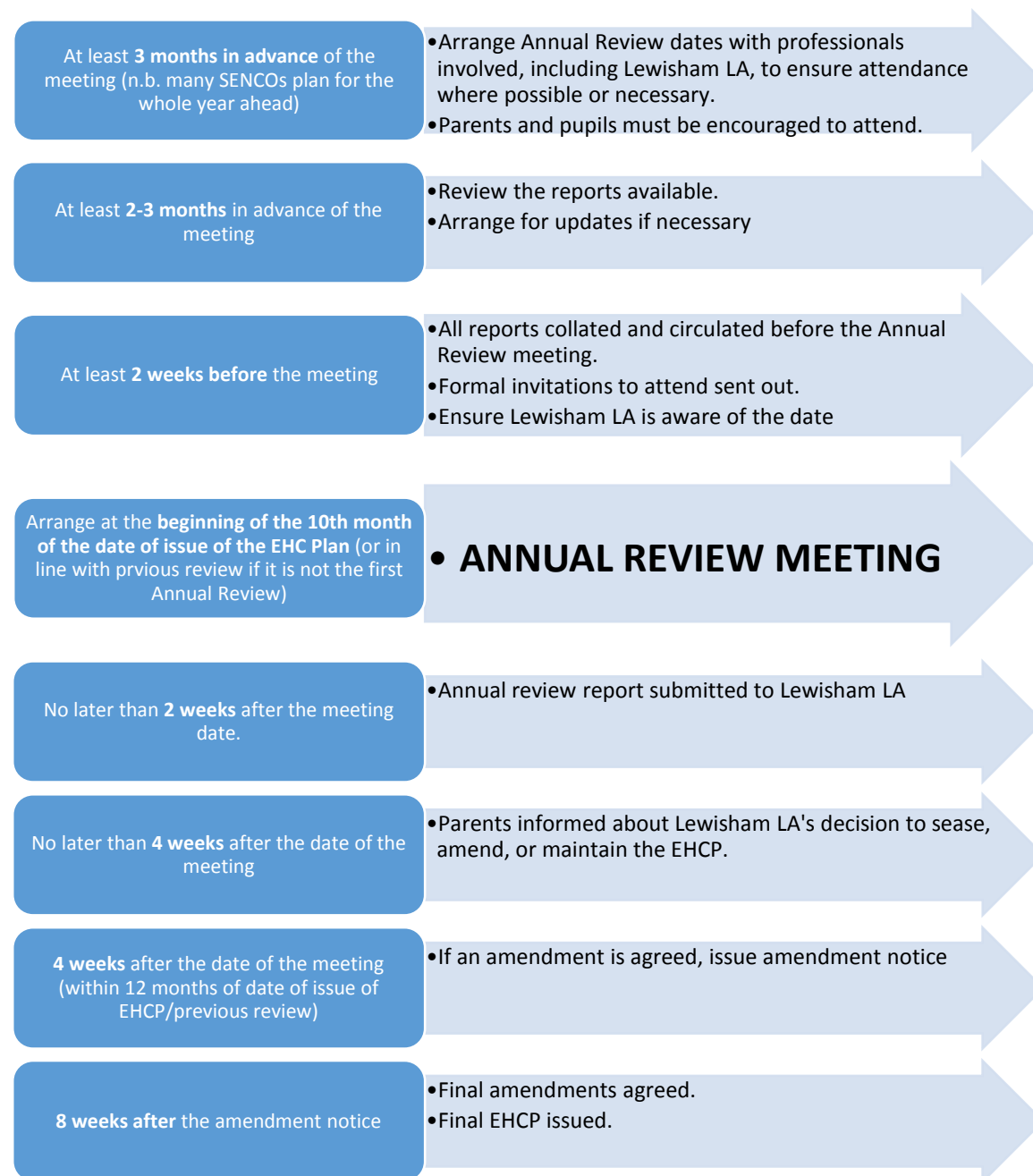
❖ **On release from custody (whether a child or young person):**

An EHC Plan must be reviewed and maintained by the LA when CYP has been released from custody. The child, parent and young person must be involved as well as the Youth Offending Team.

Timescales

Timescales allow a **maximum of 12 weeks to complete an Annual Review** and Lewisham Local Authority has only 4 weeks from the date of the Annual Review meeting to make a decision and inform parents (carers and young people) on whether it will maintain, cease or amend the EHC Plan. This must be done within a year of the original issue date of the EHC Plan.

To meet these tight timescales, the first Annual Review should be held at the beginning of the 10th month following the issue of the EHCP. In subsequent years it is important to coincide with the anniversary of the first Annual Review to ensure that timescales continue to be met.



Subsequent Annual Reviews must take place within twelve months of the first Annual Review date, ideally around the anniversary of the first annual review.

