



Stockton-on-Tees
BOROUGH COUNCIL

Advice and Protocols for Schools on

The Annual Review Of a pupil with a Education Health and Care Plan

January 2019

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INTRODUCTION

All EHC Plans **must** be reviewed at least annually. It is a requirement that pupils aged 0 to 5 Plans should be reviewed every 6 months. The annual review of pupils with an EHC Plan ensures that at least once a year the parents, the pupil, the Local Authority (LA), the school and all professionals actively involved, consider the progress the pupil has made towards the objectives/outcomes specified in the EHC Plan over the previous 12 months and whether any amendments need to be made to it. The annual review is a way of monitoring and evaluating the continued effectiveness and appropriateness of the EHC Plan.

An EHC Plan is considered reviewed when the LA issues its decision based on recommendations from the Head Teacher / Post 16 Lead's report (Annual Review document).

The LA must also regularly revise its procedures to ensure that the systems in place support good practice to ensure that all children with EHC Plans are reviewed within 12 months of their previous review or within 12 months of an original EHC Plan being written for the first time.

Exceptions may apply to children whose EHC Plans are issued in the period July -September. These reviews may be arranged in the summer term, or, at the latest, by the end of the autumn term, to allow time to gather information, make assessments, invite other professionals to advise, if appropriate, and assemble the reports.

Whilst EHC Plans must be reviewed annually, schools and, as appropriate, the LA should during the course of the year monitor the pupil's progress towards the objectives/outcomes set out shortly after the EHC Plan was first made or at the last annual review.

Interim reviews:

In addition to the annual review, there may be other reasons to convene an interim review for example:

- Where it is the recommendation from a previous annual review or written into the EHC Plan.
- Where a school identifies a pupil with an EHC Plan is at serious risk of disaffection or exclusion.
- Where those who are involved with the child consider that their needs have changed significantly.
- To resolve issues with parents and professionals where there has been a disagreement.
- Where children have recently changed schools within the Authority.
- Where children move in from another Authority.
- Where the Local Authority asks a school to arrange an early review.

Looked After Pupils

When pupils are "looked after" by the LA or are "in need" where possible the annual review and a "looked after" or "child in need" review should be held at the same time. It will rarely be advisable for all the same people to attend the whole review but such joint arrangements are likely to contribute to effective collaboration.

Where a pupil with an EHC Plan is subject to a care order the LA designated by the order will share responsibilities with the pupils' birth parents. Such a child maybe looked after by the local authority in a residential or foster placement, or might live at home. The extent of the contribution to be made by the child's parents, the residential care worker of foster parents and the social worker should be determined by the Head Teacher / Post 16 Lead in consultation with Social Care.

The Head Teacher / Post 16 Lead should also consult with Social Care if a pupil with an EHC Plan is subject to care proceedings.

PROCEDURES

The annual review process is in four parts:

1. **Collection and Collation of Information**
2. **Annual Review Meeting**
3. **Head Teacher / Post 16 Lead's report of the Annual Review Meeting**
4. **LA reviews the Plan and decides whether to amend or cease to maintain it.**

The procedures outlined in this document reflect national best practice. Wherever possible we have simplified and clarified what is expected and steps outlined are consistent with the SEN Code of Practice 2015.

Part 1 Collection and Collation of Information

- **2 weeks** before the beginning of each term the LA will send the Head Teacher / Post 16 Lead a list of all pupils on roll at your school that will require an annual review that term.
- The LA will also provide a list of pupils to the Health Authority, Social Services Department, the Educational Psychology Service and if it is a Preparing for Adulthood review, the Integrated Youth Support Service (IYSS).
- Upon receipt of this list the Head Teacher / Post 16 Lead will initiate the review process
- The Head Teacher / Post 16 Lead must invite the relevant people.
- The Head Teacher / Post 16 Lead must request written advice from the pupils' parents/carers, anyone specified by the LA and anyone the Head Teacher / Post 16 Lead considers appropriate or who is actively involved with the pupil.
- The Head Teacher / Post 16 Lead must circulate a copy of all advice received including, schools advice (as detailed on Page 1 of the Annual Review document) to all those invited to the meeting and the LA **at least two weeks** before the date of the meeting.

