

East Sussex ISEND Annual Review Guidance for schools and educational settings

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1. Background

This guidance has been written to support professionals in education, health and social care, who are involved with the delivery and monitoring of statutory services to children and young people with Special Educational Needs & Disability.

This document describes the local arrangements to be undertaken as part of the Annual Review process for Education, Health and Care Plans described in Special Educational Needs Code of Practice (SEND CoP). 9.166 – 9.185

2. Introduction

A: The Purpose of the Annual Review

'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 as a minimum every 12 months. Reviews must focus on the child or young person's progress toward achieving the outcomes specified in the EHC plan. The review must also consider whether these outcomes and supporting targets remain appropriate.'
SEND CoP 2015 9.166

The Annual Review process is statutory and as such is governed by SEND CoP 2015.

The timescales for completing the Annual Review process apply to all schools and settings and to the Local Authority. The review of the EHC Plan should include the review of any existing Personal Budget arrangements and arrangements for direct payments where this is necessary.

For Looked After Children (LAC) the Annual Review should, if possible and appropriate, coincide with one of the reviews in the Care Plan and in particular the Personal Education Plan (PEP) element of the Care Plan.

For children who are electively home educated the Annual Review should, where possible coincide with their Teaching and Learning Provision (TLP) yearly review. An educational psychologist may also attend these meetings.

Annual Reviews should:

- gather and assess information so that it can be used by early years' settings, school or colleges to support the child or young person's progress towards EHC Plan outcomes 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 and learning and good progress towards outcomes
- 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 the light of the child or young person's progress during the previous year or changed circumstances and whether changes are required, including any changes to outcomes, provision, change of educational establishment or whether the EHC plan should be discontinued
- set new interim targets for the coming year and where appropriate, agree new outcomes
- review any interim targets set by the early years provider, school or college or other education provider.

B: Frequency of Annual Reviews

'The first review must be held within 12 months of the date when the EHC plan was issued and then within 12 months of any previous review' SEND CoP 9.169

'For children between the ages of 0-5 the Local Authority should consider reviewing the EHC Plan every 3 to 6 months to ensure the provision remains appropriate. Any changes determined must involve consultation with parents and or carers.' SEND CoP 9.178

C: Interim Annual Reviews

These may be called when:

- there is a recommendation to do so from a previous Annual Review
- a school identifies that a child or young person is at serious risk of disaffection or exclusion
- the needs of a child or young person have changed significantly
- there is a parental request
- to offer reassurance to parents and professionals where there is, or has been, disagreement
- at the request of the Local Authority

Paperwork and processes for interim reviews are the same as for all other reviews; they should be managed in the same way and with same formality.

An Interim Review does not replace the Annual Review and review timescales are not altered.

D: Timescales

Timescales allow a maximum of 12 weeks to complete an Annual Review which means that the process will need to be started in month 10 and the Local Authority has only 4 weeks from the date of the Annual Review to make a decision and inform parents (carers and young people) on whether it will maintain, cease or amend the EHC Plan. This must be done within a year of the original issue date of the EHC Plan.

What to do and when:

Activity	Timeline
Review the reports available and arrange for updates from specialists where these are necessary.	At least 2-3 months in advance.
Arrange AR dates with professionals involved, including the Local Authority to ensure attendance where possible or necessary. Parents and pupils must be encouraged to attend.	At least 3 months in advance. However, many SENCOS plan for the whole year ahead.
All reports collated and circulated before the AR meeting and formal invitations sent out. Ensure that the Local Authority is aware of the date.	At least 2 weeks before the meeting date.
Annual Review meeting.	The LA suggest that the AR is arranged at the beginning of the 10 th month of the date of issue of the EHC Plan or in line with previous review if it is not the first AR.
Annual Review submitted to the Local Authority.	Report MUST be returned no later than 2 weeks after the meeting date.
Parents informed about the Local Authority decision to cease, amend, or keep the EHCP as it is (maintain).	4 weeks after the date of the Annual Review meeting (and within 12 months of the date of issue of the EHC plan or previous review).
If amendment agreed, proposed EHCP is sent to parents and education placement.	4 weeks after the date of the Review Meeting (and within 12 months of the date of issue of the EHC plan or previous review). Parents have 15 calendar days only to consider the changes.
Final amendments agreed, final amended EHCP issued.	8 weeks from the proposed EHCP – no longer.