The Role of the SEN Case Officer at an Annual Review

The Annual Review meeting is organised, facilitated and recorded by the student's school, college or other institution, therefore it is not essential for an SEN Case Officer to attend.

However please discuss with your SEN Case Officer if you require advice or direction.

If Case Officers do attend they will make it clear at the introduction stage of the meeting that their role and function is as a procedural advisor only. Case Officers represent the local authority and are not party to the recommendations made nor do they contribute evidence to the meeting.

The Case Officer is therefore independent of the final recommendations made in the review.

Preparing for and conducting Annual Reviews

Preparing for and conducting Annual Reviews should be seen as a **four part process**:

Part One: Planning the Annual Review. Preparing for the review meeting, including the collection, collation and circulation of information and reports.

Part Two: The Annual Review Meeting.

Part Three: Completing the notes of the Annual Review Meeting and returning these electronically to Lewisham Local Authority **within 2 weeks**.

Part Four: The Local Authority considers the EHC Plan in the light of the Annual Review received and issues its decision whether to cease to maintain, maintain or amend the EHC Plan.

Part One – Planning for the Review

Reviews should reflect the person centred approach being promoted by the SEND Code of Practice 2014.

“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 the right to request a personal budget” SENDCOP 9.169

Wherever possible, the young person should take part in the review and contribute to relevant sections. If it is not possible for the CYP to attend, the education setting should make every effort to find an appropriate way to take the CYP’s views into account.

Appendix 1 shows a guide to good practice for involving CYPs in Annual Reviews

Post 16 young people may attend without their parents though it is likely that a young person will still want their parent/s/ carers to be involved in planning for the future. It is a matter for the young person to decide.

Dates for the first Annual Review should be set for a date within **10 months** of the anniversary of the issue of the original EHC Plan to enable timescales to be met in line with the statutory guidance. Thereafter the date can be set in line with the first Annual Review.

Ideally all Annual Review dates will be set at the beginning of the academic year or at least in plenty of time for professionals to update their reports and plan to attend. It is important to consult parents and professionals to make sure that, as far as possible, the arrangements are convenient to all.

At least a term before the Annual Review is due, the school or setting responsible for arranging the review will consider whether any updated information is required and seek this for **circulation 2 weeks** before the date of the meeting.

“The school must seek advice and information about the child or young person prior to the meeting from all parties invited and send any advice and information gathered to all those invited at least two weeks before the meeting” SENDCOP 9.176

Parents should be helped where this is requested or needed to make sure their views are appropriately recorded.

Invitations to the Annual Review:

The school (head teacher or their representative) **must** invite the following people to the review meeting:

- the pupil’s parents, ensuring that all those with parental responsibility are informed or involved, this will include a relevant social worker if the child is Looked After.
- The young person
- A LA SEN Officer
- A health service representative where one is involved
- A LA social care representative where one is involved.
- Other individual considered relevant by the school or the LA, for example, Youth Offending Teams or a representative from the receiving secondary school for a pupil in Year 6.

Prior Collection, collation and circulation of Information:

Prior to the AR meeting, and alongside the updating of other reports, the school should complete the school's report to be to be **circulated 2 weeks** before the Annual Review meeting.

The school report should be completed by someone who knows the child well and agreed by the head teacher or the SENCO. A proforma is available for this and will indicate:

- any **significant** changes in the pupil's:
 - educational needs which may result in amendments to Section B of the EHC Plan,
 - significant changes in health needs affecting Section C or
 - care needs affecting Section D
- overall **progress** over the past year towards each outcome identified in the EHC Plan. There will always be outcomes for education (Section C) and usually health and care.
- what **success** the pupil has achieved in meeting the short and long term **targets** set as steps towards the EHC Plan objectives;
- **evidence** of the pupil's current levels of attainment as measured by standardised tests, criterion referenced assessments. or other internal measures as appropriate;
- comments on any **continuing difficulties** with some insights into methods of teaching and support strategies that have proved effective;
- whether the pupil is **fully included** in the life of the school, or how this can be achieved.

Evidence from involved professionals and in support of a change of type of school placement:

Updated and supporting evidence is likely to come from a range of sources, not all of which may be education services.

Key professionals should be asked to provide information on their views about the current attainments and programmes of study, as their involvement allows.

Any advice received should cover the pupils **learning needs**, the **outcomes** required and the **provision** to be provided from that service and in conjunction with the school or setting.

Professionals should not stray outside their area of expertise.

Part 2 – The Annual Review Meeting

Sample Agenda for Annual Review Meeting

1. Introductions
2. Purpose of the meeting
3. Confirmation of the reports received, including the pupil's and parents' views
4. Confirmation of the parental and pupil views
5. Review of progress against the outcomes of the EHC Plan
6. Planning the school based targets for the next twelve months including any further actions
7. Summary and recommendations from the Annual Review
8. Date of the next Annual review

Suggested running order for the Annual Review Meeting

The Annual Review should be a friendly but formal meeting which accurately records the discussion and recommendations made.

