

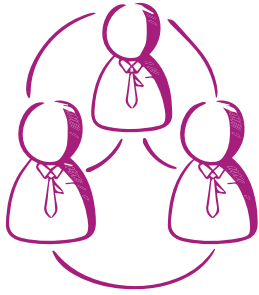
Guide to Education, Health and Care Plan (EHCP) Annual Review

*For parents, carers
and young people*

Information about the Annual Review
process for children and young people
with an EHC Plan in Bromley

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Introduction

This guide provides useful information about the arrangements made by Bromley Council for children and young people who have special educational needs and/or disabilities (SEND) and who are undergoing a review of their EHC Plan. It will enable children and young people, and their parents and carers, to be more involved in decisions about their support.



What is an Annual Review?

If you/your child has an Education, Health and Care Plan (EHCP) the Council must review the EHCP at least once a year to monitor progress and make sure the EHCP continues to meet the child/young person's needs.

The law requires all Education, Health and Care Plans to be reviewed by the Council at least annually. This is usually referred to as the Annual Review. The exception to this is in Early Years, where EHCPs should be reviewed every 3 to 6 months.

The Annual Review is more than just a review meeting; it is a process that must be completed on or before the anniversary of when the EHCP was first issued, or the anniversary of the last review. The process contains the five steps which are laid down in law.

Although the overall Review process is the Council's responsibility, it is usual practice for Steps 1 to 4 to be delegated by the Council to the school/setting/or other education provider (the host).

Annual 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.

Although the annual review process is laid out in the Children & Families Act 2014 and the Code of Practice 2014, the actual format of the meeting will differ from setting to setting but should cover the principles of a person-centred review.

The statutory timeline for Annual Reviews is set out in the SEND Code of Practice. The following timeline has been agreed following consultations with Bromley stakeholders. It is longer than the statutory timeline but is considered best practice within Bromley.



Before the Annual Review Meeting

STEP 1 *Making Contact*

Twelve weeks prior to the Annual Review meeting, the host (usually the school or education setting) will contact the family or young person to set a suitable date for the meeting. It is important that you can attend.

The host will then contact the family or young person inviting you to contribute their views, wishes and feelings. It is important that the views of the child/young person are asked for at this stage too.

Professionals involved with the child/young person will also be asked for a contribution on the child/young person. This may be a latest report or assessment. Families should make sure that they have told their child's education setting of all professionals involved with their child or young person so that they can be invited to contribute to the meeting.

STEP 2 *Invitations*

The host will then send out invitations to all those required to contribute at least 8 weeks before the date of the Annual Review meeting.

Two weeks prior to the Annual Review meeting the host will share all the reports/contributions with families and those people contributing to the Annual Review meeting. Reviews must focus on the child or young person's progress towards achieving the outcomes specified in the EHC plan. The review must also consider whether these outcomes and supporting targets remain appropriate.

Step 3

The Annual Review Meeting

The Annual Review meeting enables full involvement of the parent, child or young person and consider their views, wishes and feelings especially when making decisions. The Annual Review is required to check all sections of the EHCP, not just the educational targets and provision. It can provide an opportunity for parents and young people to request changes and updates.

The meeting must :-

1. focus on progress made towards achieving outcomes
2. establish whether the current outcomes remain appropriate and if required agree new ones
3. review the short-term targets and set

new ones

4. review the special educational provision, how it is delivered, ensuring it is still appropriate & is enabling good progress
5. review any health and social care provision and check its effectiveness towards achieving the outcomes
6. check if the aspirations have changed (consider them in the context of education, training or employment, good health, independence, relationships and community participation.
7. check if the parent or young person would like to request a Personal Budget.

The host should ensure that points 1-7 are covered and not only focus on how things have gone in the past year in school.

After the Annual Review Meeting

Step 4

After the Meeting

After the meeting the host must prepare a report that includes any recommendations for amendments to be made to the EHCP. This must be sent to everyone who had been invited and the Council within two weeks of the meeting taking place.

Step 5

Receiving the Report

Upon receiving the report the Council has to decide which one of the three following options applies:

1. Should the EHCP remain unchanged?
2. Does the EHCP need to be amended ?
3. Should the EHCP be ceased ?

The Council must inform the parent or young person of their decision within four weeks from the Annual Review meeting.

What happens next?

If the Council decides to refuse to amend, or cease to maintain, they must inform the parent or young person of the following:

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

The EHCP must be maintained until the two-month period for the appeal to be lodged at the Tribunal has passed.

If an appeal is made to the Tribunal the EHCP must be maintained until the hearing has taken place and they have given their decision.

If the Council decides to amend the EHCP, they should make the amendments as soon as possible.

The Council must:

- send to the parent/young person a copy of the unchanged version of the EHCP along with the proposed amendments.
- include the supporting evidence (additional reports and notes from the meeting)
- give the parent/young person at least 15 calendar days to respond with their views. This could include naming a school.

You can request a meeting with your EHC Co-ordinator to discuss the proposed changes.

