

Education, Health and Care Plan Annual Review Guidelines

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Education, Health and Care plan annual review guidelines

Legal context:

The Children and Families Act 2014 led to an updated SEND Code of Practice (2015). This annual review guidance is based on this Act and the subsequent statutory guidance (SEND Code of Practice). It also takes into account and provides advice about Nottinghamshire specific contexts.

The Special Educational Needs and Disability Code of Practice: 0-25 years states that:

- EHC plans should be used to actively monitor children and young people's progress towards their outcomes and their longer term aspirations
- EHC plans **must** be reviewed by the local authority as a minimum, every 12 months
- reviews **must** focus on the child or young person's progress towards achieving the outcomes specified in the EHC plan
- reviews **must** consider whether these outcomes and supporting targets remain appropriate

Reviews should also:

- gather and assess information so that it can be used by early years settings, schools or colleges to support the child or young person's progress and their access to teaching and learning
- review the special educational provision made for the child or young person to ensure it is being effective in ensuring access to teaching, learning and good progress
- review the health and social care provision made for the child or young person and its effectiveness in ensuring good progress towards outcomes
- consider the continuing appropriateness of the EHC plan in light of the young person's progress during the previous year or changed circumstances
- review any interim targets set
- set new interim targets for the coming year that match the short-medium term outcomes and where appropriate set new outcomes
- be undertaken in partnership with the child and their parent/carer, or the young person, and must take account of their views, wishes and feelings, including their right to request a personal budget
- review any existing personal budget arrangements, including the review of any direct payments in place

Professionals across education, health and social care **must** co-operate with local authorities during the review process.

The LA can **require** the following types of school or setting to convene and hold the meeting on the authority's behalf:

- maintained schools
- maintained nursery schools
- academy schools
- alternative provision academies
- pupil referral units
- non-maintained special schools
- independent educational institutions approved under Section 41 of the Children and Families Act 2014

The LA can **request but not require** that the following settings convene and hold their meeting on the authority's behalf:

- an early years setting
- further education colleges or post 16 institutions (however, please note that there may be a requirement for this to happen as part of the contractual arrangements agreed when the LA commissioned and funded the placement)

Reviews will generally be held at the educational institution attended by the child or young person. Reviews are generally most effective when led by the educational institution because, other than the family, they will generally know the child or young person best, have the closest contact with them and their family, and will have the clearest information about progress and next steps.

When reviewing an EHC plan for a young person over the age of 18, the LA **must** have regard to whether the educational or training outcomes specified in the plan have been achieved.

Specific circumstances:

EHC plan annual reviews for Children Looked After:

Where possible, the EHC plan annual review for Children Looked After (CLA) should coincide with one of the reviews of their Care Plan and in particular the Personal Education Plan (PEP) element of the care plan. The person with responsibility for organising the annual review will need to liaise closely with relevant professionals from social care. A combined meeting will take longer and attendees should be advised of the expected meeting length.

EHC plan annual reviews for children under the age of 5:

Local authorities should consider reviewing an EHC plan for a child under five at least every three to six months to ensure that the provision continues to be appropriate. Such reviews would complement the duty to carry out a review at least annually, but may be streamlined and not necessarily require the attendance of the full range of professionals, depending on the needs of the child. The child's parent **must** be fully consulted on any proposed changes to the EHC plan and made aware of their right to appeal to the Tribunal.

EHC plan annual reviews and preparing for adulthood:

All reviews taking place from Year 9 at the latest and onwards **must** include a focus on preparing for adulthood, including employment, independent living and participation in society. This transition planning **must** be built into the EHC plan and where relevant should include effective planning for young people moving from children's to adult care and health services. It is particularly important in these reviews to seek and to record the views, wishes and feelings of the child or young person. The review meeting organiser should invite representatives of post-16 institutions to these review meetings, particularly where the child or young person has expressed a desire to attend a particular institution. Review meetings taking place in Year 9 should have a particular focus on considering options and choices for the next phase of education.

As the young person is nearing the end of their time in formal education and the plan is likely to be ceased within the next 12 months, the annual review should consider good exit planning. Support, provision and outcomes should be agreed that will ensure the young person makes a smooth transition to whatever they will be doing next, e.g. moving on to higher education, employment, independent living or adult care.

For further helpful guidance on preparing for adulthood reviews, see Chapter 8 (SEND Code of Practice 2015): Preparing for adulthood from the earliest years.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

Timelines: (Please also refer to the summary timelines on page 13)

These timelines can be found in the Code of Practice (2015), **sections 9.166 – 9.217**

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

At least 2 weeks before the start of each term, the LA should provide to all settings (e.g. schools, colleges), a list of children and young people who require a review of their EHC plan. This list should also be provided to Clinical Commissioning Groups or CCGs (or where relevant NHS England) and LA officers responsible for the social care of children and young people with SEN and/or disabilities. These lists should also indicate which reviews must be focused on transition and preparation for adulthood.

An EHC plan review **must** be held within 12 months of the date when the EHC plan was issued. Where an EHC plan has been amended, the following review **must still** be held within 12 months of the date of issue of the original EHC plan, **not** within 12 months of the date when the amended plan was issued.