Type of EHCP Review	Comment Timeline
Early Years EHCP Reviews 0-5	Reviews should take place every 3 - 6 months as appropriate.
<u>Transition between phases of education: Primary School to Secondary School</u>	Year 5 Transfer Reviews need to take place in the summer term. Transition Annual Reviews need to take place in years 2, 5, 9, 11 and 14. Final EHCP/amended final EHCP must be issued by the Local Authority no later than 15 th February (in the calendar year of the transfer between schools).
<u>Secondary school to post 16 institution, apprenticeship.</u>	Final EHCP/Amended EHCP must be issued by the LA by 31st March in the calendar year of the transfer. In some cases, young people may not meet the entry requirements for their chosen course or may change their minds about what they want to do after the 31st March. Where this is the case the Local Authority should review the EHCP with the young person as soon as possible, to ensure that alternative options are agreed.
On release from custody	An EHC Plan must be reviewed and maintained by the LA when CYP has been released from custody. The child, parent and YP must be involved as well as Youth Offending Service (YOS).

E: Secondary Transition Reviews

Year 5

For a pupil attending a mainstream primary school, a secondary transition annual review should be held no later than the Summer Term of Year 5. This is to ensure that careful thought is given to the type of setting and the support arrangements that the pupil will require for the next phase of their education.

The law requires that an EHC Plan must be amended to name the intended placement by February 15th in the calendar year of transition and in order to do this, parental preferences need to be with the SEN Team by 30 September in the year preceding transfer.

Once amended for secondary transfer, further amendments should not be needed in Year 6, prior to secondary school admission. In cases where pupil needs have significantly changed, an Interim Review managed by the secondary school, after transfer, is more appropriate.

Head teachers and SENCOs should also be familiar with the Secondary Admissions Booklet issued to parents of Year 6 pupils in November of each year. Parents should always be

encouraged to complete the relevant admissions paperwork as it is not a foregone conclusion that any EHC Plan following the Annual Review will be maintained.

When pupils are placed in East Sussex schools/ settings from other LAs the host authority should ensure they are aware of their own LA procedures and should contact their home SEN Team, if in any doubt.

Year 9 Annual Reviews - Preparing for Adulthood

All Annual Reviews taking place from Year 9 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 social care and health services.

It is particularly important in Transition Reviews for the young person's voice to be heard and for their views and wishes to be recorded within the annual review paperwork. They should also attend the annual review where appropriate.

The SEND CoP recommends that the school 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 provision.

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/next steps.

Support, provision and outcomes should be agreed that will ensure the young person is supported to make a smooth transition to whatever they will be doing next – for example, moving on to higher education, employment, independent living or adult care. (CoP 9.185)

F: The Role of the Assessment and Planning Officer (APO) at an Annual Review

The Annual Review meeting is organised, facilitated and recorded by the student's school, college or other institution; therefore it is not essential for an Assessment and Planning Officer to attend. Parents who have any queries or require advice prior to the meeting should contact their Assessment and Planning Officer, the school college or other institution, or AMAZE.

If Assessment and Planning Officers do attend they will make it clear at the introductory stage of the meeting that their role and function is as a procedural advisor only. Assessment and Planning Officers role within the meeting is to represent the local authority. When the annual review report is returned by the school to the local authority, recommendations may be made by LA Managers with advice from the Assessment and Planning officer. The final decision as to whether to maintain, cease to maintain or amend an EHC Plan sits with the LA.

