

# How to prepare for and hold a statutory annual review of an Education Health and Care plan

This guidance outlines how the statutory annual review process is managed for County Durham children and young people. It is for:

- maintained schools
- all early years providers in the maintained, private, voluntary and independent sectors that are funded by the Local Authority
- academy schools
- non-maintained special schools
- independent education institutions approved under Section 41 of the Children and Families Act 2014
- youth custodial establishments.

## A person-centred approach

County Durham encourages all educational providers to use a person-centred approach. This is a practical way of ensuring the principles that underpin the Children and Families Act 2014 and the SEND Code of Practice 0 - 25 are upheld. A person-centred way of working puts the child/young person and their parents at the heart of the process and makes it a more relaxed, informal experience. It is based on the belief that people should be in control of their lives and are at the centre of any meeting when deciding the services they receive. The emphasis is on ensuring that “everyone participates, has their say and that their views are respected and recorded” (Helen Sanderson and Ruth Mathieson, 2006).

## Purpose of the review meeting

The statutory annual review should:

- focus on and monitor progress towards outcomes and longer term aspirations;
- consider if outcomes and supporting steps remain appropriate;
- gather information about strengths and needs across education, health and care
- assess effectiveness of provision;
- consider the continuing appropriateness of the EHC plan in the light of the child/young person’s progress or changed circumstances;

- focus on the four Preparing for Adulthood Pathways for children and young people, which are: Employment, Good Health, Independent Living & Housing, Friends, Relationships & Community.

## Timescales

Education Health and Care (EHC) plans should be used to actively monitor children and young people's progress towards their outcomes and longer term aspirations. They must be reviewed by the Local Authority (LA) as a minimum every 12 months in order for the LA to comply with this statutory duty. Usually the following timescales should be adhered to:

1. review meeting must be held 11 months after the final initial EHC plan date and annually each subsequent year.
2. the LA's outcome decision is within 4 weeks of the review (i.e. within 12 months of the plan's date).
3. any amendments to the plan sent to parents/carers within 8 weeks of the outcome decision (i.e. 12 weeks after the review meeting date).

The responsibility for organising and facilitating the review meeting should normally be undertaken by the school or setting. The SEND Code of Practice 0 - 25 states the Local Authority can require maintained schools and maintained nursery schools "to convene and hold the meeting on the Local Authority's behalf". (Reviews led by the educational institution will engender the greatest confidence amongst the child, young person and their family).

Annual reviews for Looked After Children should be planned to coincide with the review of the child's/young person's Personal Education Plan (PEP). SENCOs should liaise closely with the school's designated teacher for LAC and the virtual school (LAC) caseworker.

An EHC plan must be reviewed and amended in sufficient time prior to a child or young person moving between key phases of education to allow for planning and, where necessary, commissioning of support and provision at the new institution.

There will be a guidance date issued each year when the review paperwork must be received by the LA.

The key reviews are:

- Early years provider to school- As early as possible in the Autumn term but no later than first week in December.
- Infant school to junior school- As early as possible in the Autumn term but no later than first week in December.
- Primary school to secondary school- As early as possible in the Autumn term but no later than first week in December.

- Secondary school to post 16 provider- As early as possible in the autumn term but no later than last working day in December.

Amendments must be completed by LA:

- Early years provider to school- 14th February
- Infant school to Junior school- 14th February
- Primary school to Secondary school-14th February
- Secondary school to post 16 provider-31st March

### **Attendance at the statutory review meeting**

The responsibility for organising and facilitating the review meeting should be undertaken by the school or setting which the child or young person attends. At the beginning of the academic year (or earlier where possible), thought should be given to setting up all review meetings in agreement with parents, carers and professionals. Some schools plan a year in advance. It is good practice to discuss a preferred date or venue with the family as soon as possible before setting a date, but this should be **no later than six weeks before the review meeting**.

The coordinator of the meeting (SENCO) should invite attendance from specialists or other parties where there has been:

- a direct request from children and young people and/or their parents/carers,
- significant change, or involvement within the review period from specialist agencies such as health and care professionals.