A minimum of 2 weeks before the date set for the meeting (Nottinghamshire summary of timelines recommends 8 weeks) parents and professionals **must** be notified of the date of the review. The person organising the review **must** seek advice and information about the child or young person prior to the meeting from all parties invited.

A minimum of 2 weeks before the date set for the meeting, all evidence gathered to inform the review (the annual review forms and associated documents) **must** be shared with parents and professionals.

A minimum of 2 weeks after the date of the meeting, the person who organised the annual review **must** prepare and send a report of the meeting to everyone invited and to the LA (ICDS). The report **must** set out recommendations on any amendments to the EHC plan, and should refer to any difference between the school or other institution's recommendations and those of others attending the meeting.

Within 4 weeks following the date of the review meeting the LA **must** decide and notify everyone involved, whether it proposes to:

- keep the EHC plan as it is
- amend the EHC plan
- cease to maintain the EHC plan

Without delay after the above 4 week period, where it has been decided to amend an EHC plan, the LA should start the process of amendment.

As soon as the amended plan is ready it will be shared with the child's parent or the young person themselves.

15 working days will be given to the child's parent or the young person themselves to comment or make representations on the proposed changes. This includes requesting a particular school or other institution to be named in the plan.

Within 8 weeks of the original amendment notice (issued within 4 weeks of the date of the review meeting) the LA **must** have made all the amendments and finalised the amended plan. If the LA decides not to make the amendments requested by the child's parent or the young person themselves, it **must** notify them of this and explain why. In both circumstances, the LA **must** inform the child's parent or the young person themselves of their right of appeal, the need to consider mediation first, how to go about this and the timelines involved. Information on the availability of information, advice, support and disagreement resolution services should also be provided.

The Code of Practice is clear that it does not expect EHC plans to be amended on a very frequent basis.

General guidance about holding an annual review:

The following people **must** be invited to the review meeting within the timeframe detailed above:

- the **child's parent/carer** or the **young person** themselves
- a **representative from each setting** the child or young person attends
- a local authority SEN officer (ICDS)
- the child/young person's link **health** service representative (e.g. current community paediatrician)
- the child/young person's **social care** representative, including professionals from Early Help Services, Targeted Early Help Services (e.g. case worker within the Family Service), and Specialist Services (e.g. current social worker)
- **other** people relevant to the review

The review **must** focus on:

- the child or young person's progress towards the outcomes in the EHC plan
- changes to be made to the support that is provided, to help achieve the outcomes
- whether changes are needed to the outcomes themselves

Parents/carers and children/young people should be supported to engage fully in the review meeting.

Where EHC plans are amended, the new document should:

- state that it is an amended EHC plan
- state the date of the amended plan
- state the date of the original plan and any other plans amended historically
- make it clear which parts of the last plan have been changed
- append additional advice and information gathered (e.g. the annual review forms, meeting minutes, professional reports collected for the review etc.)
- refer to any difference between the school or other institution's recommendations and those of others attending the meeting

A child or young person's EHC plan **must** be kept securely so that unauthorised persons cannot access it.

A child or young person's EHC plan must not be disclosed or shared without consent of the child or young person themselves except for specified purposes or in the interests of the child or young person. If a child or young person does not have sufficient age or understanding to allow him/her to consent to such disclosure, the child or young person's parent/carer may give consent on the child's behalf. A list of possible specified purposes can be found in **part 9.211** of the SEND Code of Practice (2015).

Ceasing an EHC plan:

A Local Authority may cease to maintain an EHC plan only if it determines that is no longer necessary for the plan to be maintained or if the LA is no longer responsible for the child or young person.

Circumstances under which an LA might determine it would be appropriate to cease a plan include where:

- a young person aged 16 or over leaves education to take up paid employment (including employment with training but excluding apprenticeships)
- the young person enters higher education
- a young person aged 18 or over leaves education and no longer wishes to engage in further learning
- the child or young person has moved to another local authority area

Where a young person of compulsory school or participation age (i.e. under the age of 18) is excluded from their education or training setting or leaves voluntarily, the LA **must not** cease their EHC plan unless it is decided that it is no longer necessary for special educational provision to be made in accordance with the EHC plan. The focus of support should be to re-engage the young person as soon as possible. Then the EHC plan **must** be reviewed and amended to ensure that the young person continues to receive education or training. This also applies if a young person aged over 18 voluntarily leaves education or training before the end of their course.

The LA **must not** cease to maintain an EHC plan simply because the young person has reached 19 years of age. When deciding whether a young person aged 19 or over no longer needs the special educational provision detailed in the EHC plan, consideration must be given to whether the education or training outcomes specified in the plan have been achieved.