Arranging the meeting

In preparing for the annual review, the following should be considered:

- Schools **must** book a date and time for each review. They should return this information to the SEN & Engagement Service, indicating whether attendance by a SEN Officer is seen as a high priority, **with reasons why an Officer should attend.**
- Invite relevant professionals and parents, and request reports as appropriate, at least four weeks before the review.
- School to write their educational report and collate other relevant / professional reports and distribute them, at least two weeks before the meeting.
- Where schools are expecting there to be no reports from other professionals they may be able to save one step of the process by issuing their own school report with the invitation to attend.
- Inform all other professionals well in advance to ensure attendance if needed.

Who to invite:

There are many people who may be able to contribute to the annual review but the Head Teacher / Post 16 Lead and SENCO must decide on those expected to attend the review, or the LA may request that specific people attend. **It is required that a minimum of two people attend the review including at least one member of teaching staff, parent / carer and child / young person. If only a member of teaching staff is available the review will need to be re-arranged to accommodate the attendance of parents/professionals.**

The school **must** invite:

- A relevant teacher who may be the Class Teacher or tutor working with the child / young person
- School Special Educational Needs Co-ordinator / Learning Support lead (Post 16)
- Parents / Carer (who may wish to bring a friend or supporter)
- Representative of the LA Section if required (please provide reasons for a SEN Officer to attend)

During the Preparing for Adulthood (Y9 onwards) review the school **should** also invite:

- School / Medical Officer responsible
- Social Worker (compulsory in Y9 onwards if Social Care are actively involved)

Paperwork prior to the Annual Review Meeting

- The Code of Practice is quite clear that reports should be requested from all parties in good time so that they can be circulated **at least two weeks** prior to the meeting. This is to ensure that all participants have already had a chance to read the reports (including the School's own report) and to digest them prior to the meeting.
- You **must** involve parents / carers in the process, before the meeting as well as at the meeting.
- Consideration should be given to the date, time and venue in order to ensure parents / carers can be present.
- The SEND Information, Advice and support Service can help to support parents. Parents / Carers can contact this service on 01642 527158 or sendiass@stockton.gov.uk

Non-attendance at Review Meetings

- It is clearly the intention of the Code of Practice that parents should be actively involved in the review process. If they fail to attend a scheduled meeting there is no satisfactory solution. If the review is conducted without a parent present the process is significantly devalued and can become a mere paper exercise. If the review is rearranged for another date the attendance of other participants (including the LA) may be compromised and the process is again devalued.
- **Every effort should therefore be made to secure the attendance of parents on the date originally specified.**
- If a parent indicates that they are not going to attend it would normally be appropriate to liaise with them to find a suitable alternative date.
- Schools need to make every effort to obtain the views of parents and, wherever possible, pupils and these should be sought at the time of invite.

The School / Setting report for annual review – Annual Review Form

The Head Teacher / Post 16 Lead should also prepare a school / setting report to include;

- Comments on the child's / young person's progress towards meeting the outcomes specified in the EHC Plan.
- Current performance should be compared with previous performance to show progress.
- Comments on current provision, describing how support is delivered
- Identify any areas of concern and explain how they have been managed
- Comment on any other relevant factors that have affected progress
- Report on arrangements made where the Curriculum is modified or disapplied
- It is expected the child/young person will attend all or part of the meeting

Part 2: The EHC Annual Review Meeting

The meeting should take the form of a person centred approach where the pupil / young person and their family are the focus. All reasonable steps should be taken to ensure the pupil / young person are able to be involved in the meeting and that their views and voice are heard.

