**Annual reviews of Education Health and Care plans for under 5’s**

**Guidance for non-maintained settings**

**and professionals who may be leading the review process**

The Annual Review of an Education Health and Care plan or Statement of SEN is the process by which the outcomes set out in the plan and the effectiveness of provision are reviewed and new targets are set. The child and family are at the centre of this process.

**What the SEND Code of Practice (2015) says**

**About the importance of working with the family:**

* Reviews must be held in partnership with the child and their parent and must take account of their wishes and feelings (including the right to request a Personal Budget)

**About what should be reviewed:**

* The review must focus on progress towards the outcomes specified in part E of the plan
* The review must consider whether these outcomes and supporting targets remain appropriate
* The review should consider the special educational provision that is being made to ensure that it is effective in ensuring access to teaching and learning and good progress
* The review should consider the health and social care provision that is being made and its effectiveness in ensuring good progress towards outcomes
* Interim targets (eg the ‘in a year’s time’ in Annex A) should be reviewed

**About forward planning:**

* The review should consider the continuing appropriateness of the EHC plan and whether changes are required including whether the EHC plan should be discontinued
* New interim targets should be set for the coming year and new outcomes agreed where appropriate

**About the timeframes and responsibilities:**

* 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.
* 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
* The local authority’s decision following the review meeting must be notified to the child’s parent or young person within four weeks of the review meeting **and within twelve months of the date of issue of the EHCP or previous review**. This means that the Annual Review meeting needs to be held **eight weeks** before the twelve month period ends.
* The local authority should provide a list of children requiring a review to the Headteacher or the principal of the provision attended by them at least 2 weeks before the start of each term.
* The child’s parents, a representative of the setting, the SEN Officer, a health service representative and a social care representative must be invited and given at two weeks’ notice of the review meeting
* The setting must seek advice and information about the child prior to the meeting and circulate that to those invited at least two weeks before the meeting
* The setting 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 an amendments required to the EHC plan and should reference any difference between the setting’s recommendations and those of others attending
* Within four weeks of the review meeting the local authority must decide whether it proposes to keep the EHC plan as it is or amend it or cease to maintain it, and notify the child’s parents and the setting.
* Where an EHC plan is to be amended the local authority must issue the amended EHC plan within 8 weeks of the original amendment notice.

**Good practice guidance**

We will write to settings in May, October and February with details of those children who will require an Annual Review in the following term.

The attached activity schedule sets out the actions, roles and responsibilities in preparing for and carrying out an Annual Review. It can be used as a checklist for each child. An agenda for the review meeting is also attached. The paperwork and examples referred to **in bold text** in the schedule are available on the Oxfordshire County Council’s webpages: <https://www.oxfordshire.gov.uk/cms/content/guidance-and-procedures>

**Getting help**

Further guidance and advice can be obtained from the SEN casework team:

**Central (Oxford)**
Knights Court, 21 Between Towns Road, Cowley, Oxford. OX4 3LX
Tel: 01865 815275

**North** (Cherwell and West Oxfordshire)
Samuelson House, Tramway Road, Banbury, Oxon, OX16 5AU
Tel: 01865 816681

**South**

Abbey House, Abbey Close, Abingdon, OX14 3JD
Tel: 0845 641 6402

**For each child who will undertake an Annual Review (AR)**

**Actions checklist**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Action to be taken** (sometimes this will be undertaken jointly with a professional from a specialist service) | Action date | Date of action |
| 8 weeks prior to the AR meeting | If you have significant concerns about a child please discuss these with your SEN officer at this point. |  |  |
| Write to the parents inviting them to the meeting.The **letter** asks parents to name any additional people that they would like to invite to the review and gives information about getting support. With the letter include the **form** for them to record their views and wishes. Parents are asked to respond within two weeks.  |  |  |
| 6 weeks prior to the AR meeting | As soon as the meeting is confirmed send your SEN Officer **notification** of the meeting date and time highlighting if and why their attendance is requested. |  |  |
| Invite all relevant people to provide updated reports and attend the meeting. |  |  |
| Support the child to think about his/her views and recordthem. For ideas about finding out and recording a young child’s views click [here](https://www.oxfordshire.gov.uk/cms/content/guidance-and-procedures) or visit <https://www.oxfordshire.gov.uk/cms/content/guidance-and-procedures>  |  |  |
| Check parents know that they can ask for support from SENDIASS |  |  |
| Prepare for the best participation at the meeting: allow sufficient time, choose a space where people have enough space to sit and write comfortably and see and hear each other. |  |  |
| 4 weeks prior  | Prepare the **setting report** for the annual review. This may be a joint report with a professional from a support service. |  |  |
| 3 weeks prior to the AR meeting | The parent returns the record of their views |  |  |
| Practitioners return updated reports and confirm whether attending |  |  |
| Collate updated reports, the parent and child’s views and send to all those attending the meeting |  |  |
| 1 week prior to the AR meeting | Ensure that the family knows that it is their meeting. Check how they wish to contribute. Check the support the family wants. |  |  |
| Agree chairing and recording roles. |  |  |
| Prepare what to say and take to the meeting. Be clear what is important for the child. |  |  |
| Print off the **Parent evaluation form** ready to give out at the meeting. |  |  |
| See the AR meeting agenda attached for how to structure the meeting |
| Within 2 weeks of the meeting | Send the **completed record of the meeting** to your SEN officer along with an annotated copy of the EHCP (or statement) if there are any changes proposed and the other paperwork listed on the meeting record form. |  |  |
| Within 4 weeks of meeting | Your SEN Officer will inform you and the child’s parents whether the local authority proposes to keep the plan (or statement) as it is, amend it or cease to maintain it. |  |  |
| Within 8 weeks of the notice to amend | Where we propose to amend the plan the SEN team will send a copy of the original plan plus the proposed amendments to the parents. Parents may request a meeting to discuss the changes. They then have 15 days to comment. |  |  |
| Following comments from parents the SEN Officer will decide whether to continue to make amendments and then issue an amended plan, or notify the parents why amendments are not being made. |  |  |

**Model agenda for an Annual Review meeting**

Please remember to check whether there are any safeguarding concerns at an appropriate point in the meeting

|  |  |  |  |
| --- | --- | --- | --- |
| 1 | **Welcome, introductions and purpose*** Record attendees/non-attendance (on Annex A: People who have offered to help) and if there are any different people involved in supporting the plan
* Ensure administrative details are correct and record any change of circumstances
 | Chair | 5 mins |
| 2 | **The child’s strengths*** Highlight achievements and successes
 | All | 10 mins |
| 3 | **Review progress** * towards each outcome in Section E and annex A of the plan and the effectiveness of the education, health and care provision in Sections F-G in helping the child to make good progress
* Note any changes in the child’s needs
* Consider whether the outcomes are still appropriate?
* Does the plan need amendment?
* Should the plan be discontinued?
 | All | 30 mins |
| 4 | **Agree new outcomes** * for Section E of the plan if required
* For what will have been achieved in a year’s time
* Draft a new Annex A
* Note any proposed changes to the provision
* Review/discuss any personal budget
 | All | 30 mins |
| 8 | **Summarise** * Key actions
* Any areas of disagreement
 | Chair | 5 mins |
| 9 | **Conclusion** * Give out the **Parent evaluation form**
* Confirmation of timescales for remaining processes
* Thanks
 | Chair | 5 mins |