Where an LA is considering ceasing an EHC plan, it **must**:

- inform the child's parent/carer, or the young person themselves, that this is a consideration
- consult with the child's parent/carer or the young person themselves
- consult with the school or other institution named in the EHC plan (and other professionals where appropriate)

Where an LA decides that it will cease an EHC plan, it **must**:

- notify the child's parent/carer or the young person themselves of the intention
- inform the child's parent/carer or the young person themselves that they have right of appeal against this (providing details of the timelines, requirement to consider mediation etc.)
- notify the institution named in the EHC plan
- notify Social Care
- notify all other professionals involved
- maintain support until the end of the academic year (where appropriate) to allow the young person to complete their programme of study
- plan the young person's exit from their plan carefully in order to support smooth transitions and effective preparation for adulthood

Where a young person reaches the age of 25 before their course has ended, the EHC plan can be maintained until:

- the end of the academic year in which they turned 25
- or until the day their course or apprenticeship ends
- or until the day before their 26th birthday

Where a young person is aged 18 or over and is in receipt of adult services, the LA should ensure services are involved in the decision to cease the young person's EHC plan.

Where the care part of an EHC plan is provided by adult services under the Care Act 2014 because the person is 18 or older, the Care Plan will remain in place when the other elements of the EHC plan cease.

Organising an EHC plan annual review:

It is important to maximise the opportunity for the parents/carers and professionals to attend the annual review. Setting a date well in advance and in discussion with key attendees is good practice.

The meeting should be fully accessible to the child/young person and their family. Examples of when adjustments may be needed include:

- when a child and their family do not have English as a first language, it may be necessary to have annual review correspondence and documentation translated into their first language and/or an interpreter arranged to help the family prepare for the meeting and support them at the meeting itself
- when parents/families have disabilities (e.g. visual impairment, profound deafness, significant learning difficulties)
- preparing parents/carers for this type of meeting ahead of the meeting itself e.g. what the purpose of the meeting is, who will be there, and what their roles are, what will happen during the meeting, when they may be asked for their views, which parts of the meeting their child could be included in, what the outcomes of the meeting could be etc.); some schools/settings have found it helpful to produce a simple and user friendly explanatory leaflet, specific to reviews in their setting

Where a child or young person is accessing alternative provision but is not on a school roll, the LA will need to consider who is best placed to organise the child/young person's EHC plan review. In Nottinghamshire, children in this position are often referred to as Educated Otherwise than at School (EOTAS).

Where a child or young person is 'home educated' or of pre-school age and not attending a setting, it will be the responsibility of Local Authority personnel to convene and organise the annual review. This duty will usually be undertaken by Reviewing Officers and their administrative support who are located within the Integrated Children's Disability Service.

Where more than one local authority is involved, (usually with Children Looked After), the person organising the meeting must ensure relevant personnel from each local authority are involved in the review where possible, and must send full sets of annual review paperwork to all local authority SEN departments. The LA 'leading' on the review will then need to ensure that the other LAs are sent copies of any correspondence and documents relating to amendments and/or ceasing to maintain plans. In most circumstances the 'leading' LA will be the one in whose area of jurisdiction the young person resides, rather than the one they 'belong to' (the LA to which a young person 'belongs' is decided by where they were living when they were taken into care – Social Care belonging regulations).

Where a child or young person has moved into the Nottinghamshire from another LA, Nottinghamshire LA becomes responsible for the child/young person's EHC plan and ensuring the educational provision is in place. The new authority **must** tell the child's parent or the young person, within six weeks of the date of transfer, when they will review the plan and whether they propose to make a new EHC needs assessment. The new authority **must** review the plan before one of the following deadlines, whichever is the later:

- within 12 months of the plan being made or being previously reviewed by the old authority, or
- within 3 months of the plan being transferred (to Nottinghamshire).

Convening an early or additional EHC plan review:

It may be appropriate to convene an additional or early EHC plan review under the following circumstances:

- the child or young person is under the age of 5
- a child or young person's plan needs significant amendments and/or the suitability of the provision being made for them/placement needs to be reviewed
- there is concern about the progress a young person is making and whether the provision in place or placement named in the plan is meeting their needs
- the placement named in the plan is at risk
- transition between two different settings is forthcoming and must be planned
- when a young person has arrived in the LA from another LA

Who to invite to an EHC plan annual review:

The people who **must** be invited to the annual review are listed on **page 5**.

Other individuals *relevant to the review* should also be invited to contribute a report and attend the meeting e.g.:

- Education Support Service staff who have been actively involved over the previous year (EPS, SFSS, PDSS, PSED)
- staff from future schools and settings or possible future schools and settings to allow for forward and/or transition planning
- named Health professionals who are actively involved
- named Social Care professionals who are actively involved
- the LA special transport unit, where a young person has complex transport needs
- independent professionals commissioned by parents/carers or anyone else, (e.g. independent S<s, OTs, EPs, ASD interventionists etc.).
- Youth offending team
- Job coaches

When inviting **a member of the Integrated Children's Disability Service (ICDS)**, it is important to state any reasons where attendance is particularly needed, for example in the following circumstances:

- where the young person's placement is at risk
- where it is likely that a change of placement or specialist independent placement will be requested
- where it is expected that lengthy changes to the content of the EHC plan are required
- where a case is complicated, there are major disagreements between parties or where there has been mediation, a tribunal or legal action

Due to the high number of requests for representation at EHC annual reviews, it will not always be possible for ICDS to be represented. In these instances ICDS will offer support and guidance via telephone or email if appropriate.

