  

Person Centred Annual EHCP Reviews

**Guidance**



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# How to use this Guide

This guide has been developed to provide information for partnership on Person Centered Annual Reviews for Education, Health and Care (EHC) Plans. It will be updated periodically to reflect learning through working with families, children/young people and professionals.

# Legislation

The Children and Families Act 2014 and the SEN and Disability Code of Practice 2015 is statutory guidance for organisations who work with and support children and young people with special educational needs and disabilities.

The Code of Practice gives guidance on duties, policies and procedures relating to part 3 of the Children and Families Act 2014 and associated regulations.

[https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/398815/SE](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf) [ND\_Code\_of\_Practice\_January\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

**Principles**

A range of Parents and Professionals from Education, Health and Social Care have worked in co-production to develop the Education, Health and Care Pathway.

Underpinning the pathway are the 11 key principles of Early Support which are:

|  |  |
| --- | --- |
| **Principle** | **Explanation** |
| 1. **Valued uniqueness**
 | The uniqueness of children, young people and families is provided for |
| 1. **Planning partnerships**
 | An integrated assessment, planning and review processin partnership with children, young people and families |
| 1. **Key Working**
 | Service delivery is holistic, co-ordinated, seamless andsupported by key working principles |
| 1. **Birth to Adulthood**
 | Continuity of care is maintained through different stagesof a child’s development |
| 1. **Learning and Development**
 | Children and young people’s learning and development is monitored and promoted |
| 1. **Informed Choices**
 | Children, young people and their families are able tomake informed choices |
| 1. **Ordinary Lives**
 | Wherever possible children, young people and their families can live ‘ordinary lives’ |
| 1. **Participation**
 | Children, young people and their families are involved in shaping, developing and evaluating the services they use. |
| 1. **Co-production**
 | When a child/young person and their family are involvedas an equal partner in designing the support and services they receive. Co-production recognises that the child/young person who uses education, health and care services have knowledge and experience that can be used to improve services. |
| 1. **Working Together**
 | Multi-agency working practices and systems are integrated |
| 1. **Workforce Development**
 | Children, young people and families can be confident thepeople working with them have appropriate training, skills, knowledge and experience |

# Overview of the Pathway

There are 6 steps on the Education, Health and Care plan pathway which can be accessed by the child/young person and family. Waltham Forest’s pathway follows a Person Centred approach so that the child/young person is at the centre of the process and their views and wishes are considered throughout.

The pathway has 6 steps which include: school support, referral, my story (assessment), my plan, my budget and **my review**.



**What is an Annual Review?**

All [Education, Health and Care Plans (EHCP)](https://ssiass.wordpress.com/information-advice-and-support/plans/) must be reviewed by the Local Authority (LA) at least annually. This is called an **Annual Review**.

In Early Years**, EHCPs** should be reviewed every 3 to 6 months (Code of Practice 9.178).

The **Annual Review** is more than just a review meeting, it is a process that must be completed on or before the anniversary of when the EHCP was first issued or the anniversary of the last review. It is laid down in law and in the Code of Practice.

This may look different during key periods of transitions during the year. For example, a Year 6 Transition Review may be held prior to transfer to secondary. A year 11 Transition Review may be held in the Autumn prior to Post-16 pathway.

The Annual Review is required to check all sections of the EHCP not just the educational targets and provision. It can provide an opportunity for parents and young people to request changes and updates.

EHCPs are not expected to require frequent changes and updates (CoP 9.193). When they do need amending, rather than requiring a full re-assessment, there should be supporting evidence to inform any changes.

However, a Local Authority can refuse a request for a re-assessment if less than 6 months have passed since the last EHC needs assessment was conducted or it is of the view that a further EHC needs assessment is not necessary. For example, because it considers that the child or young person’s needs have not changed. This should be based on the discretion of professionals working with children and young people in conjunction with the local authority.

**Exceptions:**

A parent can ask child/young person’s setting for an informal review at any time. They do not have to wait until the annual review deadline to talk about things like:

* how the school/setting is implementing out the EHC plan
* any concerns about the child/young person's progress

A parent or the school/setting can ask for an early EHCP review. The school/setting should contact the parent if they think the child/young person’s EHCP needs reviewing.

**A Parent or the School/setting can ask for an early review if:**

* A child/young person’s special educational needs change significantly and the description in the EHC plan is no longer accurate
* The provision in the child/young person’s EHC plan no longer meets their needs
* The child/young person has been excluded or is at risk of exclusion from school/setting
* There is a problem and it seems the school/setting may not be meeting the child/young person's needs.

# Although the Annual Review Process is laid out in the Children and Families Act and the Code of Practice, the actual format of the meeting may differ from setting to setting but should cover the principles of a ****Person - Centred Review****.