If attendance is not possible relevant, professionals should consider sending a colleague to deputise in order to field any questions arising. The co-ordinator of the meeting should send out the Health Advice and Social Care Advice forms at least 6 weeks before the meeting.

**Please note:** There is an expectation that professionals will be given **at least 6 weeks' notice of the review meeting and request for a report/advice**. There is also an expectation that all professionals will send the report/advice to the school **no later than 2 weeks before the review meeting** for circulation to all review meeting attendees.

The coordinator of the meeting should also consider arranging telephone conference facilities, Teams meetings, Zoom meetings, mobile phones, or the Mitel phone system on loud speaker (with consent from parents) to promote active participation in the meeting.

Schools and education settings should notify the Local Authority of all planned review dates for the academic year and contact [sencasework@durham.gov.uk](mailto:sencasework@durham.gov.uk) as soon as possible. The SENCO should also inform their link caseworker of all annual review dates for the year. The Local Authority will endeavour to attend the annual review meeting for children and young people where the setting has indicated prior to the review that, the child/young person's needs have significantly changed, which could include the likelihood of:

- a recommendation for the LA to cease the EHC plan
- a change of parental preference to a setting
- the LA having to undertake a re-assessment.

Please liaise directly with the link caseworker for this.

## Before the review meeting

The school or setting should:

- organise the EHC Plan review meeting with relevant school/setting staff and invite the following to attend as early as possible but no later than six weeks before the date of the meeting:
  - **the child or young person**
  - **the child's or young person's parents/carers**
  - **any professional who is actively involved (or have been involved within the review period) across education, health and care e.g. education psychologist; specialist nurse; social worker; family worker.**
- discuss possible attendance of a SEND Caseworker from the Local Authority.
- organise a room which is private and quiet with suitable seating to aid effective communication.
- seek advice and information from everyone who is invited to the review meeting, about the child/young person's progress towards achieving the outcomes specified in the EHC plan and any other matters relating to the child/young person's progress.
- ensure educational advice from the relevant school professional is only completed if there have been **significant changes**.

- ensure current EHC plan and all advice/reports are circulated to everyone invited to the review meeting **at least two weeks** before the meeting date.
- support the child or young person to prepare their views (i.e. good things that have happened since the last review, what is working well and what is not working well, what's important now and what is important in the future).

### **'Top tips' before the review meeting:**

- Complete 'Who was invited to the meeting?' in Section A of the EHC plan statutory review meeting record.
- Some SENCOs find it helpful to collate all the information and use 'tracked changes' (see later in this section), to complete a draft of possible changes to the EHC plan, which they present at the review meeting. This strategy focuses the review and helps with workload after the meeting.

### **Preparing for the statutory annual review meeting**

Just prior to the review meeting:

- Provide refreshments, post-it notes, pens and personalised headed posters, which are:
  - **Who is here? What do they do?**
  - **What we like and admire about...**
  - **What is working well?**
    - **Child/ YP views**
    - **School's views**
    - **Family's views**
    - **Others' views**
  - **What is not working so well?**
    - **Child/ YP views**
    - **School's views**
    - **Family's views**
    - **Others' views**

- **What is important to the Child/YP now?**
- **What is important to the Child/YP in the future?**
- **What support and help is needed for the Child/YP to stay safe?**
- **Action Plan**
  - Ensure the child/young person is present before the adults arrive. This makes it easier for them rather than entering a room full of people, some of whom they may not know well. Children/young people may leave the meeting at an appropriate point, depending on levels of concentration, understanding etc.
  - Ensure parents/carers are shown into the room at the same time as the professionals.

## **Statutory annual review meeting**

Person Centred Planning practice recommends that the voice of the child/young person should be considered first in the meeting. Other aspects of the meeting can then be discussed within the context of the child/young person's wishes. The current EHC plan must be made available at the meeting as the basis for the review and any changes to be discussed.

