

INFORMATION SHEET

ANNUAL REVIEWS

What are annual reviews?

If your child still has a statement or an Education health care plan following 01 September 2014, the local authority must review it at least once a year (or every six months for under-fives). The purpose of the review is to:

- bring together the views of everyone who helps your child
- review how well the outcomes set in the plan are being achieved
- consider whether the provision detailed in the education health care plan is still effective and relevant
- set new targets for the next 12 months.

The annual review is in four parts:

1. information is collected
2. the annual review meeting is held
3. the head teacher or SENCO writes a report of the review meeting and sends it to the local authority
4. the local authority reviews the child's statement or plan.

The head teacher or SENCO of your child's school will arrange for the annual review meeting to be held at the school. Before the meeting they will ask for written reports from you, your child's teachers, and any other professionals who know and work with your child. You will be sent a copy of all the reports that have been received before the meeting.

Are annual reviews only once a year?

Interim or early reviews can be called by the school at any time. They usually take place in the case of children whose needs are known to be changing rapidly or when a child is behaving in such a way that exclusion is possible. An interim review may also be appropriate if there was disagreement at the last annual review.

Who attends an annual review?

You may bring along a friend, adviser, relative or independent parental supporter if you wish. One of your child's teachers and a representative of the local authority should also attend. The head teacher may also invite a local authority educational psychologist, and a representative of the health authority or social services if they think they can provide helpful information and advice.

Depending on circumstances, your child may be invited to the annual review meeting too.

How should I prepare for an annual review?

Some-time before the annual review, the head teacher at your child's school will write to you and invite you to submit your views – as well as collect the view and wishes of your child or young person. Consider how he or she is progressing in relation to the needs and outcomes outlined in their education healthcare plan, or objectives in a statement and think about any changes that have occurred at school or at home (educational, behavioural, communication, etc.). Put all your concerns in writing and send in your views. Include copies of reports from any

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professionals who have seen your child since the last annual review. If you need help, ask the school or the Independent Advise support services, formerly Parent Partnership Service.

The head teacher will also ask for the views of staff at the school, anyone he or she considers appropriate, and anyone specified by the local authority (perhaps an educational psychologist or a representative from the health or social services, for example).

You should receive copies of all the reports received by the head teacher at least two weeks before the annual review meeting.

What if I receive little or no paperwork in advance of an annual review?

If you receive no paperwork prior to the meeting, insist before it starts that you are given time to read any reports you have not previously seen. Likewise, if your report has not been read by others attending the meeting, insist that they read it. If this happens more than once, you should be tough.

Tell the school that you need more time and that the Code of Practice on this should be respected. Firmly request a change of date.

What do I do if the people who should attend do not?

If you think relevant people (such as the educational psychologist or speech and language therapist) will not attend the annual review meeting, make sure they send in reports. If the local authority is not sending one of its officers, make sure you are told why. If on the day relevant people are not there, insist that their reports are included in the head teacher's formal report back to the local authority. If no local authority officer is present (often the local authority educational psychologist is the only representative of the authority), you can request a meeting with the local authority.

What happens at the annual review meeting?

The meeting should begin by introducing those who are attending, detailing who was invited and is unable to attend, and confirming what reports have been circulated and read.

The reports will form the basis of a discussion about how your child has progressed towards meeting the targets or outcomes set out in their most recent IEP or provision map and the objectives in their statement, or outcomes with an education health care plan. This should include an assessment of his or her current levels of attainment in literacy and numeracy, as well as their National Curriculum levels. Any changes in your child's circumstances, special educational needs, and requirements for support should be raised. If your child is attending the meeting, he or she should be allowed to speak.

The meeting will consider the following questions:

- Have your child's needs changed?
- Is your child's education health care plan or statement still appropriate?
- If your child is currently in a special school, is he or she ready to move to mainstream?
- If your child is currently in a mainstream school, should he or she move to a special school?
- Should the local authority cease to maintain the statement or education health care plan?
- Should the education health care plan or statement be amended? If so, why and how?
- If the local authority provides transport to and from school, is it still needed?
- Is any further action required? If so, what and by whom?

If you (or your child) feel that changes should be made to his or her statement, or to the education health care plan this is the time to argue the case.

Considering changes to each section of the EHCP

Whilst not all sections of an EHCP can be appealed to the Tribunal it is possible to consider them at the AR and request changes. For example

under **A** you may wish to provide an important update on the child's views, your own general concerns or changes in aspirations.

