

Reviewing an EHCP



The Final Plan is just the beginning

An EHC Plan has to be considered at least once a year to check each section is still correct and appropriate.

It needs to be up to date to enable those working with the child or young person to understand their needs, what has to be provided for them, their aspirations and the outcomes aimed for.



When should a plan be reviewed?

- With exceptions, at a minimum at least every 12 months.
CoP 9.166
- Where a child is within 12 months of a transfer between phases of education, the LA must review and amend, where necessary.
- (a) 31st March in the calendar year of the child or young person's transfer from secondary school to a post-16 institution; and
- (b) 15th February in the calendar year of the child's transfer in any other case

Amend the EHCP, and where necessary, amend to the institution they will attend following a transfer, I.



Timescales

- LA should tell schools etc which Plans are to be reviewed
 - at least two weeks before the start of term (SEND CoP 9.172)
- **Must** request advice and info about child/ young person (yp) from yp/parent, school/setting, LA officer, Health, Social care
 - No specific date given but must be so that info can be circulated two weeks before meeting (SEND reg. 20(2))
- The person arranging the meeting **must** invite parents or yp, rep of school or institution, LA coordinator , health and social care (and anyone else that is relevant)
 - At least two weeks notice of meeting (SEND reg. 20 (3))
- Send any advice gathered to all those invited
 - at least two weeks before meeting (SEND reg. 20(4))



LA Responsibility

- Must consult with child and parent or young person and take account of their views, wishes and feelings
- Should provide a list of those who require a review to the provider (School etc) including which reviews must be focused on transition and preparing for adulthood
- At least two weeks before the start of each term.
- Also inform the local CCG (health)
- and LA officer for social care
- Lists should advise where the focus is on transition and preparing for adulthood



Contents of an EHCPlan

- A** The views, interests and aspirations
- B** The Special Educational Needs
- C** Health needs related to SEN
- D** Social Needs related to SEN or disability
- E** Outcomes, including for adult life. Also arrangements for setting shorter term targets for provider, e.g. school



Contents of EHC Plan

F Special Educational provision required

G Any health provision reasonably required by learning difficulties or disabilities which result in SEN including health care plan if needed

H 1 Any Social Care provision which must be made for those under 18 under Chronically sick and disabled persons act 1970, children

H 2 Any other social care provision, The Care Act 2014, adults



Contents of EHCP

- I** Name and type of school or institution
- J** Where there is a personal budget, details of how it will support the outcomes
- K** List of advice and information gathered during assessment. Advice and information must also be attached at draft stage



Who must be invited

- Child's parent or the young person
- The provider of the relevant education institution
- An officer of the LA who exercises the LA education function (Coordinator)
- A healthcare professional identified by the CCG
- An officer of the LA who exercises the LA social care function

Lists should advise where the focus is on transition and preparing for adulthood



EHC Plan should be used to actively monitor children

- C&F Act 2014 section 44, SEND reg 2014, 18-21, CoP 9.166 – 9.185
- It is the duty of the Local Authority to review EHC plans.
- Monitor progress towards outcomes and longer term aspirations.
- **Must** focus on progress towards achieving the outcomes.
- **Must** consider if outcomes and supporting targets remain appropriate



LA Responsibility

- To ensure that a meeting to review the plan is held at:
- Maintained schools
- Maintained nursery schools
- Academy schools
- Alternative provision academies
- Pupil referral units, (Short Stay Schools)
- Non-maintained special schools
- Sec 41 independent provisions
- **LA can require that the head teacher or principle to arrange and hold the meeting.**



LA can request, not require

- Early years settings which are not maintained
- Further education colleges and other post 16 institutions unless in their contractual arrangements with the LA



Reviews should also:

- Gather and Assess information.
- Review the SEN provision made.
- Review Health/Social Care provision made
- Consider appropriateness of the Plan
- Set new interim targets for the year ahead
- If appropriate, agree new outcomes
- Review interim targets set



Reviews

- Review any existing Personal budget and arrangements for direct payments
- EHCP, Care Plans and LAC reviews should coincide if possible.
- Professionals across education, social care and health **must** co-operate with LA



During the meeting

- Make sure the EHC Plan is being considered
- Consider any new Needs, B, C, D and provision, F, G, H1/H2 in the reports.
Use to update the Plan
- Remember that the Needs and Provision is about the child/yp and not what a school can provide.



During the meeting

- Have basic details, e.g. address, in the Plan changed?
- Consider SEN support, medium and long term outcomes,.
- Have any of the outcomes been achieved,?
- Have these outcomes supported to move towards or achieve aspirations?
- If not, what needs to be changed?
- If yes, do new outcomes need to be written, or have they been achieved?
- Tailored to each individual case
- Does the Plan need to continue?



Parents views for review

I disagree with the schools view of Fred's current education, he now wants to be a fire fighter A, Aspirations as his auntie Fredrica has been telling him about her job and he gets very excited about it. I think it would help him.

