

# Newcastle SENDIASS How to Guide:

## How to review an Education, Health and Care Plan (EHCP)



The annual review is the statutory process of looking at the needs, provision and outcomes specified in an EHCP, and deciding whether these need to change. Understanding what an EHCP should contain will help you prepare for an annual review. You can read our “How to check a draft plan” guide to help you with this.

Your local authority (LA) must complete the first review of your child’s EHCP within 12 months of the EHCP being finalised. Subsequent reviews must be completed within 12 months of the previous review. The local authority should consider reviewing an EHCP for a child under 5 years old at least every 3-6 months.

### Understanding the process

The following steps **must** take place in an annual review:

- 1** Your LA must consult with you (and with the school or institution being attended if there is one) about the EHCP, and take account of your views, wishes and feelings.
- 2** Information must be gathered from you as well as from professionals about the EHCP, and then circulated two weeks before the meeting.
- 3** An annual review meeting must take place to discuss the EHCP.
- 4** After the meeting a report of what happened must be written and sent to everyone who went to the meeting or provided information to be discussed.
- 5** After the meeting the LA reviews the EHCP.
- 6** The LA must notify you of its decision within four weeks of the meeting.

All of these steps – not just the meeting – must be followed in order for an annual review to be completed.

## The main things you need to know about reviewing a plan

- If your child has an EHC plan it must be discussed and reviewed at least once a year.
- The review is a review of the EHCP, rather than a general meeting to talk about your child's progress.
- The review of an EHCP is a standard thing and the process and paperwork is the same whatever kind of review your child is having
- The review looks at the progress your child has made, the support they get and the difference that has made to them (their outcomes).
- Hearing your views, and your child's, is an important part of the review. The main people involved in supporting your child in school, plus other relevant professionals, will be asked for their views too.
- Everyone involved will be asked to write and share their views ahead of a review meeting. That includes you and your child.
- After the meeting, a report about what was discussed, and the recommendations, is sent to the SEN Team at the local authority. Everyone who went to the review meeting, or who was invited, should also be sent a copy.
- The SEN Team will write and tell you what they propose to do with the plan. They could decide it will stay the same, be changed (amended) or come to an end (cease). They must tell you about any changes they want to make to the plan and why.
- If you disagree with the decision the local authority makes or with the changes made to a plan and can't come to an agreement with the SEN team, you have the right to appeal.

## What should be reviewed?

A review of your child's EHCP focuses on the progress they're making towards achieving their goals (outcomes). The review doesn't just focus on the education part of the plan - if your child has health and social care needs, these should be reviewed too.

As time goes on, things will change for your child. They will make progress and get older and their situation and goals will change. So, their EHCP will need to change too. For this to happen the plan will need to be reviewed regularly – usually once every 12 months. The review is a good way of helping to make sure that the support your child is getting is working. It's also a chance for you or your young person to suggest changes if things aren't going so well. Your views must be heard as part of

any review of the EHCP and it's important that you're involved, alongside your child or young person.

These are the main things that should be talked about as part of a review.

- Any new information that's been collected since the plan was issued, or since the last review. This might include information from any new assessments or reassessments.
- The educational, health or social care support that's being given and whether your child needs more or different support.
- Whether any changes need to be made to the outcomes or to the nursery, school or college named on the plan.
- Whether short-term targets need to be set or reviewed.
- Whether the EHCP is still needed.
- Whether you or your young person would like to ask for a personal budget

### What do I need to do before the review meeting?

When you get your invitation to the review meeting, you'll have a few days to think about the progress your child has made over the last year. You can use this time to:

- look at the current EHCP
- think about what's worked well
- what the goals are for the next year and
- any changes you think are needed.

It's usually helpful to talk to your partner or your child's other parent about this, as well as getting the views of other family members and the people who support you. You'll be asked to give your views in a report that will be shared with the other people invited, before the meeting. Your child or young person will be asked for their views, so you may need to help them share these too. Other professionals should be asked for their comments so that it can be shared before the review meeting as well.

### The meeting

The review meeting is when the people involved in supporting your child get together to talk about how things are going. The local authority will contact your child's nursery, school or college to tell them when the review needs to happen. They will also get in touch with health and social care services. Before the review meeting everyone should get a copy of your child's plan, plus any reports. These should guide your discussions. The meeting is usually at your child's school or college or it can also happen virtually.

If your child isn't on roll at a school, a review must still happen. The local authority is responsible for making sure it does. This might be if you are educating your child at home, or if your child isn't able to be in school for health or other reasons.

At the review meeting, people will share their views and look at the progress your child has made over the last year. Everyone will talk about your child's needs and their support. By the end of the meeting recommendations will be made about whether the plan needs to change, and if so how. For some children and young people, there will be a discussion about whether the plan is still needed. This doesn't happen for every child.