During the meeting the following must be considered:

- Pupil / young person and parent / carer views.
- Is Part B (special educational needs) still accurate?
- Have the outcomes been met in Part E (outcomes).
- Are any new outcomes needed?
- Is the pupil / young person making academic progress?
- Is Part F (provision) still accurate?
- Should the LA continue to maintain the EHC Plan or should the LA be recommended to cease the EHC Plan or can the pupil's / young person's needs be met appropriately through SEN Support / Post 16 High Needs Funding?
- Is Part I (placement) still appropriate?
- A review meeting may make recommendations to amend any of the above points.
- The Head Teacher / Post 16 Lead should also ensure that any disagreements at the meeting in relation to discussions around the EHC Plan are recorded in the meeting report and the reasons for this.
- In the event of a child or young person being in specialist provision, to what extent are they ready to be reintegrated into mainstream provision / next phase of education

Assessment of Progress

- One of the key purposes of the review meeting is to look at progress. This should include a comparison of current performance against previous benchmarks (such as last year's results).
- Consideration of the progress made should feed directly back into the setting of new outcomes and targets.

Record of the Annual Review Meeting

- Issues arising at the review meeting need to be noted and incorporated into the Record of the Annual Review Meeting, which is submitted to the LA.
- The requirement is not for "Minutes" as such, but the Record that is sent to the LA should pull together all the salient points from the original reports and from the meeting itself.

When do we need to change the Plan?

- It is likely that the EHC Plan will need amending each year as it incorporates short term targets
- Significant new evidence has emerged which is not recorded on the EHC Plan will need to be included
- If significant needs recorded on the EHC Plan are no longer present
- The provision should be amended to meet the child / young person's needs changing and the objectives / outcomes specified at the review meeting, or
- Should the child / young person be changing school / setting, either to the point of transfer between school key stages , for example **early years to primary**, **or primary to secondary**, or when a child / young person's needs would more appropriately be met in a different school / setting

Part 3: Head Teacher / Post 16 Lead's Report of the Annual Review Meeting

- Following the annual review meeting the Head Teacher / Post 16 Lead **must** complete the Annual Review document
- The Annual Review document details the recommendations of the review meeting
- The Head Teacher / Post 16 Lead must submit this report to the LA **no later than 10 working days** after the meeting or the end of that school / setting term whichever is the earlier.
- The Head Teacher / Post 16 Lead **must** also send a copy of the Annual Review document to everyone involved in the review **no later than 10 working days** after the meeting or the end of the school / setting term whichever is earlier.
- It must be made clear to all present at the review meeting that what has been recorded are recommendations only.
- **It is not the responsibility of the LA to circulate reports from the meeting.**

The SEN Section of the Local Authority will require: -

- Parent / carer's views (if provided)
- Pupil / young person views (if provided)
- Any new reports not previously circulated (e.g. those by other professionals)
- Record of the Annual Review Meeting (to include any key points noted at the meeting)