# Should there be disruption to school attendance during a period of Covid, annual reviews will still go ahead but this may be through teleconference. The LA and schools will be guided by the DfE on any changes to arrangements and timescales.

# What is a Person Centred Review?

A Person Centred Review is an approach to conducting any review meeting which puts the child/young person and their parents at the heart of the process within the school or setting rather than it being service led. It is essential that the child is part of the process and participates in the actual Review.

Participants will be encouraged to give their views in a less formal way for example, each member of the review will be asked what they like and admire about the child or young person.

1. Making sure that everyone is truly taking into account the experiences of the person, their family and those supporting them when reviewing how well things are going

2. Creating an environment where people are made to feel comfortable in expressing themselves honestly

3. Giving everyone the opportunity to acknowledge and celebrate what is working and not working so well. This results in jointly agreed outcomes.

# Transition Reviews and Preparing for Adulthood

When a child is moving from an early years provider to school, infant to junior school, primary to secondary school, the full annual review process must be completed by the Local Authority before 15th February in the calendar year of the child’s transfer ( CoP 9.179). For a young person moving from secondary school to a Post 16 , Post 19 setting or an apprenticeship, the full annual review process must be completed by the LA before 31st March in the calendar year of the transfer to the setting (CoP 9.180)

As children approach the transition point, schools and colleges should help children and their families with more detailed planning. Young people entering post 16 education and training should be accessing provision which supports them to build on their achievements at school and which helps them progress towards adulthood. Young people with EHC Plans are likely to need more tailored pathways. For example, in year 9 they should aim to help children explore their aspirations and how different post16 education options can help meet them. FE Colleges and 6th Form colleges can now recruit students directly from age 14. In year 10 they should aim to support the child and their family to explore more specific courses or places to study so they can draw up provisional plans. In year 11 they should aim to support the young person and their family to firm up their plans for post 16 options and familiarize themselves with the expected new setting. This should include contingency planning and the child and their family should know what to do if plans change (because of exam results for example).

For children and young people with EHC Plans, discussions about Post 16 options will be part of the preparing for adulthood focus of each EHC Plan reviews, which must be included as part of the review from Year 9 (age 13-14). The Local Authority must ensure these reviews take place, and schools and colleges must co-operate with the local authority in these reviews. If it is clear that a young person wants to attend a different school (sixth form) or a college, then that school or college must co-operate, so that it can help to shape the EHC Plan, help to define the outcomes for that young person and start developing a post 16 study programme tailored to their needs (CoP 8.24).

Please refer to the Year 9 Annual Review Guidance document by Preparing for Adulthood for further information: [**https://www.preparingforadulthood.org.uk/SiteAssets/Downloads/zuix00j2637369911529053456.pdf**](https://www.preparingforadulthood.org.uk/SiteAssets/Downloads/zuix00j2637369911529053456.pdf)

**7 STEPS - Annual Review Process**

|  |  |  |
| --- | --- | --- |
| ANNUAL REVIEW TIMETABLE | ACTION | WHO |
| **Step 1** **PLAN AHEAD**within ***12 months*** of EHCP, at the beginning of every school term (Autumn, Spring, Summer), book a date/time/location for AR (school/virtual) and obtain advice and information about the CYP from all the relevant professionals and the parent and the CYP themselves.  | Focus on child’s progress on achieving EHCP outcomesReview appropriateness of targets/outcomes at the meeting and going forward | SENCO and SEND officer are to lead on planning ahead the dates/times for each term and invite all professionals/parents/CYP SEND officer to Inform CCG/health partners of the Annual reviews to occur in that term  |
| **Step 2 SHARE UPDATES/REPORTS**at least ***2 weeks*** before AR meeting, circulate reports received along with the reminder to attend AR meeting.  | Circulate information  | Lead professional/host of the AR meeting (often delegated to school SENCO). |
| **Step 3 PARTNERSHIP-COMMUNICATION**AR meeting will consider: * CYP’s progress towards achieving the outcomes specified in their EHC plan
* Outcomes are appropriate
* Changes in aspirations
* Review and set new short-term targets
* Make any changes to the provision including if the placement is still appropriate
* Evidence changes in reviewed EHC plan
 | Ensure partnership and information sharing with all and evidence CYP/parents’ involvementPerson centred planning mtg MUST COVER BELOW POINTS:* focus on progress made towards achieving outcomes
* establish whether the current outcomes remain appropriate and if required agree new ones
* review the short-term targets and set new ones
* review the special educational provision and the arrangements for delivering it to ensure it is still appropriate and enabling good progress
* review any health and social care provision and check its effectiveness towards achieving the outcomes
* check if the aspirations have changed (consider them in the context of paid employment, independent living and community participation (CoP 9.69)
* check if the parent/YP would like to request a Personal Budget.
 | Lead professional/host of the AR meeting (often delegated to school SENCO). |
| **Step 4 FOLLOW THROUGH TIMELY****Within *2 weeks* of AR MEETING** School or Setting (or host) must prepare a report that includes recommendations for amendments to the EHCP including details where views differ.  | Recommended amendments to EHCP to be shared with all involved ensuring the front cover summary sheet is returned with the paperwork  | School or Setting-SENCOs/host |
| **Step 5 LOCAL AUTHORITY DECISION ON EHCP** ***Within 4 weeks*** from the date of the meeting whether EHCP should:* remain unchanged
* be ceased (9.199-9.210)
* be amended