He has now been diagnosed with dyslexia A, parents views which may explain some of his frustrations, frustratingly this diagnosis did not arrive in time for the review but the attached report which I shall quote from has some sections I would like included.

It says he cannot remember what he has been asked B Needs and goes on to give some suggestions as to what could be in place to support him such as somebody checking that he understands what he is doing before he starts an activity. F Provision.

It says he finds written work very difficult and his spelling is very poor, B, Needs. A computer will be available to write down his written work and to help his spelling and grammar F, Provision.

I disagree that Fred is still impulsive and I want this to be taken out of the Plan, (discuss at review).

We have been having support from Social Services for Fred, he is not aware of danger and runs , they agreed to secure the garden and make the house safe for him H1, Provision and I would like this included. He needs 24 hr care so we have respite twice a month at Oak House. H2, Provision

His ADHD is now being supported by Health with his GP at Sycamore Practise C, Health needs, has agreed to medicate him with Ritalin each morning G, Health provision and I have included a prescription with this letter.



Review or request personal budget

- Request for a personal budget, is there evidence for what you are requesting?
- New request, see local offer info.
- There needs to be written agreement from the head or appropriate person if it is to be delivered at school/institution.
- LA will then decide whether to provide this and inform you, the parent/yp



Not at school or other institution

- Parent, young person, SEN officer, health and social care representative **must** be invited by the LA (at least two weeks before)
- Advice **must** be sought as before but by LA
- Meeting **must** focus on outcomes and changes needed
- **LA** **must** prepare and send out report to all invited to the meeting two weeks after the meeting
- Within 4 weeks must notify of the decision to keep/amend or cease plan



Timescales after the meeting

- **Two weeks** after the meeting
 - School or institution **must** send out a report (Including all advice gathered) with recommendations to the LA and all those who attended the meeting (with any differences of opinion noted)
- **Within four weeks of the review meeting**
 - LA **must** notify parents & school if LA decide to keep the Plan as it is, amend or cease to maintain.
 - If cease or keep as it is LA must notify parents/yp of their right to appeal, mediation and SENDIASS



After LA decision

- The LA should start to amend the Plan, ‘without delay’
- Send full, existing EHC plan together with a notice specifying the amendments, original amendment notice, (with evidence)
- Parents and young people given at least 15 days to make comments/ request school/institution, request a meeting with LA about amendments



After LA decision

- LA has 8 weeks (from notice of amendments) to finalise the Plan or decide not to proceed with the amendment's
- Within the 8 weeks of original amendment notice the LA must amend, or decide not to amend
- The LA must notify the parents or young person of their decision, with the final Plan if continuing , and the right to appeal, time limits, mediation, advice and info in writing.



Transfer between phases of education

LA Must review an EHC plan where a child or young person is within 12 months of a transfer between phases of education-

They must review and amend the EHC plan before (where necessary), and name the school or post 16 or other institution the child or yp will attend following transfer by:

- **15th February** in the calendar year of the child's transfer
- **31st March** for child or yp transfer from secondary school to post 16
- LA must send a full amended Plan and amendment notice



Children 0 – 5

- LA should consider reviewing at least every 3 - 6 months
- This would correspond with yearly review
- Not all professionals attend every time
- Parents must be fully consulted and be made aware of their right to appeal (to SEND tribunal)



Year 9, age 14, onward

- **Must** Focus on preparing for adulthood
- Transition planning must be built into EHC plan for transfer to adult health and social care if needed.
- Should invite reps of post 16 institutions
- Particularly important to record child or young persons views, wishes, feelings.
- Year 9 focus on options and choices for next phase of education
- Where plan likely to cease in next 12 months, good exit planning is needed.



Post 18

- When the LA review an EHCP for a young person post 18 they must have regard to whether the educational or training outcomes have been achieved



Cease to maintain

When;

- No longer necessary
- No longer responsible for the child or YP

Determining no longer necessary

- When they no longer require the provision specified in the Plan
- 19+ have the education or training outcomes been achieved?



The SEND Regs 2014

Amending an EHC plan following a review

22.—(1) Where the local authority is considering amending an EHC plan following a review it must comply with the requirements of regulations 11, and 12, and with sections 33 of the Act, and with sections 39 and 40 of the Act (as appropriate).



Reassessment

LA must conduct a reassessment when requested by:

- Parent
- Young person
- Educational institution
- CCG

When at least 6 months have past since the previous one



The final Review

The LA can only cease to maintain a Plan only if:

- 1) The LA is no longer responsible for the child or yp
- 2) The LA determines it is no longer necessary, e.g. When the provision is no longer necessary, SEN support may continue.

- Good exit planning should be in place
- Support , provision and outcomes agreed to ensure a smooth transition to the next phase.



Law and statutory guidance used.

- The Children and Families act 2014, part 3
- The Special Educational Needs and Disability Regulations 2014
- The Special Educational Needs and Disability code of practice: 0 to 25 years. January 2015
- The special Educational Needs (Personal Budgets) Regulations 2014





Norfolk SEND Partnership

Information, Advice and Support Service