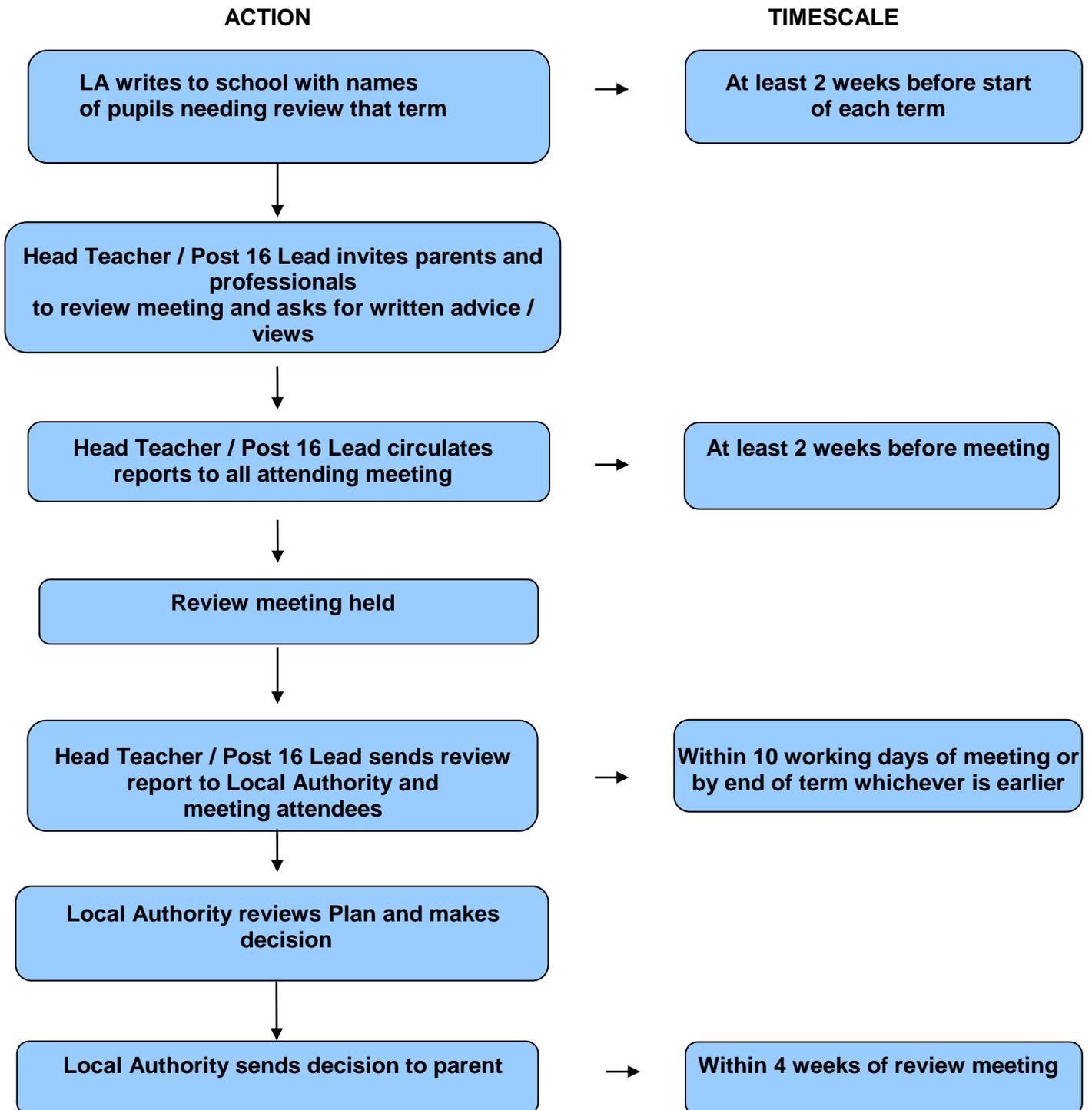
Part 4: LA reviews the EHC Plan and decides whether to amend or cease to maintain.

- The LA concludes the review process by considering the report of the review meeting and the recommendations of the Head Teacher / Post 16 Lead.
- The LA will decide whether to amend or cease to maintain the EHC Plan
- **The LA will inform the Head Teacher / Post 16 Lead and parents / carers of the pupil / young person and anyone else they feel appropriate within 4 weeks of the review meeting.**
- If the decision is to amend the Plan the LA will commence this process immediately.

- The Local Authority will review the EHC Plan in light of the reports provided and the recommendations arising at that meeting. If there are significant recommended changes the Annual Review documents will be discussed at the EHC Panel. The LA will then write to the parents with a copy to the school informing them of the decision. **(It is not the responsibility of the LA to circulate reports from the meeting).**
- Once we have informed all those involved of the decision the SEN Officer will oversee any actions needed and school should liaise with the SEN Officer.
- If a new draft EHC Plan is issued then parents, school and other professionals will have the usual 15 calendar days to respond with their comments regarding this, if we do not receive any response we will go ahead and finalise the EHC Plan.
- Parents / Carers and young people over 16 years old, have the right to appeal against the final amended EHC Plan if they are not happy with the final decision.
- Details of how to do this will be included in the letter to parents / young person.



THE EHC ANNUAL REVIEW PROCESS



PHASED TRANSFER REVIEWS

Annual reviews in preparation for transfers to the next stage of education need completing in line with the Moving Forward document / Preparing For Adulthood document