Chairing the Meeting

The Annual Review should be chaired by the Head teacher, SENCO or a senior teacher.

Introductions

The chairperson should introduce and welcome everyone.

The Purpose of the Meeting

The chairperson should explain the purpose of the meeting and make sure that each person explains their role with the pupil so that parents have a clear understanding of their responsibilities in relation to their child and the review process.

It is important that the parents are clear that the meeting is to review progress, determine whether the EHCP is still required, determine whether any evidenced significant changes are required to the end of key stage outcomes or the provision required, or whether the EHCP should remain as it is or whether it should be ceased.

The chair should also make sure that parents know who was invited and unable to attend. It is expected that the pupil will be present for all or part of the meeting, where s/he is cognitively able to cope with the demands of participation. His/her views should have been sought and recorded prior to the meeting by a known and trusted adult, preferably using the proforma provided.

Confirmation of reports received

The chair should check that all present have read the reports, this will reassure parents that everyone has the same information. It will, of course, also highlight any discrepancies in the reports, which should have been circulated 2 weeks before the meeting.

Parent and Child's Views

These will have already be collected and circulated prior to the Annual Review meeting and both parties should be asked to summarise their views at the start of the meeting.

Review of progress towards outcomes

Using the pro- forma provided and taking a personalised approach the school should be able to record comments regarding section A of the existing EHC Plan. Changes in this section will not necessarily trigger an amendment to the EHC plan but allow the opportunity for parents and the young person to contribute their views.

The parent/ carer and child and young person's views should be considered first.

Each of the outcomes in the EHC plan should be reviewed, drawing on professional reports as they relate to that outcome.

The Annual Review must take into account the pupil's progress, achievement and any other actions agreed at the last Annual Review.

This should include looking at school based targets and the outcomes of any standardised testing especially where relating to literacy and numeracy.

The meeting should examine strategies successfully employed to meet the pupil's additional needs.

Planning for the next twelve months

There should be a discussion of the education, health and social care school based targets for the following year and how they will be recorded and developed to meet the outcomes outlined in the plan.

The outcomes within the Plan are likely to be set by the professionals up to the end of each key stage. However the arrangements in school to meet those outcomes are likely to change.

If action is required this should also be agreed and the person responsible for the action should be named.

Summary and Recommendations from the Annual Review

As the meeting draws to a close, a summary will be prepared that will lead to recommendations to be made to Lewisham Local Authority. The recommendations should be supported by the evidence discussed during the meeting.

Any disagreement about the recommendation and the details should be recorded.

The meeting should select **one** of the following recommendations:

- **Maintain the EHCP**
 - The EHC Plan continues to be appropriate there are no significant amendments and it should be kept as it is
- **Amend the EHCP**
 - The school remains appropriate but there are some very significant changes to outcomes required across education, health or social care.
 - The EHC Plan requires amendment for secondary school placement (The parental preference for secondary placement should be noted.)
- **Cease the EHCP**
 - The learning objectives have largely been achieved and EHC plan is no longer required.
 - The remaining learning outcomes are able to be met within the resources normally available to the school or setting – the SEN notional budget.

You should ensure that parents of Year 5 pupils have expressed a secondary school preference and are aware of the admissions arrangements.

The chairperson should make it clear that although the meeting can agree recommendations, Lewisham LA will make the final decision on whether to maintain, amend or to cease to maintain the EHC Plan or indeed take any other decision or action necessary.

Lewisham Local Authority **must** communicate its decision within 4 weeks of the meeting and the school **must** return all the paperwork electronically within 2 weeks to the Local Authority.

Date of next review

The date for the next Annual Review will be within twelve months and this should be recorded on the form. This will be noted by the Lewisham LA as part of tracking and any changes of date must be notified to the Local Authority. However, if there is a need for an earlier (interim) review this should also be recorded in the note of the meeting under recommendations.

Travel Arrangements

If travel, to and from school, is supported by the Local Authority, this should also be reviewed. Consideration should be given to ways of accessing school which safely maximise independence for the child or young person.

Part Three - The Summary Report of the Annual Review Meeting

The school/ setting (usually the Head teacher/ principal) **must** send, to the LA and **to all those invited to attend** the review, a copy of the Summary Report of the meeting together with copies of all the advices and information received.

This **must** be returned to Lewisham LA, electronically, **within 10 days** of the meeting or by the end of the school term, whichever is sooner.

The Summary Report **must** contain sufficient evidence and information to allow the LA to make an informed decision in respect of maintaining, amending or ceasing the EHC plan.