3. Preparing for and conducting Annual Reviews

Preparing for and conducting Annual Reviews should be seen as a four part process:

A: Planning the Annual Review. Preparing for the review meeting, including the collection, collation and circulation of information and reports

B: The Annual Review Meeting

C: Completing the notes of the Annual Review Meeting and returning these **electronically** to the Local Authority within 2 weeks

D: The Local Authority considers the EHC Plan in the light of the Annual Review received and issues its decision whether to cease to maintain, maintain or amend the EHC Plan.

A: Planning for the Review

Reviews should reflect the person centred approach which is central to the SEND Code of Practice 2015.

'Reviews must be undertaken in partnership with the child and their parent, or the young person and must take account of their views, wishes and feelings, including the right to request a personal budget' SEND CoP 9.168

With very few exceptions, the young person should take part in the review and contribute to relevant sections. There will be a range of tools and strategies available on the ESCC web pages/Czone by Dec 2016 to assist in gaining pupil view. These will be informed by best practice in ESCC maintained special schools and will include strategies for working with pupils with a range of needs including multiple and profound disability, significant disengagement and severe language barrier. The expectation is that all pupils are enabled and empowered to take part in their review in a meaningful way. This will enable informed decisions to be made with them and by them for their future as they approach maturity and prepare for adulthood.

Post 16 young people may attend without their parents though it is likely that a young person will still want their parent/s/ carers to be involved in planning for the future.

Dates for the first Annual Review should be set for a date within 10 months of the anniversary of the issue of the original EHC Plan to enable timescales to be met in line with the statutory guidance. Thereafter the date can be set in line with the first Annual Review.

Ideally all Annual Review dates will be set at the beginning of the academic year or at least in plenty of time for professionals to update their reports and plan to attend. It is important to consult parents and professionals to make sure that, as far as possible, the arrangements are convenient to all.

At least a term before the Annual Review is due, the school or setting responsible for arranging the review will consider whether any updated information is required and seek this for circulation 2 weeks before the date of the meeting.

'The school must seek advice and information about the child or young person prior to the meeting from all parties invited and send any advice and information gathered to all those invited at least two weeks before the meeting' SEND CoP 9.176

A range of templates for gathering information are available online at www.eastsussex.gov.uk or [Czone](#) (these are currently being updated)

Parents should be helped by school, college, institution or Amaze, where this is requested or needed, to make sure their views are appropriately recorded.

Invitations to the Annual Review

The school (head teacher/SENCO) must invite the following people to the review meeting:

- the pupil's parents, ensuring that all those with parental responsibility are informed or involved, this will include a relevant social worker if the child is Looked After
- the young person Parents should be invited to bring a representative or support
- LA Assessment and Planning Officer
- health service representative where they are involved
- LA social care representative where they are involved
- other individuals, considered relevant to the review by the Head teacher or the LA should also be invited, including CAMHS, Youth Offending Teams. This could include a representative from the receiving secondary school for a pupil in Year 6.

Prior collection, collation and circulation of Information:

Prior to the AR meeting, and alongside the updating of other reports, the school should complete the school's annual review report to be circulated 2 weeks before the Annual Review meeting.

The school report should be completed by someone who knows the child well and agreed by the head teacher or the SENCO. A template is available for this and will indicate:

- any significant changes in the pupil's educational needs which may result in amendments to Section B of the EHC Plan,
- significant changes in health needs affecting Section C or care needs affecting Section D
- overall progress over the past year towards each outcome identified in the EHC Plan. There will always be outcomes for education (Section C) and usually health and care
- what success the pupil has achieved in meeting the short and long term targets set as steps towards the EHC Plan objectives
- evidence of the pupil's current levels of attainment as measured by standardised tests, criterion referenced assessments. or other internal measures as appropriate
- comments on any continuing difficulties with some insights into methods of teaching and support strategies that have proved effective
- whether the pupil is fully included in the life of the school, or how this can be achieved.

Key professionals should be asked to provide information on their views about the current attainments and programmes of study, as their involvement allows. Any advice received should cover the pupil's learning needs, the outcomes required and the provision to be provided from that service and in conjunction with the school or setting.