## **Conducting the meeting**

### Introduction

- Welcome everyone. Explain that the meeting is to review the child / young person's Education, Health and Care plan and to ensure that everything is in place to meet their needs;
- Explain the structure of the meeting using the headed posters;
- Explain that participants will be writing their comments on the relevant discussion sheet. If you are aware that a family member attending the meeting has literacy difficulties and may feel threatened at the thought of writing their ideas down, you may want to offer to act as a scribe for their ideas;
- Start with the 'Who is here?' poster and ask everyone to introduce themselves, write names on the poster. Facilitator then records attendance and/or report provided in Section A ' Who was invited to the review?' of the EHC plan statutory review meeting record.

## Discussion

- Always start with 'What we like and admire about...' Follow the structure of the headed posters with all comments being written and placed on the posters;
- Facilitate a safe atmosphere in which everyone present, and especially the child / young person, is able to express their views;
- In consideration of 'What is important to the child/young person for the future?' Take care to distinguish between that which matters *to* the child/young person and that which is important *for* them.

## Review of the Education Health and Care plan

- Read through and review **all** sections of the plan, and based on evidence from discussion, professional feedback, educational advice and reports, amend the plan. Some facilitators are able to do this using tracked changes in the meeting, whereas others may want to write on the plan and change after the meeting \*some SENCOs already do this before the meeting.
- The facilitator should summarise the main points from the posters and complete an action plan which will ensure who is responsible for any necessary follow up and how this will be monitored.

## Completing the EHC plan review record & other documents

### At the end of the meeting:

- Explain to the parents/carers what happens next with the plan.
- An example of good practice would be to use a feedback questionnaire to obtain parent/carer & children/young people views of the process.
- All participants should leave the meeting at the same time so parents/carers do not feel as though discussions are taking place once they have left.

### After the statutory annual review meeting

- SENCO to amend the current electronic copy of the EHC plan, (if not already amended before or during the meeting) using Microsoft tracked changes to reflect updated information and proposed changes, including new outcomes. Save the tracked changes version of the EHC Plan as child/young person's initials tracked changes EHCP review date: e.g. FBtrackedchangesEHCP020423.

- The EHC Plan Statutory Annual Review Meeting Record form must be completed and attached with the review documents.
- SENCOs in mainstream schools (from reception to year 11) **must** also complete a costed provision map to reflect any changes to provision. **The CPM is not needed for Banded plans.**
- The school should break down the 12 monthly 'steps towards' outcomes into appropriate targets (on an individualised support plan) and start working on them immediately.
- All reports and advice must also be submitted to support changes within the plan.
- The documents should be e-mailed or sent within two weeks of the review meeting. Do not wait for any outstanding advice from health or social care professionals. Ensure this is 'flagged up' in the documentation so that the LA can follow this up.
- All documents must be emailed to [sencasework@durham.gov.uk](mailto:sencasework@durham.gov.uk)
- **Please note:** Early Years settings without secure email should make amendments to a paper copy of the EHC Plan and send all documents by secure post to Statutory Casework team, Durham County Council, County Hall, Durham, DH1 5UJ).

### Local authority (LA) responsibility

- All changes to the EHC plan submitted to the local authority are recommendations. Within four weeks of the annual review meeting, the LA must send a decision letter to parent/carers outlining whether the EHCP should be amended, ceased to maintain, or if a full re-assessment of needs will be carried out.
- Where the LA proposes to amend the plan, it will send a copy of the existing (non-amended) plan and a letter outlining the proposed amendments including copies of supporting evidence to the child's parents/carers or young person. This will be within eight weeks of the decision letter. The child's parents/carers or young person will be asked to respond to the proposed changes within 15 calendar days and informed that they may request a meeting to discuss the proposed changes.
- If the LA decides not to amend the plan or decides to cease to maintain it, they will notify the child's parents/carers or the young person of their right to appeal that decision and the time limits for doing so; of the requirements for them to consider mediation should they wish to appeal; and the availability of information, advice and support and disagreement resolution services.



- If the LA decides a full re-assessment is required this would be completed within 14 weeks from the decision to re-assess to the issuing of the final EHC plan with the same timescales and rights of appeal for the child's parent or the young person.