Schools and Nottinghamshire support service professionals have termly **Springboard meetings** where cases are discussed and key/lead support service professionals identified. It is appropriate for schools to discuss young people's forthcoming annual reviews at these Springboard meetings, so it can be agreed who from the support services would be appropriate to be involved in the EHC plan review; either by submitting reports and/or attending the meeting.

Practical advice for those tasked with organising an EHC plan annual review:

*Please note: the statutory timelines are detailed on page 4 (and asterisked below). These are the timelines that **MUST** be adhered to. The guidelines below form 'good practice' guidance which it is advisable to follow, so that the EHC plan review is thorough and the meeting well attended.*

As soon as possible:

- note the date of the annual reviews needed in your school and check against the list of up-and-coming reviews supplied by the LA
- consider any special arrangements that may be needed in order to fully include parents/carers and the child/young person in the process
- set a date for the annual review meeting, ideally in discussion with key partners; allowing for a minimum of 8 weeks preparation time beforehand where possible
- write out to everyone you wish to contribute to the review process and attend the review meeting, informing them of the date of the meeting and any timelines relating to submission of reports. Pro-formas to be completed can be included at this point, or later on
- request a response regarding whether they are able to attend; telephone, email or return slip

8 weeks before the annual review meeting date:

- write again to everyone you wish to contribute to the annual review (including parents and carers); be very clear about when you need the reports back, as the statutory timelines (detailed above) do not allow for people to bring documentation on the day; allow time to chase this up
- the deadline you set should allow for the fact that all documents will need to be circulated at least 2 weeks* before the date of the meeting
- include copies of pro-formas for completion at this point, if you have not already done so (please note: most of these pro-formas are not compulsory)
- begin to put together your annual review paperwork; completing the forms, collecting curriculum reports from teachers etc
- work with the child/young person on their contribution, seeking advice from relevant professionals and services if you need support with how to best do this
- ensure that attendees are familiar with the content of the EHC plan; you may wish to arrange to look through the EHC plan with people who should have a say on the content, particularly parents/carers and young people, in order to identify ahead of the meeting any recommendations regarding amendments

At least 2 weeks before the date of the annual review meeting*:

Share the following documentation with everyone who has confirmed attendance at the review meeting:

- the annual review forms completed as fully they can be ahead of the meeting
- the curriculum report(s)
- professional reports
- the parent/carer's views
- the child/young person's contributions
- an indication of any changes to the EHC plan that are being recommended; these should be clearly marked and differences of opinion between contributing individuals must also be highlighted and made explicit

The meeting takes place and then . . .

Within 2 weeks of the annual review meeting*: You must send/give a full set of completed annual review paperwork and, where amendments to the EHC plan are recommended, an annotated EHC plan or clear notes on how it should be amended, to the following people:

- Integrated Children’s Disability Service, Nottinghamshire County Council, at Meadow House for young people who live in Nottinghamshire. If the young person resides in another authority’s area of jurisdiction, send it the relevant LA’s SEN team instead (you may have used their paperwork anyway)
- those with parental responsibility, usually the parents of the child/young person. This may involve 2 addresses if parents are separated. If the child/young person is ‘Looked After’, you should send it to the social worker who is the corporate parent. You will need to be clear who has legal parental responsibility and the social worker will have this information. You can also ascertain this information from social work documents such as the LAC review, child protection plan and CIN plan. It is crucial to be accurate to ensure:
 - parents who must not know where their child/young person lives or attends school are not sent information which would compromise this confidentiality
 - parents who have the right to receive information about their child do so
- everyone who attended the review meeting
- the people who sent their apologies for the review meeting but made contributions. You will need to consider whether you should also send the documentation to people who sent their apologies to the meeting but did not make a contribution either, and also consider those you invited but did not respond
- the young person themselves, as appropriate. Consideration should be given to whether parts of the documentation can be shared with a young person if it is not felt appropriate to share all of it

An EHC plan must be reviewed as a minimum every 12 months. It is therefore helpful to plan to do this review slightly early to ensure that statutory timeframes are met. If an exceptional circumstance means that the EHC plan cannot be reviewed within 12 months, a representative from the school must contact the relevant officer at the Integrated Children’s Disability Service to discuss this.

When to review an EHC when a transition is anticipated:

An EHC plan **must** be reviewed and amended in sufficient time prior to a child/young person moving into school or between key phases of education. The review and amendments must be completed by 15th February in the calendar year of the transfer. For young people moving from secondary school to a post-16 institution, the review and amendments to the EHC plan, including naming the institution, must be completed by 31st March in the calendar year of the transfer.

Which Pro-formas are ‘Compulsory’?

