



# Cumbria Information, Advice & Support Service

## SEN & Disabilities

Offering impartial information, advice and support to children and young people with special educational needs and or disabilities and their parents & carers.

### Factsheet #20: Annual Reviews and Re-assessments

This factsheet aims to provide with an overview of the annual review process for EHC plans, including how amendments should be made to the EHC plan.

#### When must EHC plans be reviewed?

Section 44 of the Children and Families Act 2014 requires local authorities to review EHC plans every 12 months starting on the date the plan was first made.

Regulation 18 of the Special Educational Needs and Disability Regulations 2014 provides further specific circumstances where plans must be reviewed:

- Where a child or young person is within 12 months of a transfer between phases of education, the local authority must review and amend the plan to include the placement the child or young person will attend following transfer no later than:
  - 31 March in the calendar year of the child or young person's transfer from secondary school to a post-16 institution; and
  - 15 February in the calendar year of the child's transfer in any other case.
- Where it is proposed that a young person transfers from one post-16 institution to another post-16 institution at any other time, the local authority must review and amend the EHC plan at least five months before that transfer takes place so that it names the post-16 institution that the young person will attend following the transfer.
- Where a child or young person is due to transfer from a secondary school to a post-16 institution on 1 September 2015 the local authority must amend and review the EHC plan before 31 May 2015. This provision reflects the transitional arrangements for the first year under the new Act.

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 be in addition to the annual review and are not subject to the same requirements regarding invitations and obtaining advice. However, the child's parent must be fully consulted on any proposed changes to the EHC plan and made aware of their right to appeal to the Tribunal – both if they do not agree with the proposed changes and if no changes are made.

## **Conduct of reviews**

When undertaking a review of an EHC plan, a local authority must:

- consult the child and the child's parent or the young person, and take account of their views, wishes and feelings;
- consider the child or young person's progress towards achieving the outcomes specified in the EHC plan and whether these outcomes remain appropriate for the child or young person; and
- consult the school or other institution attended by the child or young person.

Where the child or young person attends a school, the local authority can require the head teacher or principal of the school to arrange and hold the meeting. The local authority can ask a FE College to convene the review.

The following persons must be invited to attend with at least 2 weeks' notice:

- the child's parent or the young person;
- the provider of the relevant early years education or the head teacher or principal of the school, post-16 or other institution attended by the child or young person;
- an officer of the authority who exercises the local authority's education functions in relation to children and young people with special educational needs;
- a health care professional identified by the responsible commissioning body to provide advice about health care provision in relation to the child or young person;
- an officer of the authority who exercises the local authority's social services functions in relation to children and young people with special educational needs.

The person arranging the review meeting **must** obtain advice and information about the child or young person from the persons invited to attend and must circulate it to those persons at least two weeks in advance of the review meeting.

The child or young person's progress towards achieving the outcomes specified in the EHC plan must be considered at the meeting. This requirement is particularly important for young people aged over 18 as the educational and training outcomes will determine whether the EHC plan ceases.

When the child or young person is in or beyond year 9, the review meeting must consider what provision is required to assist the child or young person in preparation for adulthood and independent living.

## **What happens after the Review?**

The head teacher or principal of the school or educational institution must prepare a written report following the review which sets out any recommendations or amendments to be made to the EHC plan. The report must include the advice and information obtained prior to the annual review.

The report must be prepared within two weeks of the review meeting and sent to everyone who was invited to attend / prepared advice.

When the local authority receives the report they must decide whether to:

- continue to maintain the EHC plan in its current form;
- amend it; or
- cease to maintain it.

They must notify the child's parent or the young person of their decision within four weeks of the review meeting and inform them of:

- their right to appeal;
- the time limits for doing so;
- the information concerning mediation; and the availability of:
  - o disagreement resolution services; and
  - o information and advice.

### **Making amendments to the EHC plan**

Where a local authority decides to make amendments following the annual review it must:

- send the child's parent or the young person a copy of the EHC plan together with a notice specifying the proposed amendments, together with copies of any evidence which supports those amendments;
- provide the child's parent or the young person with notice of their right request that a particular school is or other institution is named in the plan;
- give them at least 15 days, beginning with the day on which the draft plan was served, in which to:
  - o make representations about the content of the draft plan;
  - o request that a particular school or other institution be named in the plan;
  - o request a meeting with an officer of the local authority, if they wish to make representations orally.
- advise them where they can find information about the schools and colleges that are available for the child or young person to attend.

The local authority must then send the finalised EHC plan to the child's parent or young person, the governing body or principal of the school or educational institution and the CCG, as soon as possible and in any event within 8 weeks of first sending the plan and proposed amendments to the parent and notify them of:

- their right to appeal;
- the time limits for doing so;
- the information concerning mediation; and the availability of:
  - o disagreement resolution services; and
  - o information and advice.

## **Re-assessments**

Provided that an assessment has not been undertaken within the previous 6 months, and the local authority considers it is necessary, the local authority must carry out a re-assessment of the educational, health care and social care needs of a child or young person for whom it maintains an EHC plan if a request is made to it by:

- the child's parent or the young person;
- governing body, proprietor or principal of the school, post-16 institution or other institution which the child or young person attends; or
- The responsible CCG for that child or young person.

The local authority may also secure a re-assessment of those needs at any other time if it thinks it necessary.

The local authority must notify the child's parent or the young person whether or not it is necessary to reassess the child or young person within 15 days of receiving the request to re-assess. Where the local authority does not consider it is necessary to re-assess they must notify them of:

- their right to appeal;
- the time limits for doing so;
- the information concerning mediation; and the availability of:
  - o disagreement resolution services; and
  - o information and advice.

## **Amending an EHC plan without a review or reassessment**

If, at any time, a local authority proposes to amend an EHC plan, it shall proceed as if the proposed amendment were an amendment proposed after a review, with parents or young people having the same appeal rights and entitlement to notification of these.

Further information regarding reviews and re-assessments is set out at paragraphs 9.166 to 9.210 of the SEND Code of Practice. A separate factsheet is also available which looks specifically at preparing for adulthood.