Once the Council has received its response from the parent/young person (within eight weeks of when they informed the parent/young person of the proposed changes), the Council must either issue an amended EHCP or inform the parents/young person they will not be amending it, give their reasons why and inform parents/young person of:

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

If the amended EHCP is issued it should:

- clearly state it is an amended version and be dated.
- be clear which parts have been amended.
- have attached to it the additional reports and the minutes from the review meeting.
- still clearly state the date the original EHCP was issued as this will still be the date that determines when the next Annual Review is to be completed by.

The Council must also inform the parent or young person of:

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

How can the parent, carer or young person be involved?

The Annual Review is the opportunity for parents and young person to reflect on the past year in terms of:

- what's working/not working
- what's important now and in the future (things that our child/young person enjoys and want to continue doing)
- what's important for them (what good support looks like specifically for their situation and circumstances).

Make notes before the Annual Review meeting; include examples to illustrate your points.

Where you identify things that are not working well, try to think of helpful suggestions that might be worth exploring or trialling as an alternative.

It is important to understand that the content of an EHCP is evidence based; EHCPs are not expected to require frequent changes and updates. However, when they do need amending, there should be supporting evidence to inform any changes.

Evidence can include:

- reports from professionals
- school assessments and observations
- monitoring of progress
- minutes/notes from meetings

Support your child/young person to contribute to the review.

www.bromley.gov.uk/downloads/file/6335/send_my_life_my_review_booklet

If you have any new reports, you can include them in the information you are providing. If you are waiting for reports or appointments, make sure a reference is made to them and ensure they are sent to the Council as soon as possible.

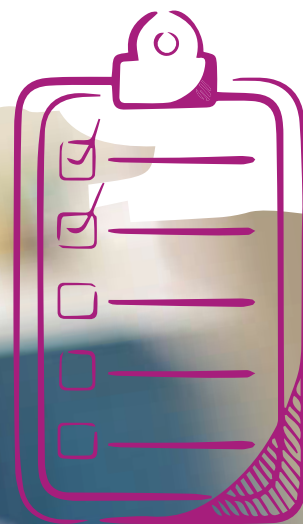
How can you prepare for the meeting?

Go through all the reports sent out prior to the Annual Review meeting.

- Consider any issues or questions arising from the reports that you would like discussed at the Annual Review meeting.
- Look again at the outcomes included in the EHCP to check they are still relevant or if they need to be changed or modified in some way.
- Check if the aspirations are still the same.
- Consider the different ways that your child and young people can be involved in the

meeting. Check with them if the school is helping with this – has anyone gathered their views?

- Consider how you would like to be supported at the meeting. Do you need a scribe, someone to take notes, someone to speak for you /to be your voice? (SENDIAS & IS offer this support-both are free & impartial)
- Ask the host of the meeting nearer the date for details of who will be attending.



Phases of Education - Additional information to be aware of regarding Annual Reviews

Whilst this is a guide to the basic process for Annual Reviews, there are some variations relating to age groups or specific situations to be aware of.

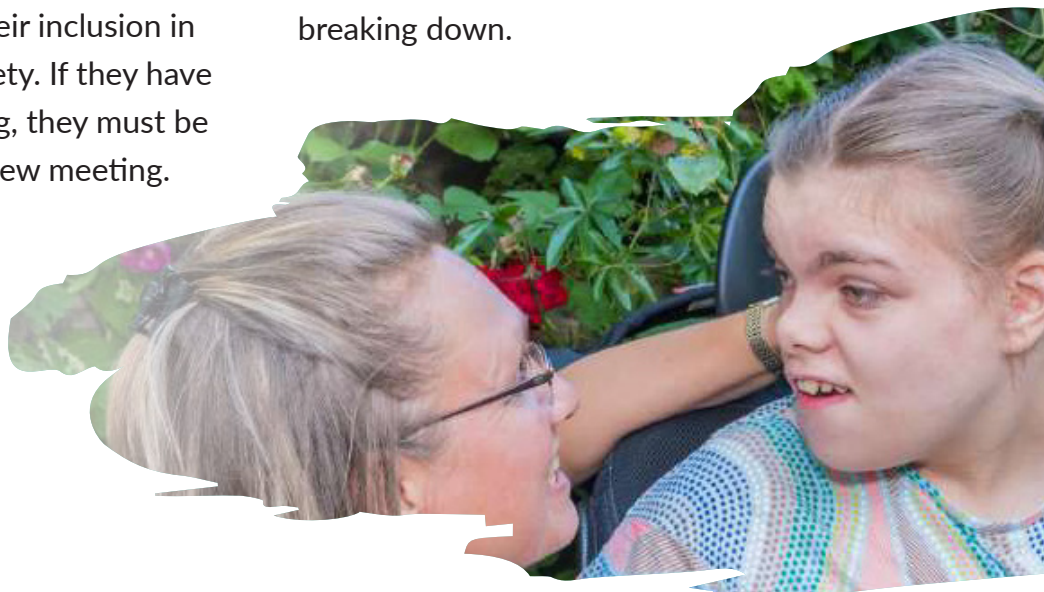
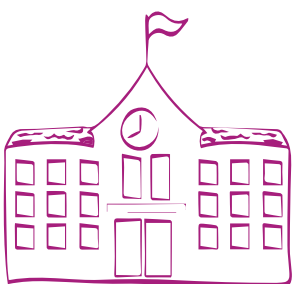
These relate to:

- children moving from one phase of education to another - their EHCP must be amended by **15th February**
- Children and young people moving to Post 16 provision - their EHCP must be amended by **31st March**.
- Children in Year 9 (and following years) – their Annual Reviews are to be treated as Preparing for Adulthood (PFA) and must include consideration of employment, independent living and their inclusion in their community and society. If they have a preferred Post 16 setting, they must be invited to the Annual Review meeting.