The Integrated Children’s Disability Service expects the following sections of the pro-forma to be completed:

- the front page - the child/young person’s details, relevant dates, attendance, school/contact details
- the second page – details of previous plans and reviews, additional support resources, who was invited to attend and who contributed to the review meeting and the key questions
- critical questions
- questions about the content of the EHC plan (**please note:** where amendments are being recommended, you must also annotate a copy of the plan, or make clear notes, and provide evidence about why the changes should be made. Evidence will often be included in your academic attainment and progress data and/or curriculum reports)
- attainment data
- review of previous outcomes and new outcomes set at the annual review (if this is the young person’s first EHC plan review, you will be reviewing the short-medium term outcomes written into the original plan, and setting new interim targets; if this is a subsequent EHC plan review, then you will be looking at interim targets set at the last review and setting new ones)

All of the other pro-formas are there to assist you to collate information that you **must** collect for purposes of the review. However, you can do this in a different way if you prefer or if you already have information gathering systems in place which do the same things.

The following information must be collated:

- **A curriculum report:** This could be the young person's annual report to parents/carers if it has been produced within 6 months of the meeting and/or remains relevant and up to date. If the annual report to parents/carers is out of date, a new curriculum report will need to be prepared. The report **must** include attainment data and progress towards the outcomes in the EHC plan and/or interim targets from the previous annual review. If you are a SENCO in a secondary school, then you will need to collect information from all teachers. See the curriculum report pro-forma if needed.
- **The young person's views:** Many schools and services employ a range of different methods/tools to gather the views of young people. If a supporting service has recently done a piece of work to gain the young person's views you may wish to use this, checking that it includes information about education as well as about other aspects of their life.
- **Educational professional's views:** You need to seek written advice from personnel within the Local Authority support services who have been involved with the young person during the course of the last year. You may also have received support from a Family SENCO, or commissioned an independent consultant to do some work with a young person. If this is the case, then you should seek their contribution too.
- **Health professional's views:** You need to seek written advice from health personnel who have been involved with the young person during the course of the last year.
- **Social Care professional's views:** You need to seek written advice from social care personnel who have been involved with the young person and/or their family during the course of the last year. This may be at a level below that of a social worker (e.g. Targeted Short Breaks Personalisation Officer.)
- **The views of any professional or organisation not covered above:** You may need to seek written advice from support service personnel who have been involved with the young person during the course of the last year (e.g. Family Service, the befriender of a young person, the manager of a specialist club or holiday club).

You must also include minutes of the review meeting. These do not have to be verbatim but must record the following:

- **date, time and venue** of the meeting, the **young person's name** and their **date of birth** and **year group**
- the name and role of the **person chairing** the meeting and the name and role of the **minute taker**
- **everyone who attended** the meeting (names and roles) and who sent apologies (names and roles). You may also need to record who was invited to contribute but who have not responded at all (names and roles). If the young person attends the meeting, include them on the list of attendees. If they only attended for part of the meeting, indicate which parts of the meeting they were there for
- a **summary of the discussion** which takes place
- a **summary of individual views, opinions, disagreements and advice**
- a **clear list of actions**, who has agreed to take them and by when

The minutes could also record the following, but you would also need to complete the related page of the pro-forma as well:

- review of the progress towards the outcomes in the EHC plan and interim targets set at the previous annual review (if this is not the first annual review)
- setting of new interim targets
- information on whether the EHC plan needs to be amended or not

If a young person is transitioning into post-16 provision, work or adulthood, this must be discussed at the meeting with the content of the discussion, actions and outcomes summarised in the minutes. If a transition plan has been written, then append this to the documentation.

Amending Education, Health and Care plans:

The LA will not necessarily amend plans where an annual review has indicated a need for this. The Code of Practice (2015) is explicit that there is no expectation that EHC plans will be amended on a very frequent basis. The recommended amendments will be considered by administrators and officers, and a decision made as to whether it is necessary to amend the plan. School/setting staff should make this clear to parents at the review meeting.

The LA must decide whether it intends to amend or not, within the 4 weeks *following the date of the review meeting*. It is therefore important to ensure the documentation is sent to the Integrated Children's Disability Service within 2 weeks. The LA must then write to parents regarding this decision and explain that they have the right of appeal against a decision not to amend.

Where the LA considers amendments are appropriate, these must be done within 8 weeks of the parents being notified of the intention to amend the EHC plan.

Summary of timelines

Optional page to plot the dates for the review planning process

ASAP:

- Identify when the annual review is due and set the date, allowing for 8 weeks preparation time
- Write out to everyone you wish to be involved in the annual review process.
- Inform them of the time and date of the annual review meeting.
- Ask for them to confirm attendance or send apologies.

Week 1
WC:

- Write again to everyone you wish to contribute to the annual review, remind them of the date and time and ask them for a written contribution by the end of week 5, including relevant pro-formas where appropriate. Liaise with parents/carers about how they wish to make their contribution.
- Start to put together your annual review paperwork; by completing the forms, putting together a curriculum report, working with the young person to get their views.
- Consider whether the content of the EHCP needs amending, involving relevant staff

Week 5
WC:

- Early in the week; chase reports that you have not received
- End of the week; deadline for submission of reports to you

Week 6
WC:

- Complete/collate and send all paperwork to everyone who has confirmed attendance at the annual review. i.e. reports received and part-completed annual review documents

EHC plan annual review takes place

Week 9
WC:

- Put together a complete pack of annual review documentation; forms, written reports and contributions, pupil and parent/carer contributions, outcomes reviewed and interim targets set, curriculum report, meeting minutes and annotated EHC plan where required.