You can read our guide on "How to have a successful meeting" to help you with the actual meeting and getting the most out of it.

## What happens after the review meeting?

Within two weeks of the review meeting, the school or college must send out a report to everyone who either went to the meeting or was invited to it. You'll get a copy of the report too. If your child isn't in school or is at another place of education, the local authority should write and send the report.

The report must set out recommendations about any changes needed to the EHC plan. It should also include any differences between what the school said and what others at the meeting recommended.

Sometimes the recommendations will suggest that the outcomes or support in an EHCP should change. But often they stay the same if your child isn't moving to a new key stage. Even if the outcomes aren't changed, then the nursery, school or college should write new short-term targets for your child to work towards.

Staff from the SEN team at the local authority look at the recommendations and report and use them to decide what should happen to the EHCP. There are three possible decisions they can make.

1. To keep the EHC plan the same (maintain it). This is what usually happens, although your child's nursery, school or college may change their school plan for the next year. If you disagree that the EHCP should stay as it is, you can ask for mediation or disagreement resolution to discuss it. You also have the right to appeal the decision.

2. To make changes to the plan (amend it). If the local authority wants to change the EHCP, they must tell you what they want to do and send you the evidence that supports the changes. This includes changing the school, college or other institution that your child goes to. If you're unhappy with the changes, or if you ask for a plan to be changed and it isn't, you can ask for a meeting with the SEN team. If a meeting doesn't resolve any disagreement, then when the plan is issued you have the right to appeal it.

3. To end (cease) the plan This can happen if your young person comes to the end of their education. If you disagree that the plan should end you can ask for mediation or disagreement resolution. You also have the right to appeal.

The local authority **must** tell you in writing if the plan will stay the same, or if they want to change or end it, within four weeks of the review meeting.

## Are there different reasons for a plan to be reviewed?

The review of an EHCP is a standard thing and the process and paperwork is the same whatever kind of review your child is having. However, the reasons for a review, the focus it has, and the timing of a review can be different. For example, if your child is moving from key stage 2 to key stage 3, the focus of their review will be on that and it will need to be done by a specific time. This is because the move will need to be well planned.

These are reviews that could be done for your child or young person.

### **A standard review**

The law says the first review of an EHCP must be held within 12 months of the date when it was issued. After that, it must be held within 12 months of any previous review. The whole review, and not just the review meeting, must be completed in this time. You might hear the standard review of an EHCP called an annual review or a statutory review.

### **An early review**

A review can happen sooner than 12 months if it's needed. The plan may need to be reviewed before the regular review is due if your child is:

- permanently excluded or
- their needs change a lot or
- the support they are getting is no longer right

You might hear this called an interim emergency review or sometimes an early statutory review. If your child's situation changes and you think the plan should be reviewed, contact your SEN caseworker at the SEN team to talk about it. You can ask for an early review to be done. If your child's school or college thinks an early review is needed, they can contact the local authority. If this happens you will need to ask for an early review too – the school can't ask for a review unless you ask for one too.

### **A review when your child is moving to a new key stage**

When your child moves to a new key stage it's important to have enough time to plan the move well. The legal guidance says a review of an EHCP, and any changes to it,

must happen to allow enough time for proper planning. If your child is moving to a new school the review of their EHCP, and any changes, should be finished at the latest by 15 February in the year they move. That means the February before they move in September. The main key stage moves are:

- from nursery or pre-school to school
- from key stage 1 (infant school) to key stage 2 (junior school)
- from key stage 2 (primary school) to key stage 3 (secondary school)

### **A review when your young person is leaving school**

When your young person leaves school, whatever they're moving on to, it's important to have enough time to plan. The legal guidance says a review of an EHCP, and any changes to it, must happen to allow enough time for proper planning. If you have a young person moving from secondary school to a post-16 institution or apprenticeship, their plan should be reviewed and changed by the 31 March in the year they finish secondary school. This includes listing the support they will get post-16 and where they will be studying or training. Because your young person is leaving school and moving into a new stage of education or training, their plan will always need to be changed.

### **Preparing for adulthood reviews**

All reviews that happen from Year 9 must include a focus on preparing for adulthood. Ideally planning should start well before this though, helping your child to become as independent as they can. Preparing for adulthood means thinking about how your young person will

- enter the world of work, or volunteering
- be as independent as possible
- become part of their local community

It's really important that your young person takes part as much as they are able, and their views are heard, understood and acted on. These reviews should be used to plan if and how your young person will move from child to adult health and care services. If they're likely to need support from these services as an adult, someone from the Preparing for Adulthood team should be at the review.