- In a very few cases the options may not be clear at the education transition review, in which case it may be necessary to hold an interim or early annual review in the autumn term prior to the child / young person moving onto their next educational setting. Very rarely a child / young person's needs may change after the Y5 review to such a great extent that the recommendations as to the type of provision will need amendment. This should take place through an interim review.
- For all children transferring between phases a provisional recommendation should be made in the year previous to transfer so that parents can consider options at the same time as other parents. For pupils moving to primary / secondary provision – the EHC Plan **must** then be amended by 15 February of the year of transfer in the light of the recommendations of the annual review, the parents' views and preferences and the response to consultation by the LA with the school or schools concerned.
- It is good practice for the SENCo of the receiving school, where possible, to attend the final annual review in primary school of pupils with EHC Plans for whom the particular school has been named. It will then be possible for the receiving school to plan a differentiated curriculum response and an appropriate IEP to start at the beginning of the new school year. It will also enable the pupil and the parents to be reassured that an effective and supportive transfer will occur.
- Parents / carers will receive a preference form in September of Y6 which they will return to the LA by 31st October of that year. Please see secondary transfer flow chart.
- Parents / carers of Early Years Foundation Stage children will receive a preference form in November of the transitional academic year which they will return to the LA by 31st December of that year. After consultation with schools, a final decision letter will be sent out by the 15th February.

Y 9 / Preparing for Adulthood review

The annual reviews of the EHC Plan held in Y9 onwards **must** include a focus on preparing for adulthood, including employment / training, independent living and participation in society. The transition planning **must** be built into the EHC Plan to support their aspirations and offer guidance on appropriate pathways into their further education and / or training and employment. Where relevant it should include effective planning for young people moving from children's service's to adult care and health services. It is particularly important in these reviews to seek and to record views, wishes and feelings of the child or young person. You should invite representatives of post 16 settings to these review meetings, particularly where the child or young person has expressed a desire to attend a particular Post 16 setting.

The annual review of the EHC Plan must consider all the same issues as at all other reviews, and the report to the LA should be in the same format. LA's must also complete the review process in the same way as for all other annual reviews and within the same timescale.

The LA **must** send Youth Direction a list of all pupils in their area who will require a Y9 review no later than two weeks before the start of the school year. The list must include all pupils whether or not they

are educated in a school and indicate any schools that the children specified attend. This information will help Youth Direction to plan attendance at Y9 reviews and beyond.

The Head Teacher / Post 16 Lead should facilitate the transfer of relevant information to ensure that young people receive any necessary specialist help or support during their continuing education or vocational training after leaving school. For young people with specific disabilities, the role of Social Care will be of particular importance and Local Authorities have specific duties relating to other legislation.

The Head Teacher / Post 16 Lead must ensure all options for continuing education, careers and occupational training are given serious consideration.

The Head Teacher / Post 16 Lead should ensure that other providers, such as health authorities and trusts, are aware of the particular procedures to be followed in Y9.

The Head Teacher / Post 16 Lead **must** invite Social Care to attend the review so that any parallel assessment under the Disabled Person (Services, Consultation and Representations) Act 1986; the NHS and Community Care Act 1990; and the Chronically Sick and Disabled Persons Act 1970 can contribute to and draw information from the review process.

The completion of a transition plan is compulsory from Y9 onwards. At all subsequent annual reviews this plan should be the major focus of the meeting, unless there has been a very significant shift in the young person's needs and the provision required. Where appropriate the Transition Plan should be amended and the new version submitted to the LA with the Record of the Annual Review Meeting.

For any pupils/students with EHC Plans a person centred approach should be followed at Y9 onwards reviews.

- The person centred review is the starting point for planning a young person's future as they move towards adulthood. It takes account of a young person's aspirations and covers the following areas:
 - School / College
 - Jobs / Training / Apprenticeships
 - Hobbies and interests
 - Health support and well-being
 - Work experience
 - Where I want to live in the future
 - Who is important in my life?
 - Type of help I might need
- At the review meeting the young person will be supported to deliver their own views where this is practicable. A plan will be developed with the young person and this will be reviewed each year and altered as appropriate.