  | Inform in writing (letter) the parent, the CYP and the school/setting of its decision | Local Authority SEND officer |
| **Step 6 FOLLOW UP STEPS FOR LOCAL AUTHORITY:** |
| IF DECISION EHCP:* **should remain unchanged**
* **should be ceased (9.199-9.210)**

LA must inform the parent/YP of the following: * their right of appeal to the tribunal and the time limits for this to take place
* the requirement for them to consider mediation if they decide to appeal
* their right to receive information, advice and support from SENDIASS
 |  | IF DECISION EHCP: * **needs to be amended**

The LA must send to the parent/YP a copy of the unchanged version of the EHCP along with a notice outlining the proposed amendments without delay and no later than 4 weeks (**not statutory but local indicator)** from the decision to amend letter* Include the supporting evidence for the proposed changes. This may include additional reports and notes from the meeting.
* Give parent/YP at least 15 calendar days to respond with their views. This could include naming a school. (CoP 9.78 & 9.94).
* Inform of their right to meet with the LA to discuss the proposed changes.

***within 8 weeks*** of date parent/YP informed of proposed changes, LA must either issue an amended EHCP or inform parents/YP they will not be amending it and give their reasons why and inform parents/YP of:* their right of appeal to the tribunal and the time limits for this to take place
* the requirement for them to consider mediation if they decide to appeal
* their right to receive information, advice and support

If the amended EHCP is issued it should clearly state it is an amended version and be dated. It should be clear which parts have been amendedThe LA must also inform the parent or young person of:* their right of appeal to the tribunal and the time limits for this to take place
* the requirement for them to consider mediation if they decide to appeal
* their right to receive information, advice and support.
 |
| **Step 7 FOLLOW UP STEPS FOR LOCAL AUTHORITY** |  | ONCE EHCP ISSUED:* SEND officer actions all on Mosaic and send a copy of the EHCP to All and the health generic email: nem-tr.wfhealthehc@nhs.net
 |

**Right of Appeal**

If the parents or the young person, if 16 and above, do not agree with the EHC Plan they have a right of appeal to the First tier SEND Tribunal.

**First-tier Tribunal (Special Educational Needs and Disability) (Sometimes known by parents as the “SEND Tribunal”).**

The Tribunal is responsible for handling appeals against Local Authority decisions regarding special educational needs.

**You can bring an appeal to the SEND Tribunal if the Local Authority:**

• refuses to carry out an EHC needs assessment or a re-assessment.

• refuses to issue an EHC Plan.

• issues or amends an EHC Plan but you disagree with any or all of Section B (special educational needs), Section F (special educational provision) or Section I (placement).

• decides not to amend an EHC Plan after an annual review.

• decides to cease to maintain the EHC Plan at any point.

Note: From April 2018, parents and young people have also had the right to appeal against the health and social care sections of the plan (Sections C, D, G and H).

**More information about the SEND First Tier tribunal can be found here:**

**https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability**

**Mediation**

Before a parent/carer or young person appeals a decision:

• They must consider mediation or a parent may directly apply for a mediation certificate before they appeal to the tribunal. Mediation is a less formal way of working out a solution to a problem.

• The local authority will have sent the parent/young person a letter giving their decision about the Education, Health and Care (EHC) plan. The letter will tell the parent/young person how to contact a mediation service.

• A mediation adviser will explain how mediation works. If a parent/young person wants to go ahead, they will bring them and the local authority together to discuss the problem.

• At the end they will give a mediation certificate, which they will need if they still want to appeal.

• If a parent/young person does not want mediation, they still need to contact the mediation service to get a mediation certificate so that they can appeal.

## **Key checks at Annual Review**

### Section A

Aspirations should be checked to see if they remain the same. There may be additional aspirations to be included perhaps due to new experiences, interests or circumstances which may change the outcomes and provision needed in the plan.

### Section B

New needs may have emerged or existing needs changed and/or are having an impact on other areas of their life (in or out of school) or the parent or children and young people may not feel their needs are described accurately or be a true representation of who they are. An example may be where a need has been described in the EHCP as a behaviour issue when the underlying reason behind the behaviour has now been identified as being due to a communication disorder or learning difficulty.