When submitting evidence for statutory assessment professionals should be mindful of guidance in CoP 9.51 to ensure they remain within professional boundaries.

B: The Annual Review Meeting

ESCC recommends that AR meetings should follow the below format

Draft Annual Review Agenda

- Welcome and introductions (Invite the child / young person to AR)
- Celebration of success, what's working well? (share pupil's work/photographs)
- Child/young person's views
 - What the child/young person thinks they are good at
 - What is important to the child/young person now and in the future?
- Parents views – hopes and aspirations
- Evaluation of progress against Education, Health and Care Plan outcomes and appropriateness of provision including:
- Review of provision map/IEP, showing in-school support and input from other agencies
- Review any data available from professionals – levels, standardised scores, attendance
 - Strategies that are working
 - What's not working?
- Plan anticipated outcomes and priorities for the coming year (Secondary - Pathway to the future?)
- Transport Arrangements
- Health Care Needs
- Social Care Needs
- Review of Personal Budget
- Action planning – what are the next steps and who will take them forward
- Summary of meeting – recommended outcome for this Annual Review

The Annual Review should be a friendly but formal meeting which accurately records the discussion and recommendations made.

Chairing the Meeting

The Annual Review should be chaired by the Head teacher, SENCO or a senior teacher.

Introductions:

- The chairperson should introduce and welcome everyone.

The Purpose of the Meeting:

- The chairperson should explain the purpose of the meeting and make sure that each person explains their role with the pupil so that parents have a clear understanding of their responsibilities in relation to their child and the review process.
- It is important that the parents are clear that the meeting is to review progress, determine whether the EHCP is still required, determine whether any evidenced significant changes are required to the end of key stage outcomes or the provision required, or whether the EHCP should remain as it is or whether it should be ceased.
- The chair should also make sure that parents know who was invited and unable to attend.
- It is expected that the pupil will be present for all or part of the meeting, where s/he is cognitively able to cope with the demands of participation. His/her views should have been sought and recorded prior to the meeting by a known and

trusted adult, preferably using the template provided on the East Sussex Website or Czone.

Confirmation of reports received:

- The chair should check that all present have read the reports, this will reassure parents that everyone has the same information. It will, of course, also highlight any discrepancies in the reports, which should have been circulated 2 weeks before the meeting. The chair should consider beforehand how to ensure equity of access for all parties to information presented, for example, language or special educational needs, and to overcome any barriers (e.g. visual impairment, physical disability) that steps are taken before the meeting to ensure full participation of all present.
- If it is considered that a parent or carer may feel more confident or able to fully participate in the meeting with a companion, then this can be suggested to them beforehand. The hosting school or setting has a responsibility to enable parent/carers to participate fully and this may mean providing the resources to enable them to manage carer responsibilities for younger siblings at the meeting.

Parent and Child's Views:

- These will have already be collected and circulated prior to the Annual Review meeting and both parties should be asked to summarise their views at the start of the meeting.

Review of progress towards outcomes:

- Using the pupil views and parent's views provided and taking a personalised approach the school should be able to record comments regarding section A of the existing EHC Plan. Changes in this section will not necessarily trigger an amendment to the EHC plan but allow the opportunity for parents and the young person to contribute their views.
- The parent/ carer and child and young person's views should be considered first.
- Each of the outcomes in the EHC plan should be reviewed, drawing on professional reports as they relate to that outcome.
- The Annual Review must take into account the pupil's progress, achievement and any other actions agreed at the last Annual Review. This should include looking at school based targets and the outcomes of any standardised testing especially where relating to literacy and numeracy.
- The meeting should examine strategies successfully employed to meet the pupil's special needs.

Planning for the next twelve months:

- There should be a discussion of the education, health and social care school based targets for the following year and how they will be recorded and developed to meet the outcomes outlined in the plan.
- The outcomes within the plan are likely to be set by the professionals up to the end of each key stage. However the arrangements in school to meet those outcomes are likely to change.
- If action is required this should also be agreed and the person responsible for the action should be named in the 'Action Planning' section of the Annual Review Report filled out in the meeting.