Week 10
WC:

Week 11
WC:

- By the end of the week; send a full set of annual review documentation to the relevant LA.
- Send a full set of annual review documentation to everyone who attended the review meeting, those who sent their apologies and other relevant professionals.

Week 13

- By the end of week 13, the LA will consider the recommendations of the review meeting, taking action where necessary and notifying parents/carers and the young person of whether there is an intention to amend the EHC plan or not.

Week 17
WC:

- Where the LA concluded an amended EHC plan was appropriate, amendments will be made and shared with parents/carers and the young person, who will be given 15 working days to make a response. If the LA has concluded that it is not necessary to amend the EHC plan, parents/carers and the young person will be informed of this and also of their Tribunal appeal rights.
- By the end of 17th week, the LA will have made all the amendments required to the plan and finalised it.
- Parents/carers will be given right of appeal about the amended EHC plan.

EHC plan review preparation check-list (optional)

Name:

Date of Review meeting:

	What needs to be done	Completed/ received (tick)	Date completed
Starting the review process:	Date set		
	Invitations sent out and responses requested		
	Any special requirements to facilitate attendees' access received and planned for		
Document Collation:	Contributions in writing requested, pro-formas circulated where appropriate and submission date set		
	Pre-populate annual review forms as far as possible		
	Collate curriculum report and collect attainment data		
	Gather young person's views		
	Review content of current EHC plan and annotate any changes needed from SENCO viewpoint		
	Review outcomes on EHC plan (if first review) or interim targets set at the last annual review Collate evidence to demonstrate progress on these outcomes/targets Make a note of suggested new interim targets for the coming year		
Written contributions requested:	(List names and roles here)		
	Parents/carers		

	Set of documents sent out to everyone expected to attend review (2 weeks before meeting)		
	Minute taker identified		
After the meeting:	Complete meeting minutes		
	Ensure all documents are present and compulsory elements of the annual review forms fully completed		
	Set of documents copied in full and sent out to all attendees and those who sent apologies		
	Full set of documents sent to Nottinghamshire County Council, ICDS		

Notes and advice on using the annual review pro-formas:

No page numbers:

The forms do not have page numbers. This is deliberate as some SENCOs may not wish to use some of the optional pro-formas. Some pages will not be necessary or appropriate in some cases and can be discarded (e.g. the Special School and Key Stage 4/5 pages). Some SENCOs may wish to order the latter pages differently (e.g. bringing the Outcomes and Attainments sheets further forward).

Front two pages: *use of pro-forma compulsory*

This part of the form should be pre-populated and sent out a minimum of 2 weeks before the date of the meeting.

Looked After:

A 'Child Looked After' (CLA) refers to a child or young person who is in care to a local authority. This will include children/young people who have care orders (full/interim), those who are placed at home with parents or in foster care/residential home and those who are accommodated under Section 20 of the Children Act (1989).

Head Teacher's signature:

The head teacher, principal, director or manager of a setting should always check and sign the annual review documents, even if there has been little or no involvement in the review process. This is because he/she is the person in the setting with responsibility for organising and completing the annual review process. If the head teacher, principal, director or manager of a setting is not available to sign the documents within the statutory timelines, the signature of the person with delegated responsibility for the annual review process is acceptable. This is usually the SENCO but can sometimes be a deputy head teacher, an assistant head or a member of the senior leadership team.

Attendance:

You can record a pupil's attendance in numbers of days or as percentages. You should record attendance for the current term (up as close to the annual review meeting date as possible) and the preceding two terms.

Date last final EHC plan issued:

Usually a young person has an EHC plan that was finalised by Nottinghamshire County Council. For children who have moved into Nottinghamshire from another LA, see guidance above. The annual review can be used as the vehicle for changing the EHC plan into a Nottinghamshire EHC plan. This will be completed once Nottinghamshire LA has received the paperwork after the annual review.

Additional support resources:

Please provide an overview of how much additional support a young person receives in school and how this support is funded. This should include additional Teaching Assistant hours and ratio of support as well as funding allocated. It may also include other additional resources besides additional adults which have been funded by AFN or HLN.

In some settings, such as special schools, the way the child/young person is supported may be described differently e.g. staffing ratios in the class. If the child/young person is also supported in a way that is over and above how their peers are supported, it is helpful if this is also described.

Those involved in the annual review:

It is important to summarise who has been invited, attended and contributed to an annual review at the front of the Annual Review paperwork. This information is recorded on the LA's database and it is more expedient to have this information summarised rather than only in the minutes.

Key Questions:

Key questions are near the front of the annual review documentation so ICDS staff can quickly see what proposed action the LA needs to take.

Please answer the questions with a 'yes' or 'no'. Details can be recorded in subsequent parts of the form (e.g. the Critical Questions section).

Critical Questions page: *use of pro-forma compulsory*

You must answer all of the critical questions at the review meeting.

The critical questions enable the LA to meet its statutory duty. These questions are usually discussed and answered towards the end of an annual review meeting. They are recorded at the front of the annual review document because they are so important.