### Section C

There may be a new diagnosis or on-going investigations. Health conditions included may have stabilised or improved. Alternatively, what had previously been reported, as a relatively stable health condition may now be less so.

### Section D

Change of circumstances may have occurred or a more up to date assessment has now been completed that should be included. Parent / young person may request an assessment of their Social Care needs.

### Section E

Outcomes are expected to last for two to three years but they still need to be reviewed to check they are still relevant, smartened up or changed. (Short-term targets will also be reviewed and new targets set).

### Section F

There should be provision to match each need included in B. Perhaps some of the provision has not been as effective as expected or perhaps there is an alternative approach that could be tried that is more effective for the Young Person.

### Section G

Anything included here requires agreement by the LA from the Clinical Commissioning Group (CCG). Any health provision, such as Speech and Language Therapy that educates or trains must be included in **Section F**.

### Sections H1 & 2

Any provision included here will depend on what needs, if any have been included in **Section D**. It must be reviewed and may have already changed since it was originally included.

### Section I

If relevant the suitability of the school (or placement) may also be discussed. The parent / young person may want to ask for a different school or type of school if they believe it will provide a better match to their needs.

Section J

Any Personal Budget already in place should be reviewed particularly where provision has been amended. This is also an opportunity to request a Personal Budget if the Parent / Young person would like one.

#

# Glossary

|  |  |
| --- | --- |
| **Annual Review** | A meeting that takes place once a year to review the statement or EHC Plan. |
| **Co-production** | When a child/young person and their family are involvedas an equal partner in designing the support and services they receive. Co-production recognises that the child/young person who uses education, health and care services have knowledge and experience that can be used to improve services. |
| **Education, Health and Care (EHC) plan****pathway** | Waltham Forest’s pathway which comprises of six stages. |
| **Education Health and Care (EHC) Plan** | This is a statutory plan which sets out the child/young person’s special educational, health and care needs. It includes a support plan which clarifies the expected outcomes, interventions and support costs. The EHC Plan names an educational setting which could be an Early Years setting, school or college.EHC plans are based on a coordinated assessment and planning process which puts the child/young person and their parents at the centre of the decision making. The statutory assessment will not always lead to an EHC plan. |
| **Outcomes** | Outcomes are the benefit or difference made as result of anintervention. They are specific, measurable, achievable, realistic and time bound. |
| **Personal Budget** | Personal budgets are available where a child/young person has an EHC plan. A personal budget is an amount available to obtain provision described in the plan which the young person or parents may be involved in securing. |
| **Person Centred** | A way of thinking about the support that puts the child/young person at the centre of the process of working out what their needs are, choosing what support is required and having control over their life. It is about the child/young person beingconsidered as an individual rather than their needs being addressed as part of a whole. |
| **SEND Tribunal** | An independent body that hears appeals from parents and young people over the age of 16 about disagreements regarding the contents of the EHC Plan. |
| **SENDIASS**Waltham Forest SENDIASS | Waltham Forest SENDIASS (Special Educational Needs and Disabilities Information Advice and Support Service) aims to help Parents/ Carers, children, young people and professional staff to work together to provide the best possible support to children and young people with SEND. Waltham Forest SENDIASS aims to promote good working relationships between children, young people, parents, education settings and the local authority (Council), whilst seeking to empower parents to play an active and informed role in their child’s education. |

**Further Information:**

**Waltham Forest Local Offer**

<https://www.walthamforest.gov.uk/service-categories/local-offer>

**SEND Code of Practice 0-25**

Guidance on the special educational needs and disability (SEND) system for children and young people aged 0 to 25, from 1 September 2014. <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

## **Young Person’s Guide to an EHCP Annual Review**

<https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/CYP.4pp.HI-RES.pdf>

## **Council for Disabled Children- Animation about Annual EHC Reviews**

<https://www.youtube.com/watch?v=q4w_bnGMHvQ>

**Ipsea EHCP Checklist**

<https://www.ipsea.org.uk/Handlers/Download.ashx?IDMF=afd8d11f-5f75-44e0-8f90-e2e7385e55f0>

**Post 14 Learning Disability Annual Health Checks**

<https://www.nhs.uk/conditions/learning-disabilities/annual-health-checks/>

**Preparing for Adulthood Year 9 Annual Review Guide**

<https://www.preparingforadulthood.org.uk/SiteAssets/Downloads/zuix00j2637369911529053456.pdf>

**Final Annual Review Guide**

https://www.preparingforadulthood.org.uk/downloads/education-health-and-care-planning/final-annual-review-guide.htm

**Waltham Forest SEND Team Front Door**

020 8496-6503 or 0208 496 6595

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