

Guidance on the Review Process for an Education, Health and Care Plan

Reviewing an EHC Plan

It is the Local Authority's statutory duty to complete a review for every child or young person with an EHC plan. The Local Authority must arrange for a review of a child or young person's EHC plan as a minimum every 12 months.

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. In some circumstances reviews may be carried out earlier (for example for younger children, transfer between phases or due to a significant change in needs).

The school or institution that the child or young person attends will be central to this process by organising and facilitating the review meeting on behalf of the Local Authority. Reviews are most effective when led by the educational institution. They know the child or young person best, will have the closest contact with them and their family and will have the clearest information about progress and next steps.

The EHC plan review must use a person centred approach and 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. Children, parents and young people should be supported to engage fully in the review meeting.

For Looked after Children, the annual review should, if possible and appropriate, coincide with one of the reviews in their Care Plan and in particular the personal education plan (PEP) element of the Care Plan.

Professionals across education, health and care must co-operate with the review of EHC plans.

Where the child or young person does not attend a school setting/institution, then the Local Authority will make arrangements to organise and convene the EHC plan review.

The Local Authority is required to provide, at least two weeks before the start of term, a list of children and young people with EHC plans who will require a review during that term to schools, colleges, other institutions, CCG health and social care. These lists should also indicate which reviews must be focused on transition and preparation for adulthood. This will enable professionals to plan attendance at review meetings.

Purpose of EHC Plan Reviews

The EHC Plan review:

- must focus on progress towards achieving outcomes in the EHC plan.

- must consider whether these outcomes and supporting targets remain appropriate.
- should 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.
- should 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.
- should review the health and social care provision made for the child or young person and its effectiveness in ensuring good progress towards outcomes.
- should 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, enhanced provision, change of educational establishment or whether the EHC plan should be discontinued.
- should set new interim targets for the coming year and where appropriate, agree new outcomes.
- should review any interim targets set by the early years provider, school or college or other education provider.
- should include the review of any existing Personal Budget arrangements including the statutory requirement to review any arrangements for direct payments.

EHC Plan Review process for Child or Young Person attending a school/institution

The following requirements apply to reviews where a child or young person attends a school or other institution:

- The school or institution arranges the EHC plan review by inviting the following to attend with at least two week notice of the date of the meeting:
 - child's or young person parents
 - child or young person
 - a representative of the school or other institution attended
 - a local authority SEN officer
 - involved education, health and social care professionals
- The school or institution must seek advice and information from all those invited about the child or young person's progress towards achieving the outcomes specified in the EHC plan and any other matters relating to their progress. This must be circulated to all those invited at least two weeks before the meeting

- The meeting must review the child or young person's progress towards achieving the outcomes specified in the EHC plan, and make recommendations on what changes might need to be made to the support that is provided to help them achieve those outcomes, or whether changes are needed to the outcomes.
- The meeting should consider the continuing appropriateness of the EHC plan in the light of the child or young person's progress and whether changes are required.
- The meeting should set new targets for the coming year and where appropriate, agree new outcomes.
- The school or institution must prepare and send a report of the meeting to everyone invited within two weeks of the meeting. The report must set out recommendations on any amendments required to the EHC plan, and should refer to any difference to this expressed by others attending the meeting.

Reviews of EHC plans for children aged 0 to 5

The Local Authority 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.

Review of EHC Plans for Young People aged 14+ - Preparing for adulthood in reviews

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 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.

Transfer between phases of education

A review of an EHC plan involving a transfer between early year's settings and/ or schools (e.g. nursery to reception, infant to junior, primary to secondary) must be completed and EHC finalised naming the placement by 15th of February in the calendar year of transfer at the latest.

For young people moving from secondary school to a post-16 institution or apprenticeship, the review and any amendments to the EHC plan including specifying the post-16 provision and naming the institution **must** be completed by the 31 March in the calendar year of the transfer.

This means that schools or other institutions should arrange the EHC plan review meetings in sufficient time to enable the Local Authority to achieve these legal deadlines. Account needs to be taken of the timescales for amending and finalising EHC plans which the Local Authority are required to follow.

In some cases, young people may not meet the entry requirements for their chosen course or change their minds about what they want to do after the 31 March or five-month deadline. Where this is the case, the Local Authority should review the EHC plan with the young person as soon as possible, to ensure that alternative options are agreed and new arrangements are in place as far in advance of the start date as practicable.