Where further comment is needed, please record this briefly in the space provided. Further detail can be included in the meeting minutes but it is important that clear answers with reasons are recorded clearly on this page.

Critical Question 1	This includes significant changes e.g. change of school, change in family circumstances, change in medical condition, social care intervention.
Critical Question 2	This question refers to transferring from one setting to another, NOT transition into adulthood.
Critical Question 3	This applies to young people who will be leaving education and moving into employment, further education or adult services (social care).
Critical Question 4	State whether amendments are needed. Please provide details and supporting evidence in subsequent sections of the form.
Critical Question 5	Does the placement in the child/young person's current setting continue to be appropriate and is the provision being made in this setting appropriate/effective? Note the majority view. If there are disagreements, make a note in this question and provide detail in the minutes
Critical Question 6	Please see guidance on 'Convening an early or additional EHC plan review' above.
Critical Question 7	Please see guidance on 'Ceasing an EHC plan' above.
Critical Question 8	Please see Nottinghamshire County Council's guidance literature on Personal Budgets and Direct Payments for further information.

Critical Question 9	Where the answer to any of the questions is yes, you will need to elaborate in the meeting minutes. For example if you state 'yes' building adaptations are needed, you will need to explain what these might be and why they are necessary in the minutes. Please note: you are <u>advising</u> the Council of action that may need to be taken, not instructing the LA or guaranteeing anything to parents/carers. It should be made clear to meeting attendees that actions noted through the annual review process are recommendations and may not always be adopted by the Council. In these circumstances the parent/carer/young person will have the right to request mediation and/or appeal to the First Tier Tribunal.
Critical Question 10	This allows you to capture any other issues.

Special School Page: use of pro-forma compulsory for special schools

This part of the form should be pre-populated and sent out a minimum of 2 weeks before the date of the meeting.

Some settings may not consider themselves to be a special 'school' or a mainstream setting. They will need to use their discretion as to whether it might be helpful to use this page or not.

This page can be discarded for young people who are not attending a special school.

EHC plan review page: use of pro-forma compulsory

This part of the form should be pre-populated and sent out a minimum of 2 weeks before the date of the meeting.

The Code of Practice (2015) expects review of the content of an EHC plan to take place before the meeting, and recommendations to be shared with all meeting attendees 2 weeks before the meeting itself. This is a change to the previous Code of Practice.

This page therefore requires pre-population. Where changes are recommended, annotate a copy of the plan itself or append clear notes with tight references to the sections and paragraphs of the plan. If you do not have an electronic version of the EHC plan, you can request this from the business support team at ICDS. Electronic annotations should be completed as follows:

- ~~Strikethrough~~ should be used to indicate words which should be removed
- ***Bold, italic, coloured text*** (preferably in a strong colour like red or blue) should be used to indicate additions
- If you wish to make comments on any of your annotations, use an asterisk or reference number to indicate the annotation you want to comment on. Make your comment *in the same coloured italic text* beneath the relevant paragraph or section.

The new Code of Practice is clear that there is not an expectation that EHC plans will be amended frequently. Nonetheless, suggested amendments should be detailed within the annual review paperwork so that ICDS can make a judgement as to whether to issue a formal amended EHC plan and, if not, will have a record of suggested amendments for their records. If parent(s)/carer(s) are unhappy with a decision not to amend their child's EHC plan, they will have right of appeal (to the SEN tribunal) against this.

Attainment data page: use of pro-forma compulsory

This part of the form should be pre-populated and sent out a minimum of 2 weeks before the date of the meeting.

Provide a clear record of the child/young person's previous attainment and current attainment. This information is logged on the Council's database and is a useful tool to consider a young person's progress from one annual review to another. This also informs whether the current provision is appropriate.

Please complete this part of the form, rather than referencing previous annual review documents. Business support professionals need to be able to access this information quickly.

You can record attainment in the manner that best suits the young person in question e.g. P Scales, PIVAT levels, B-Squared, Portage, EYFS profile reception baseline, phonics screening check; end of Key Stage 1 teacher assessment; ongoing formative teacher assessment; periodic progress checks; summative assessments against the end of year outcomes; national tests at the end of Key Stage 2; AET progression framework. Given that settings are using different approaches to assessment and recording attainment/progress, it is essential that an explanation of the system is provided. Some schools provide a written guide for parents when issuing their annual report and this is a useful document to include within this paperwork so that LA officers can make sense of the data provided. See also National Curriculum assessment guidance.

Curriculum report page: use of pro-forma optional

It is not compulsory to use this form to collate your curriculum report and you can use your own documents if you wish. **The curriculum report, in whichever format, should be completed and sent out a minimum of 2 weeks before the date of the meeting.**

This pro-forma was created to support those organising annual reviews in settings where a 'subject based' curriculum is followed and young people have a number of different teachers. e.g. secondary schools.

You could complete your curriculum report under the following headings:

- English (*essential*), preferably broken down into reading, writing and speaking & listening
- Maths (*essential*)
- Science (*essential*)
- PSHE or equivalent (*essential*)
- Foundation subjects (*desirable*)

Or you could complete it under the headings used within the EHC plan itself e.g.:

- Cognition and learning
- Communication and interaction
- Social, emotional and mental health difficulties
- Sensory and Physical

Key Stage Four / Five page: use of pro-forma compulsory (where relevant)

For young people in key stage 4 or 5, this part of the form should be pre-populated and sent out a minimum of 2 weeks before the date of the meeting.