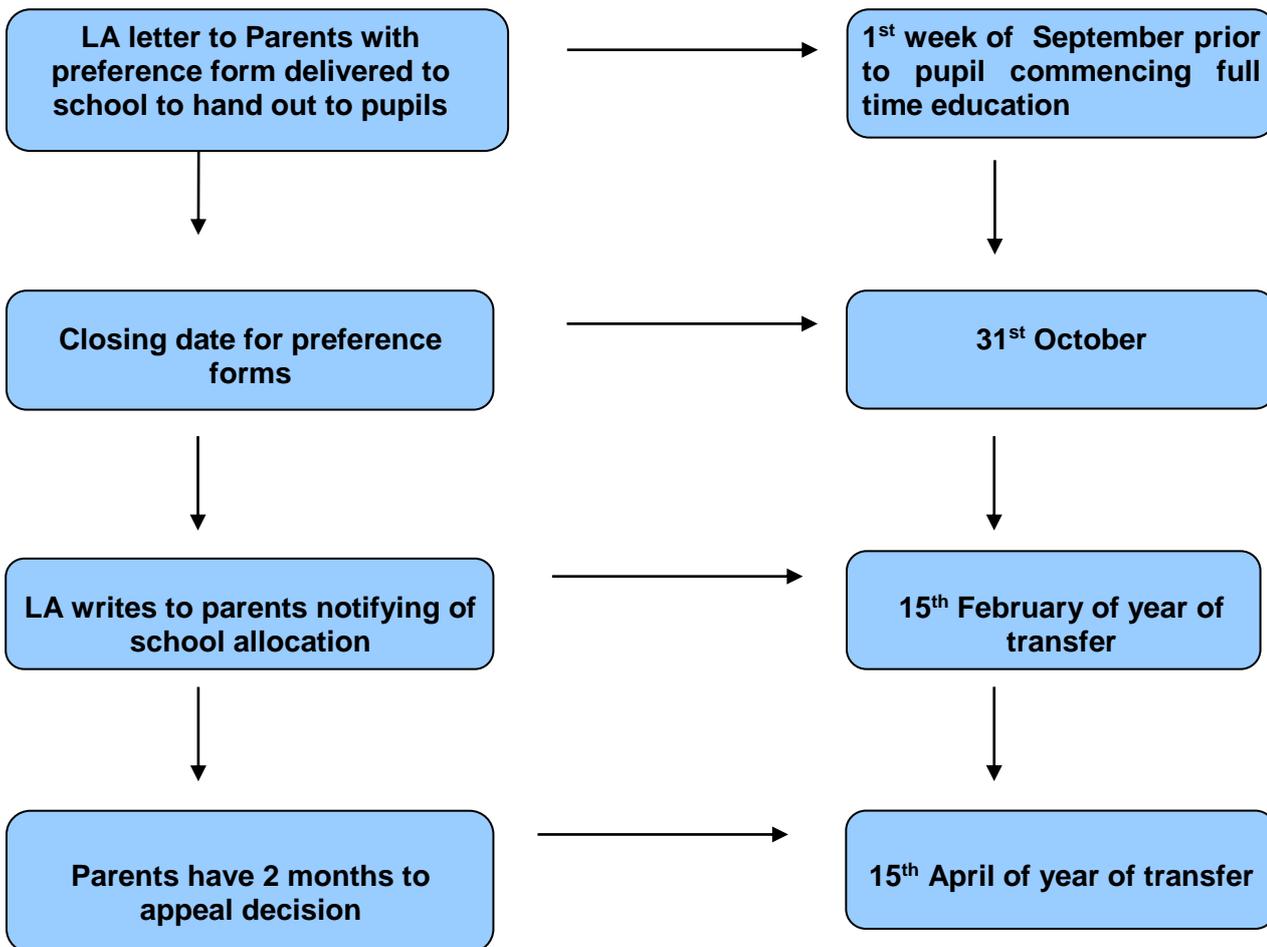
For young people moving from secondary school to post 16 settings or apprenticeships the whole review process must be completed by 31 March in the calendar year of transfer. This will enable the LA to process this in time and it is recommended that you hold any such reviews during the autumn term prior to the year of transfer.

Please note that further documents are being developed around the Preparing for Adulthood processes.

Please note that the SEN & Engagement Service actively Quality Assure a number of completed annual review documents to ensure that high standards of information is submitted to ensure that EHC Plans accurately reflect the child / young person's needs and academic abilities.

SEN

PRIMARY TRANSFER PROCESS



SEN

SECONDARY TRANSFER PROCESS

