

Annual Reviews (with Flow Chart)

The **Annual Review** (AR) is more than just a **review** 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 (a notice of decision 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.

The LA will tell heads 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).

We have template letters for different stages of the Annual Review Process that you can adapt if needed – see Template Letters on our website.

There are also **Emergency (or Early) Annual Reviews (EAR's) / Interim Reviews (IR's)** which you can ask a School or the LA to hold. 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 place or you feel that provision stated in the EHCP is not being delivered.

There are also **Transition Reviews (TR's)** which are held at key stage transfer times, i.e. primary to secondary. These are normally held in the summer term or early autumn term the year before the transfer is due to happen. See the separate Information Sheet for details on these.

STEP 1:

Requesting written advice from all professionals concerned in the child or young person's life which impacts on the EHCP

The School obtain written advice and information from all the relevant professionals and the parents and the CYP themselves. These people would also be invited to the meeting too. It would include:

- The SEN Case Officer
- A health care professional identified by the CCG
- An officer of the LA exercising the social services function.

(SEN Reg 20(2) and (3), 21(2) and (3). Code of Practice 9.176)

What should you do:

<p>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.</p>	
<p><u>STEP 2:</u></p> <p>Invites sent by Head to the Annual Review meeting along with the advice obtained above.</p> <p>It will include the date, time and location.</p> <p>(SEN Reg 20(4) 21(4). C of P 9.167, 9,176, 9,177)</p>	<p>At least 2 weeks' notice must be given prior to the meeting and the advice obtained above must be circulated.</p>
<p><u>STEP 3:</u></p> <p>The Annual Review Meeting is held.</p> <p>The following is covered:</p> <ul style="list-style-type: none"> • The C/YP's progress towards achieving the outcomes specified in their EHCP: <ol style="list-style-type: none"> 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 C/YP is in year 9 or beyond, the meeting must consider what provision is required to assist the C/YP in preparation for adulthood and independent living. <p>(SEN Reg 20(1), 21(2). C of P 9.176, 9.177)</p> <p>What should you do:</p> <p>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.</p> <p>Take someone with you if you wish. They can check everything has been covered.</p>	
<p><u>STEP 4:</u></p> <p>Following the meeting the school (or host) must prepare a report that includes recommendations for amendments to the EHCP including details where reviews differ. This must be sent to everyone invited to the meeting including the LA within 2 weeks.</p> <p>The report must include all the advice and information obtained under step 1.</p> <p>What should you do:</p> <p>If you feel the meeting was misrepresented or have other comments about the report you can make your views known to the LA in writing. This must be done as promptly as possible because the deadline for the LA is four weeks from the meeting.</p>	<p>Within 2 weeks.</p>

<p>(SEN Reg 20(7), (8), (9), 21(7), (8). C of P 9.176)</p>	
<p>STEP 5:</p> <p>The LA then has 2 weeks (4 weeks from the date of the meeting) to decide:</p> <ul style="list-style-type: none"> a) to leave the plan unchanged or b) amend it or c) cease it. <p>AND to tell the parents, the young person and the school/setting of its decision in writing:</p> <p>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.</p> <p>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).</p> <p>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.</p> <p>(SEN Regs 20(10) 21(9))</p> <p>What should you do:</p> <p>Check you get your letter on time and chase your Case Officer if it has not been received.</p>	<p>2 weeks.</p>
<p>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 <i>without delay.</i> (C of P, 9.176) and must then send the amended FINAL EHCP <u>within 12 weeks of the annual review meeting.</u></p> <p>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.</p> <p>Once you receive the copy of the EHCP you have 15 days to:</p> <ul style="list-style-type: none"> • 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)). <p>The right of appeal will arise when the amended EHCP is finalised.</p> <p>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.</p>	<p>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.</p>

