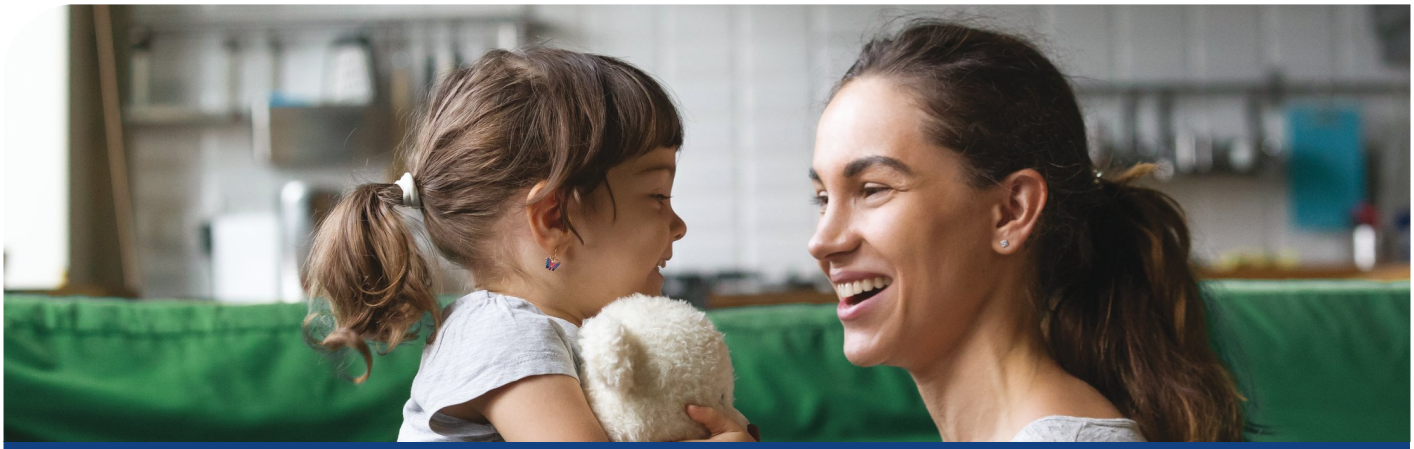


Annual Reviews and Re-assessments

Education Health and Care (EHC) Plans

You may have an EHC plan in place if your child needs extra help and support to achieve their best, both now and the longer term. All EHC plans need to be reviewed annually to ensure they best suit your child's ever-adapting needs.

When should EHC plans be reviewed?

Section 44 of the Children and Families Act 2014 requires local authorities to review EHC plans every 12 months. Regulation 18 of the Special Educational Needs and Disability Regulations 2014 provides further specific circumstances about when plans must be reviewed.

These include:

Where a child or young person is within 12 months of a transfer between phases of education, the local authority must review and amend the plan to include the placement they will attend no later than:

- 31 March, during the child's transition from secondary school to a post-16 educational placement
- 15 February, during the child's transfer in any other case

Where it's proposed that the child transfers from one post-16 institution to another post-16 institution at any other time, the local authority must review and amend the EHC plan at least five months before that transfer takes place.

Local authorities should consider reviewing an EHC plan for a child under five every three to six months to ensure that the provision continues to be appropriate. Such reviews would be in addition to the annual review and are not subject to the same requirements regarding invitations and obtaining advice. However, the child's parent must be fully consulted on any proposed changes to the EHC plan and made aware of their right to appeal – both if they don't agree with the proposed changes and if no changes are made.

Conduct of reviews

When reviewing an EHC plan, a local authority must consult the child's parent and take account of their views, wishes and feelings. They should also consider the child or young person's progress towards achieving their goals specified in the EHC plan, whether these remain appropriate and consult the child's school or other institution.

Your local authority may ask the head teacher at your child's school to host the meeting and ask a further education college to convene the review. The following people should be invited to attend with at least two weeks' notice:

- The child or young person's parent
- The young person themselves, if appropriate
- The provider of the early years education or the head teacher of the school, post-16 or other institution attended by the child or young person
- An officer who exercises the local authority's education functions in relation to children and young people with

special educational needs
- A health care professional identified by the responsible commissioning body to provide advice about health care provision in relation to the child or young person
- An officer representing the local authority's social services functions in relation to children and young people with special educational needs.

The person arranging the review meeting must obtain advice and information about the child from those invited to attend and must circulate at least two weeks in advance of the review meeting.

The child or young person's progress towards achieving the outcomes specified in the EHC plan must be considered at the meeting. This requirement is particularly important for those aged over 18 as the educational and training outcomes will determine whether the EHC plan ceases.

When the child or young person is in or beyond school year 9, the review meeting must consider what provision is required to assist the child or young person in preparation for adulthood and independent living.

What happens after the review?

The head teacher or principal of the school or educational institution must prepare a written report following which sets out any recommendations or amendments to be made to the EHC plan and advice and information obtained prior to the annual review. The report must be prepared within two weeks of the review meeting and sent to everyone who was invited to attend or prepared advice. When the local authority receives the report they must decide whether to continue to maintain the EHC plan in its current form, amend it or cease to maintain it.

They must notify you, as the child's parent or the young person, of their decision within four weeks of the review meeting and inform you of your right to appeal, the time limits for doing so, the information concerning mediation and the availability of disagreement resolution services, information and advice.

Making amendments to the EHC plan

Where a local authority decides to make amendments following the annual review it must:
- Send the child's parent or the young person a copy of the EHC plan together with a notice specifying the proposed amendments, together with copies of any evidence which supports those amendments
- Provide the child's parent or the young person with notice of their right request that a particular school or other institution is named in the plan
- Give them at least 15 days' notice, from the date of the draft plan, in which to :

1. Make representations about the content of the draft plan
2. Request that a particular school or other institution be named in the plan
3. Request a meeting with an officer of the local authority, if they wish to make representations orally
4. Advise them where they can find information about the schools and colleges that are available for the child or young person to attend.

The local authority must then send the finalised EHC plan to all interested parties as soon as possible and in any event, within eight weeks of first sending the plan and proposed amendments to the parent. They must also notify them of:
- Their right to appeal
- The time limits for doing so
- The information concerning mediation and the availability of disagreement resolution services, information and advice.

Re-assessments

Provided that an assessment has not been undertaken within the previous six months, and the local authority considers it is necessary, the local authority must carry out a re-assessment of the educational, health care and social care needs of a child or young person for whom it maintains an EHC plan if a request is made to it by:
- The child's parent or the young person
- Governing body, proprietor or principal of the school, post-16 institution or other institution which the child or young person attends
- The responsible Clinical Commissioning Group for that child or young person.

The local authority may also secure a reassessment of those needs at any other time if it thinks it necessary. The local authority must notify the child's parent or the young person whether or not it is necessary to reassess the child or young person within 15 days of receiving the request to re-assess. Where the local authority does not consider it is necessary to re-assess they must notify them of:
- Their right to appeal
- The time limits for doing so
- The information concerning mediation and the availability of disagreement resolution services, information and advice.

Amending an EHC plan without a review or reassessment

If a local authority proposes to amend an EHC plan, it shall proceed as if the proposed amendment were an amendment proposed after a review, with parents or young people having the same appeal rights and entitlement to notification of these.

For further information regarding reviews and reassessments please view paragraphs 9.166 to 9.210 of the SEND Code of Practice.

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PF-P-PLHR-1752-F