Summary and Recommendations from the Annual Review:

- As the meeting draws to a close, a summary will be prepared which will lead to recommendations to be made to the Local Authority. The recommendations should be supported by the evidence discussed during the meeting.

- Any disagreement about the recommendation and the details should be recorded.

The outcome of the meeting will result in a recommendation for one of the following:

- **Maintain the EHCP**
The EHC Plan continues to be appropriate there are no significant amendments and it should be kept as it is. Discussion may elicit that all outcomes on the Statement/EHC Plan are likely to be met within the next year. Should this be the case, the parent/carer and child/young person will have the opportunity to ensure that outcomes are set which will enable independence to be gained over the intervening period to prepare for ceasing of the statement/plan at the next review.
- **Amend the EHCP**
The school remains appropriate but there are some very significant changes to outcomes required across education, health or social care for example a new diagnosis. This would be outside of the usual amending key stages KS1, KS2, KS3, KS4, KS5.
- **The EHC Plan requires amendment for secondary school placement.** This is part of a phase transfer process which takes place primarily year 5 and Year 11. (The parental preference for secondary placement should be noted.)
- **Cease the EHCP**
The learning objectives have largely been achieved and EHC plan is no longer required. The remaining learning outcomes are able to be met within the resources normally available to the school or setting – the SEN notional budget.
- **Other recommendations with reasons.**
 - You should ensure that parents of Year 5 pupils have expressed a secondary school preference and are aware of the admissions arrangements.
 - The chairperson should make it clear that although the meeting can agree recommendations, the LA will make the final decision on whether to maintain, amend or to cease to maintain the EHC Plan or indeed take any other decision or action necessary.

The Local Authority **MUST** communicate its decision within 4 weeks of the meeting and the school **MUST** return all the paperwork electronically within 2 weeks to the Local Authority.

Date of next review

The date for the next Annual Review will be within twelve months and this should be recorded on the form. This will be noted by the Local Authority as part of tracking and any changes of date must be notified to the Local Authority. However, if there is a need for an earlier (interim) review this should also be recorded in the note of the meeting under 'recommendations'.

Travel Arrangements

If travel, to and from school, is supported by the Local Authority, this should also be reviewed. Consideration should be given to ways of accessing school which safely maximise independence for the child or young person.

Attention should be drawn to new legislation surrounding Post 16 transport which means that it is unlikely to be funded, other than in the most exceptional cases.

C The Annual Review Report

The school/ setting (usually the Head teacher/SENCO) must send, to the LA and to all those invited to attend the review, a copy of the Annual Review Report of the meeting together with copies of all the pupil and parent views, advices and information received.

This MUST be returned to the LA, electronically, within 10 days of the meeting or by the end of the school term, whichever is sooner. The email address for annual reviews is – annualreviewsisend@eastsussex.gov.uk

The Annual Review Report must contain sufficient evidence and information to allow the LA to make an informed decision in respect of maintaining, amending or ceasing the EHC plan.

D The Local Authority receives the completed review of the EHC Plan

The LA concludes the review process by considering the Annual Review Report, the accompanying advices and the recommendations of the Annual Review.

Amendments will **ONLY** be made at the end of each Key Stage unless there is a significant change outside this time. The LA will make the decision around whether to amend an EHCP **'EHC plans are not expected to be amended on a very frequent basis' SEND CoP 9.193**

Maintaining a plan

Where the EHC Plan provides a good overview of the child's needs, the outcomes required until the end of the next Key Stage and the provision necessary to meet the needs identified, the LA will maintain the plan. The Local Authority will aim to update the EHCP at the end of each Key Stage whilst the child is in school.

Amending a plan to reflect significant changes

Changes to administrative details do not constitute a significant change and can be dealt with without a formal amendment to the EHC Plan.