- when a child or young person doesn't attend a school or other type of education provision, the Council must convene and host the review meeting.

Early Annual Review (sometimes known as an Interim/Emergency Review) can be requested by you if:

- there is a sudden change in needs or circumstances
- the placement is at risk of breaking down.



Mediation and appeal

The Council will inform the parent or carer, or the young person themselves, of their right to appeal to the Special Educational Needs and Disability Tribunal (SENDIST) and of the requirement for them to consider mediation should they wish to appeal, if they disagree with the decision taken by the Council.


Mediation

Mediation is arranged by the Council, unless the issues relate only to health, in which case the responsible commissioning body must arrange the mediation. The mediator must be independent of the Council.

Appeal

When a parent or carer, or the young person themselves, wishes to bring an appeal about the special educational needs, health or social care element of the EHC Plan, they may do so only if an independent mediation adviser has provided them with information about mediation and how it might help.

Parents and young people can then decide whether to go to mediation before they bring an appeal to the Special Educational Needs and Disability Tribunal (SENDIST). Where they decide against mediation, they will be able to go straight to appeal after receiving a certificate stating they have considered mediation.



Further information is also available on the Local Offer www.bromley.gov.uk/localoffer

Information, advice and support

The Council also provides access to information, advice and support to help guide parents and young people through the Annual Review process.

Information and Advice Support Service - or IASS for short



Visit
www.bromley.gov.uk/iass



Email
iass@bromley.gov.uk



Call
020 8461 7630



Alternatively, ask your child's keyworker at your child's school or pre-school setting.

Appendix A - Annual Review: Timeline

Whilst the statutory timeline for Annual Reviews is shorter, following consultations with Bromley stakeholders, this timeline is considered best practice.

Timeframe	Action to be taken
12 weeks before	<ul style="list-style-type: none"> • Agree dates with families • Liaise with the family to ensure that the school are aware of all professionals involved with the CYP across education, health and care. • Share dates with all services involved with the CYP/ family across Education, Health and Social Care • Request that families share any relevant and up to date information from hospital services such as Princess Royal University Hospital, GOSH and Evelina Children's Hospital and their GP.
8 weeks before	<p>Send to all agencies and parents an invite to annual review meeting that includes:</p> <ul style="list-style-type: none"> • Date, time and venue of the annual review meeting • Details of who will be chairing the meeting • Details for remote attendance via video or telephone call including video link/dial in number • A request for individuals to confirm if they are attending (in person or remotely) or whether they will just be providing a contribution • Deadline for any written contributions (three weeks before annual review meeting).

Timeframe	Action to be taken
3 weeks before	<ul style="list-style-type: none"> • Check that attendance/non-attendance has been confirmed from all services invited and remote attendance details have been shared. • Follow up 'no response' to invite to annual review (see 'Involving professionals in annual reviews guidance' for process and contact details in relation to health services).
2 weeks before	<ul style="list-style-type: none"> • Share written contributions with families and all those contributing to the annual review.
Meeting	<p>The Annual Review meeting will consider:</p> <ul style="list-style-type: none"> • The child/young person's progress towards achieving the outcomes specified in their EHC Plan • Whether the outcomes remain appropriate • If their aspirations have changed • Reviewing and setting new short term targets • Whether any changes need to be made to the provision including if the placement is still appropriate.
2 weeks after the date of the meeting, at the latest	<ul style="list-style-type: none"> • A report of what happened must be prepared by the school and circulated to everyone who attended or submitted information to be discussed • Report sent to the Council • 2 weeks is statutory date but recommendation within this time frame.

Timeframe	Action to be taken
<p>4 weeks after the date of the meeting, at the latest</p>	<ul style="list-style-type: none"> • The Council reviews the EHC plan. • The Council must notify the parent of the child or young person and school setting of their decision within four weeks of the meeting (plan unchanged, amended or ceased).
<p>9 weeks after the date of the meeting, at the latest</p>	<ul style="list-style-type: none"> • Where the Council proposes to amend a plan, the existing plan and an accompanying notice detailing the changes proposed must be sent to the parent of the CYP • Parents must be given at least 15 days to respond and an option to meet with the Council to discuss the proposed changes.
<p>12 weeks after the date of the meeting, at the latest</p>	<ul style="list-style-type: none"> • Within 8 weeks of the original amendment notice, if the Council decides to continue to make amendments, it must issue the amended EHC plan clearly stating that it is an amended plan (with the date of the original plan included).