Under B you will have the opportunity to point to concerns re progress, behaviour issues, friendships etc and ask for new diagnoses to be included in B or new assessments to be made. You might even ask for changes to the way in which the EHCP presents information on strengths and needs and so avoid the "shopping list" approach. You can ask for changes to wording.

For **C and D** there is an opportunity to ask for assessments to be organised because they have not been in the past or you may also ask for changes to show where Health or Social Care have updated their assessments.

For **E** you may like to take the opportunity of tightening up and changing the Outcomes so that they are SMART

Under F you have the golden opportunity to ask for changes in Provision to meet Needs included in B

For **G and H** you may indicate that you would like to see changes in provision for Health and Social Care or may ask that the changes that have already happened are documented.

Under I you have the chance to consider the suitability of the school and consider others you feel more appropriate. You may even ask for a particular school or for the description of the kind of school the child now needs.

For J the whole Personal Budget can come up for consideration and you can suggest improvements.

None of the above can you be sure will change but you will have made your points and if the school backs you the report will be powerful.

Should I take notes or minutes?

Take as many written notes as you can and compare them to the formal minutes or report sent out by the school following the meeting. If there are any significant differences, query them with the school. Ideally, ask the friend who goes with you to take detailed notes so you are left free to take part in the meeting.

Can I tape record the meeting?

Technically you can, but you may not use the recording as evidence. It is a good idea, however, to ask to record the meeting if you are a slow writer. Some schools refuse permission, in which case request that the report of the meeting explains why they refused.

What happens after the annual review meeting?

It is the job of the school to write a report of the annual review meeting. If it is agreed that changes to your child's provision should be made, the report will include the recommendations. If there is no agreement because conflicting opinions are expressed at the meeting, the school should nevertheless record the different views so that the local authority is aware of them.

The report of the annual review meeting must be submitted to the local authority within ten school days of the meeting.

The local authority will decide whether to make any amendments to your child's education health care plan or statement – or, in some cases, whether to cease to maintain it.

What if I receive no paperwork afterwards?

The school should send you a copy of the report within ten school days of the annual review meeting. If it doesn't come, ask the school why. Put your request in writing.

Might there be a change in the help my child receives?

It is at the annual review that any potential changes are discussed. This applies whether it is felt that your child may need additional support, or less. No change should be made without discussion at the annual review and without the local authority issuing a proposed amended statement or draft education health care plan.

Might my child's education health care plan or statement be changed?

When the local authority receives the report of the annual review meeting, it will consider your child's education health care plan or statement in the light of any recommendations. However, there is no clear time limit for a statement, which often causes unnecessary delay. If the delay is unreasonable you should write to the authority. It may decide to maintain the education health care plan or statement unchanged, amend it, cease to maintain it, or carry out a statutory reassessment. In any case, it must write to inform you of its decision and the reasons. For an EHCP the LA must write to you within a month to say whether it plans to amend the document.

If you disagree with the decision, you may ask the local authority for a meeting discuss the potential changes they are proposing, but you are unable to appeal to the SENDIS Tribunal against changes to your child's education health care plan until you have been issued the final amended version and gained a mediation certificate necessary to lodge an appeal. All appeals regarding education health care plans have a compulsory requirement to consider mediation and the need to get a certificate, to submit with an appeal, except when it is solely for a school placement. The requirement to gain a mediation certificate does not apply if a statement is still in effect.

What if I want my child's EHCP changed but the local authority refuses?

Parents are allowed to appeal to the Tribunal if their local authority does not amend their child's education health care plan or statement following an annual or interim review.

The legislation effectively allows for a plan to be organic, and so ends the sense of powerlessness parents have experienced when local authorities have simply refused to make changes. Parents can now appeal against the decision immediately instead of being made to go through the extremely daunting and potentially lengthy process of requesting statutory reassessment.

Just one note of caution. Although it is clear that the new law does not require parents and schools to have specifically recommended amendments included in the report of the annual review, it would be very wise for parents to make it totally clear at review meetings that they do want changes. Send your views in writing before the review meeting, and ensure that your views are properly minuted in the final report. If they are not, send a letter to the authority recording your view.

More information about reviewing an Education Health Care Plan within 12 months can be found in the SEN Code of Practice Paragraph 9.169; and information on reviews and re-assessment in the Children and Families Act 2014 section 44(1)(a).

We run workshops called "Annual review and how to manage it successfully", and "Dealing with amended plans and refusal to amend after annual review with particular emphases on 11+ transfers". Do look at our website for further details of all workshops we run – www.sossen.org.uk

If you do need specific advice you can contact our helpline or drop into one of our advice centres, contact details are also on the website, with times and dates.