The following examples may be regarded as a significant change:

- Changes to a diagnosis or a new medical diagnosis that is supported by written evidence from a suitably qualified medical professional
- Deteriorating or degenerative conditions which may affect the provision described in the plan.
- Improvement in learning skills or abilities requiring outcomes to be removed or significantly altered.
- Changes to the social care arrangements
- Changes to the health arrangements

Meeting outcomes on EHCP:

There is an expectation that schools/settings and colleges have their own arrangements to ensure that provision is in place to enable children and young people to meet outcomes on their EHC Plan. This may be a school based plan, IEP or provision map. The 'assess, plan, do review' approach is applicable for pupils with an EHC Plan (see Chapter 2: Guidance to accompany the ESCC Special Educational Needs and Disabilities Matrix

Ceasing a plan:

The Local Authority may cease an EHC Plan only if it determines that it is no longer necessary for a plan to be maintained. The EHCP may not need to be maintained because any remaining needs can be met from within the resources available to the school and in line with local agreements. Careful consideration will be given to whether there are further educational outcomes to be met within the plan, and discussion for pupils in year 11 and above will focus on whether alternative pathways which promote independent living and appropriate opportunities for economic and social development may be the next stage for a young person. This discussion should be informed by the voice of the young person and much knowledge will have been gained since the year 9 review to inform decision making for a young person at this point in their life.

Parents or the young person may not be happy with the Local Authority decision and are encouraged, where this is the case, to contact their Assessment and Planning Officer or Amaze to discuss any concerns they may have. There are opportunities for independent dispute resolution and external mediation.

If these independent processes are unsuccessful for any reason, parents have the right to appeal Local Authority decisions through the SENDIST appeal process. Further information can be obtained from the school's/setting's Assessment and Planning Officer or SENDIST.

Seeking Advice before the review:

Prior to the review, staff at school need to ensure that they have consulted with relevant professionals and obtained any additional advice they feel they require, including updated assessments where there has been a change in need. Referrals to the ISEND Provider services, including Educational Psychology, ESBAS, CLASS, Sensory team, should be made through the Front Door.

The EHCP plan should be finalised within the 20 week timescale..

4. Good practice for involving children and young people in Annual Reviews

This section will be finalised by 30.12.2016 following further work on the Annual Review process.

Prior to the meeting

A member of staff explains

- The purpose of the meeting to the pupil (2-4 weeks beforehand)
- Helps the child/young person to reflect on the year gone by and discusses who will be invited
- The pupil's contribution to the meeting, for example, taking along a friend or sharing a piece of good work
- Where the meeting will take place
- The school's view of the pupil's progress

The pupil

- Discusses and records his/her views which will be circulated with the Annual Review paperwork 2 weeks in advance of the meeting

- Decides how to be involved in contributing to the meeting
- Decides whether or not to attend the meeting or part of the meeting
- Assists with sending invitations.

At the meeting

The pupil may

- Take a positive role, for example, give out reports, join in introductions
- Share their views
- Participate in discussion
- Is given positive feedback about his/her role in the meeting.
- Agree the way forward

After the meeting school staff or parents should take time to communicate any decision or any recommendations made to the young person using language which is child friendly.

5. Timescales for the Annual Review Cycle

Termly notification to schools by the LA to head teachers and principals, colleges and other institutions, the CCG and the local authority officers responsible for social care at least two weeks before the beginning of each term. The LA will send one list of all students to be reviewed throughout the year termly. This way schools, colleges and other institutions can ensure that the information on students to be reviewed within their establishment is correct.

The review cycle is triggered by the date of the initial Final EHC Plan. The review arrangements have to be planned.

6. Templates

Templates can be found on Czone or the East Sussex Website.

These include:

- The Annual Review Report 2016
- Pupil Views
- Parent Views
- Guidance
- Quick Reference Guide for schools – how to fill out annual review paperwork.
Available soon

The Local Authority is happy to receive any comments on how this process might be improved in the future. It will be reviewed in August 2017

Please send any ideas for improvement to annualreviewisend@eastsussex.gov.uk