Part Four - The Local Authority receives the completed review of the EHC Plan

Lewisham LA concludes the review process by considering the Summary Report, the accompanying advices and the recommendations of the Annual Review.

Amendments will usually be made at the end of each Key Stage.

“EHC plans or not expected to be amended on a very frequent basis” SENDCOP 9.193

On receipt of the Annual Review the LA may:

- maintain the plan as it is
- amend the EHC plan and give notice of the amendments it proposes
- propose to cease to maintain the EHC plan and give notice of its intention to do so
- start a new assessment.

Maintaining a plan

In the majority of cases the EHC Plan provides a good overview of the child’s needs, the outcomes required until the end of the next Key Stage and the provision necessary to meet the needs identified. In many cases the outcomes will not have changed and EHC Plan will remain appropriate. The Local Authority will aim to update the EHCP at the end of each Key Stage whilst the child is in school.

Amending a plan to reflect significant changes

Changes to administrative details do not constitute a significant change and can be dealt with without a formal amendment to the EHC Plan. (Please note the details on the Summary Review Form).

The following examples may be regarded as a significant change:

- Changes to a diagnosis or a new medical diagnosis that is supported by written evidence from a suitably qualified medical professional.
- Deteriorating or degenerative conditions which may affect the provision described in the plan.
- Improvement in learning skills or abilities requiring objectives to be removed or significantly altered.
- Changes to the social care arrangements
- Changes to the health arrangements

Underlying the plan, the school should have its own recording arrangements describing how they will be working towards the overall outcomes over the next year. This is the record that is likely to change on an annual basis.

These records (formerly schools would have used IEP and many schools still do) should be included in the discussion on progress and should be returned to the Local Authority as part of the review process.

Ceasing a plan:

Lewisham Local Authority may cease an EHC Plan only if it determines that it is no longer necessary for a plan to be maintained. The EHCP may not need to be maintained because any remaining needs can be met from within the resources available to the school and in line with local agreements. The reasons for maintaining EHC Plan are the same as those under the Education Act 1996, the Code of Practice 2001 8.119, which state:

“The LEA may apply the following apply when considering if it is necessary to maintain a Statement:

- have the objectives of the Statement been met
- can the child’s needs be met in the future within the resources of a mainstream school
- do the child’s special educational needs no longer significantly impede access to the National Curriculum
- does the child no longer require daily adult supervision or substantial adaptation of teaching materials to access the curriculum fully
- can the child cope with everyday social interaction at school
- has the child no significant self help difficulties that required more provision than is normally available within the school.

Where the LEA is considering that it should cease to maintain the EHC Plan it will

- inform the parent or young person
- consult the parent or young person
- consult the school or other institution that is named in the plan”

SEND COP 9.205

A new statutory assessment

Although a rare occurrence, there may be some circumstances where the Lewisham LA consider the information provided is confusing or the pupils needs have changed so significantly that the existing EHC Plan does not appear to correctly identify the child or young person’s needs. In such cases, the LA may decide a reassessment is needed.

Informing parents or young people of the decision

Lewisham LA **must** write to the parents to inform them of its decision and a copy of this letter should be sent to the Head teacher and anyone else considered appropriate.

This must be **within 4 weeks** of the Annual Review meeting.

Parents or the young person may not be happy with the Local Authority decision and are encouraged, where this is the case, to contact their SEN Case Officer to discuss any concerns they may have. There are opportunities for independent dispute resolution and external mediation.

If these independent processes are unsuccessful for any reason, parents do have the right to appeal Local Authority decisions through the SENDIST appeal process.

Further information can be obtained from the school’s SEN Case Officer or SENDIASS.

Please contact the SEN Case Officer for further details.

Appendix 1

Good practice for involving children and young people in Annual Reviews

Prior to the meeting
A member of staff explains <ul style="list-style-type: none">• The purpose of the meeting to the pupil (2-4 weeks beforehand)• Help the child/yp to reflect on the year gone by and discusses <ul style="list-style-type: none">• Who will be invited• The pupil's contribution to the meeting, for example, sharing a piece of good work• Where the meeting will take place• The school's view of the pupil's progress The pupil <ul style="list-style-type: none">• Discusses and records his/her views which will be circulated with the Annual Review paperwork 2 weeks in advance of the meeting• Decides how to be involved in contributing to the meeting• Decides whether or not to attend the meeting or part of the meeting
At the meeting
The pupil may <ul style="list-style-type: none">• Take a positive role, for example , join in introductions• Share their views• Participate in discussion• Is given positive feedback about his/her role in the meeting• Agree the way forward
After the meeting
The pupil <ul style="list-style-type: none">• Is given confirmation of any decisions and/or recommendations made