This page can be discarded for young people who are not in these key stages.

Outcomes and interim targets page: *use of pro-forma compulsory*

Decide whether to pre-populate this form. If so, send it out a minimum of 2 weeks before the date of the meeting.

The reviewing of outcomes/interim targets and the setting of new ones should be a 'team effort' by all involved with the young person including their parents/carers and the young person themselves.

The person organising the annual review may choose to pre-populate this part of the form and amend it as appropriate at the meeting. Alternatively, it may be helpful to review the current outcomes/interim targets (outcomes from the EHC plan if it is the first annual review or interim targets set at the previous annual review) and share this ahead of the meeting. The new interim targets and any new outcomes can be discussed and set at the meeting itself.

Reports from professionals should be helpful in completing this part of the review. Parents may also provide helpful information when answering the question 'What would you like to see your child achieve?'

Interim targets should be things that people would like to see the young person achieve within the next year to two years. If they are not achieved at the next annual review, then they can be carried over. However, if this is happening frequently or across all areas of need, then it would indicate the outcomes are not set at a level that is achievable.

The child/young person's contribution pages: *use of pro-forma optional*

The young person's views, in whichever format, should be completed and sent out a minimum of 2 weeks before the date of the meeting.

The young person's views should be included in the annual review paperwork pack. Please ensure the record of views (written, picture or photo) also includes the young person's name, date of birth and the date on which the views were gathered. Where video or audio methods are used to record the contribution (including uploading to a WIKI), a summary of what was said should be recorded on paper so it can be included in the annual review documentation and circulated to all.

If a young person is to attend the annual review meeting itself (in full or in part), their views and comments should still be collected and shared ahead of the meeting.

There can be significant barriers to seeking views which are reflective of the child/young person but it remains a priority Advice/guidance can be sought from colleagues e.g. family SENCO, SENCO colleagues, springboard, involved education professionals, SALT professionals.

Professional contribution pages x3: *use of pro-formas optional*

Professional views, in whoever format, should be collected and sent out a minimum of 2 weeks before the date of the meeting.

It can still be helpful to send the optional pro-forma and ask professionals to include responses to these points within their report. It can be supportive for professionals to be able to submit in a format of their choice and it is helpful for the annual review process if the report includes some key points.

Professionals may prefer to submit their contribution electronically, and you should facilitate this as far as you can. If you wish to use the pro-forma provided, it is advisable to only send them their part of it, rather than the entire form. In order to do this, you will need to 'unlock' the form and copy and paste the relevant professional contribution page into a new document and re-save.

Handwritten contributions are acceptable, as long as they are legible, and can be scanned if necessary to send electronically. When scanning, using a low resolution can help legibility.

Please note: when health and social care professionals are asked formally for a report for an annual review by a school or setting, they are statutorily obliged to provide one. It is therefore important to only request when a report is needed e.g. do not request one automatically regardless of involvement. Other professionals (e.g. SFSS or EPS) should provide a report if they have been involved, if it is requested in good time and they have been significantly involved with a young person but they are not statutorily obliged to do so. Where a Nottinghamshire education support professional has not had significant or recent involvement with a young person, it would be unusual for them to provide a report and/or attend the meeting.

If you are inviting an Assessment or Reviewing Officer to the review meeting, they will not be expected to complete a written report.

The parents'/carers' contribution page: *use of pro-forma optional*

The parents'/carers' views, in whichever format, should be collected and sent out a minimum of 2 weeks before the date of the meeting.

It is advisable to offer parents/carers a structured method for contributing their views. You should also be proactive in offering support to parents/carers to make this contribution.

Some parents/carers will prefer to submit their contribution electronically, and you should facilitate this as far as you can. If you wish to use the pro-forma provided, it is advisable to only send them their part of it rather than the entire form. In order to do this, you will need to 'unlock' the form and copy and paste the parental contribution page into a new document and re-save.

Handwritten contributions are acceptable, as long as they are legible and can be scanned if necessary to send electronically. When scanning, using a low resolution can help legibility.

Annual review meeting minutes: *use of pro-forma optional*

Please see advice earlier in this guidance about the format and content needed.

Typed meeting minutes, rather than handwritten, are very much preferred and encouraged.

Annual review attendance record: *use of pro-forma optional*

This optional form can be helpful to pass round at the review for the following:

- names and roles of attendees, with accurate spellings
- attendees contact details including accurately spelled email addresses

This format provides accessible and thorough contact details which is useful for ICDS when there are actions required.

This handwritten version can be scanned if an electronic copy is needed.

Format of annual review meeting

The annual review meeting itself should be facilitated in a manner which supports the parents and children/young people to take a full part. Schools can use any appropriate format for the meeting, as long as they ensure that the documentation is completed; for example, schools may wish to use a Person Centred Planning approach. The documents generated can be added to the formal record of the meeting and the relevant pro-formas.