The annual review of an EHC Plan

As we draw towards the end of term, the Annual Reviews Team thought that it would be helpful to share an update about the legal requirements and statutory timescales for reviewing an EHC Plan.

Statutory framework

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 at least annually. 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 (whichever is earlier).

Reviews must focus on the child or young person’s progress towards achieving the outcomes specified in the EHC Plan. The review must also consider whether these outcomes and support targets remain appropriate.

Prior to the review meeting

The local authority will provide a list of children and young people who will require a review of their EHC plan 2 weeks before the start of each academic year and again at the beginning of each new term.

Schools are expected to arrange the review and notify involved professionals including social care and health partners of any upcoming reviews with sufficient time for children to be seen if necessary and updated reports to be written (usually during the previous term).

2 weeks prior to the review meeting

The school will send invitations 2 weeks prior to the review meeting. Invitations should be sent to the parents and young person, the SEND team (via the shared annualreviewseast@hertfordshire.gov.uk or annualreviewswest@hertfordshire.gov.uk inbox) and to any other involved professionals including social care and health partners.

Any professional reports that will be used to inform the review should also be circulated 2 weeks prior to the meeting.

The SEND team do not attend every review meeting, but where there are very significant changes being requested to the EHC plan or where a placement change is being requested, the school may request the attendance of the EHC Co-ordinator at a review. It is good practice to discuss where attendance may be helpful during regular meetings held between schools, DSPLs and EHC coordinators so that attendance can be prioritised. If the coordinator is unable to attend, telephone advice may be offered to the SENCO prior to the review meeting.

Within 2 weeks of the Annual Review meeting

The school will send recommendations from the review to the local authority within 2 weeks of the review meeting. It is important the documentation returned to the authority includes reports and contributions from involved professionals including
health and social care colleagues, particularly if the review is requesting any significant changes to the plan or a request for a placement change.

**Within 4 WEEKS of the Annual Review meeting**

Within 4 weeks of the review meeting, the legislation states that the local authority must make a decision about whether to cease to maintain the plan, maintain the plan with no amendments or maintain the plan with amendments. We are working hard to achieve these deadlines at a time of high volume of incoming queries and priorities.

**DESCRIPTION OF OUTCOMES FROM THE 4 WEEK DECISION -**

1. **Decision to cease to maintain the plan**
   Notification of the intention to cease the EHC plan will be sent from the Local Authority to the young person (if over the age of 16) and/or their parent/carer.

2. **Decision to Maintain with no changes/amendments**
   The SEND code of practice notes “EHC plans are not expected to be amended on a very frequent basis” and in line with this, most reviews are expected to be followed by a decision to maintain a plan with no changes/amendments. A letter will be sent following the review to the parent and school to notify of this.

3. **Decision to Maintain with amendments/re-write**
   Where review paperwork contains reports or evidence that indicates a need to update the provision within the plan, the Local Authority will issue a decision to maintain letter. Following this, the local authority must issue an amendment notice ‘as soon as possible’ after the 4-week decision. *

   A final amended EHC Plan must be issued **8 weeks** after the amendment notice.

   *The timeframe for issuing the Proposed Amended EHC plan is not yet clearly defined, however recent caselaw indicates the expectation that the proposed amendments should be issued alongside the 4-week decision letter (or as close as possible). It is therefore critical that the school return the documentation to the local authority within 2 weeks of the review meeting date so that the Annual Reviews Teams can measure performance accurately against expected timescales. The local authority is working hard to achieve these deadlines at a time of high volume of incoming queries and priorities.

A plan must be reviewed at least annually regardless of whether paperwork from a previous review has been issued.

**Key references**

*Special educational needs and disability code of practice 0 – 25 years 9.166 – 9.176*

*Relevant legislation - Children and families Act 2014 Part 3 Section 44*

*Regulations 2, 18, 19, 20 and 21 of the SEND Regulations 2014.*

The ‘Independent Parent Special Educational Advice Service’ (IPSEA) have produced a **useful checklist, which provides step-by-step guidance** to comply with statutory guidance.