Local Authority Procedures for Reviewing, Amending, Reassessing and Ceasing an EHC Plan

Reviewing and Amending an EHC Plan

The Local Authority is required to review the EHC plan as follows:

- Within four weeks of the review meeting, the Local Authority must decide whether it proposes to keep the EHC plan as it is, amend the plan, or cease to maintain the plan, and notify the child's parent or the young person and the school or other institution attended.
- If the plan needs to be amended, the Local Authority must send the child's parent or the young person a copy of the existing (non-amended) plan and an accompanying notice providing details of the proposed amendments, including copies of any evidence to support the proposed changes. The child's parent or the young person should be informed that they may request a meeting with the Local Authority to discuss the proposed changes.
- The parent or young person must be given at least 15 calendar days to comment and make representations on the proposed changes, including requesting a particular school or other institution be named in the EHC plan.
- Following representations from the child's parent or the young person, if the Local Authority decides to continue to make amendments, it must issue the amended EHC plan as quickly as possible and within 8 weeks of the original

amendment notice. If the Local Authority decides not to make the amendments, it must notify the child's parent or the young person, explaining why, within the same time limit.

- When the EHC plan is amended, the new plan should state that it is an amended version of the EHC plan and the date on which it was amended, as well as the date of the original plan. Additional advice and information, such as the minutes of a review meeting and accompanying reports which contributed to the decision to amend the plan, should be appended in the same way as advice received during the original EHC needs assessment. The amended EHC plan should make clear which parts have been amended. Where an EHC plan is amended, the following review must be held within 12 months of the date of issue of the original EHC plan or previous review (not 12 months from the date the amended EHC plan is issued).
- When sending the final amended EHC plan, the local authority must notify the child's parent or the young person of their right to appeal and the time limit for doing so, of the requirement for them to consider mediation should they wish to appeal, and the availability of information, advice and support and disagreement resolution services.
- If the Local authority Decides not to amend the plan or decides to cease to maintain it, they must notify the child's parent 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.

Re-assessments of EHC plans

The review process will enable changes to be made to an EHC plan so it remains relevant to the needs of the child or young person and the desired outcomes. There may be occasions when a re-assessment becomes appropriate, particularly when a child or young person's needs change significantly.

- Local authorities **must** conduct a re-assessment of a child or young person's EHC plan if a request is made by the child's parent or the young person, the setting/school that the child or young person attends or relevant education, health or care professionals/ agencies unless:
 - this is within 6 months of the last assessment being conducted
 - and/or the Local Authority considers that this is not necessary (e.g. that it considers that the child or young person's needs have not changed significantly).
- The Local Authority **must** notify the child's parent or the young person of its decision as to whether or not it will undertake a re-assessment within 15 calendar days of receiving the request to re-assess. If the Local Authority decides not to re-assess, it **must** notify the child's parent or the young person of their right to appeal that decision and the time limit for doing so, of the requirement for them to consider mediation should they wish to appeal and

the availability of information, advice and support and disagreement resolution services.

- The process for re-assessment will be the same as the process for a first assessment (once the decision to carry out an assessment has been taken). Re-assessments **must** follow the same process as for the first EHC needs assessment.
- The overall maximum timescale for a re-assessment is 14 weeks from the decision to re-assess to the issuing of the final EHC plan. Following a re-assessment, the EHC plan **must** be reviewed within 12 months of the date that the finalised EHC plan is sent to the child's parent or the young person and subsequently reviewed every twelve months from the date the EHC plan was last reviewed.

Ceasing an EHC plan

The Local Authority can cease to maintain an EHC plan where:

- following a review the Local Authority considers that the child or young person no longer requires the special educational provision specified in the EHC plan.
- 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 Local Authority is no longer responsible for this child or young person, for example if they have moved to another local authority area.

Where the Local Authority is considering ceasing to maintain a child or young person's EHC plan it must:

- inform the child's parent or young person in writing
- consult the child's parent or the young person
- offer to meet with child's parent or the young person
- consult the school or other institution that is named in the EHC plan
- if following the consultation process the Local Authority decides to cease the EHC plan it must inform the child's parent or young person and the school or institution of that decision. The child's parent or the young person must be notified 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.