

## How will my child/young person's EHCP be reviewed and amended?

*The review of the Education, Health and Care Plan (EHCP) should take place at least once a year. This gives you and the school a chance to share views about progress and whether the content of the EHCP needs any amendment. For children and young people (CYP) under 5 years, reviews should take place more frequently.*

The following is addressed to parents of children and young people but is intended as guidance for anyone involved, including the young person themselves. "Young people" is a phrase the Children and Families Act 2014 has introduced which means a person between 16 – 25 years of age. Young people are given a right to manage their own EHCP, make requests and decisions under the CFA, rather than their parents, provided they have sufficient mental capacity.

### Purpose of the review

The EHCP must be reviewed at least annually. The first review must take place within 12 months of the date of the EHCP being issued. Reviews and any amendments must be made by 15 February in the calendar year of any key transfers. The key transfers are:

- Early years to school.
- Infant to junior school.
- Primary to middle school.
- Middle to secondary school.

For transfers from secondary school to a post-16 placement, the EHCP must be reviewed and amended by 31 March in the calendar year of transfer.

For young people transferring from one post-16 placement to another, the EHCP must be reviewed and amended at least five months before the transfer is expected to take place.

The review must focus on the CYP's progress towards achieving the outcomes within the EHCP and must also consider whether these outcomes and support targets and provision remain appropriate and adequate.

All reviews from Year 9 onwards must focus on preparing for adulthood including employment, independent living and participation in society.

The review should also:

- Gather information to assist the CYP's access, teaching and learning.
- Review the provision being made to ensure that it is still effectively helping towards progress.
- Review the social care and health elements to ensure it remains effective in ensuring good progress towards outcomes.
- Consider what amendments might be needed following any progress in the last 12 months.
- Set new interim targets for the coming year and agree new outcomes (if appropriate).
- Review of any personal budget arrangements (including direct payments).
- For young people over 18 the review must also focus on whether the educational or training outcomes have been achieved.

## Who is involved

At least two weeks before the meeting taking place, the following people must be invited to attend:

- Parents.
- A representative from the educational placement.
- A local authority SEN officer.
- A health care professional able to provide specific advice.
- A local authority social care officer.

Other professionals relevant to the review may also be invited, for example therapists.

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

## After the review

The local authority must write to you to confirm the outcome of the review within four weeks. . This is the formal notification of the outcome of the review.

The head teacher / principal of the placement school or educational institution must prepare a written report following the review which sets out any recommendations or amendments to be made to the EHCP. The report must include the 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 / prepared advice.

Following receipt of the report, the local authority must decide which one of the following actions to take:

- Continue to maintain the EHCP in its current form.
- Amend it.
- End it.

## Amendments following the review

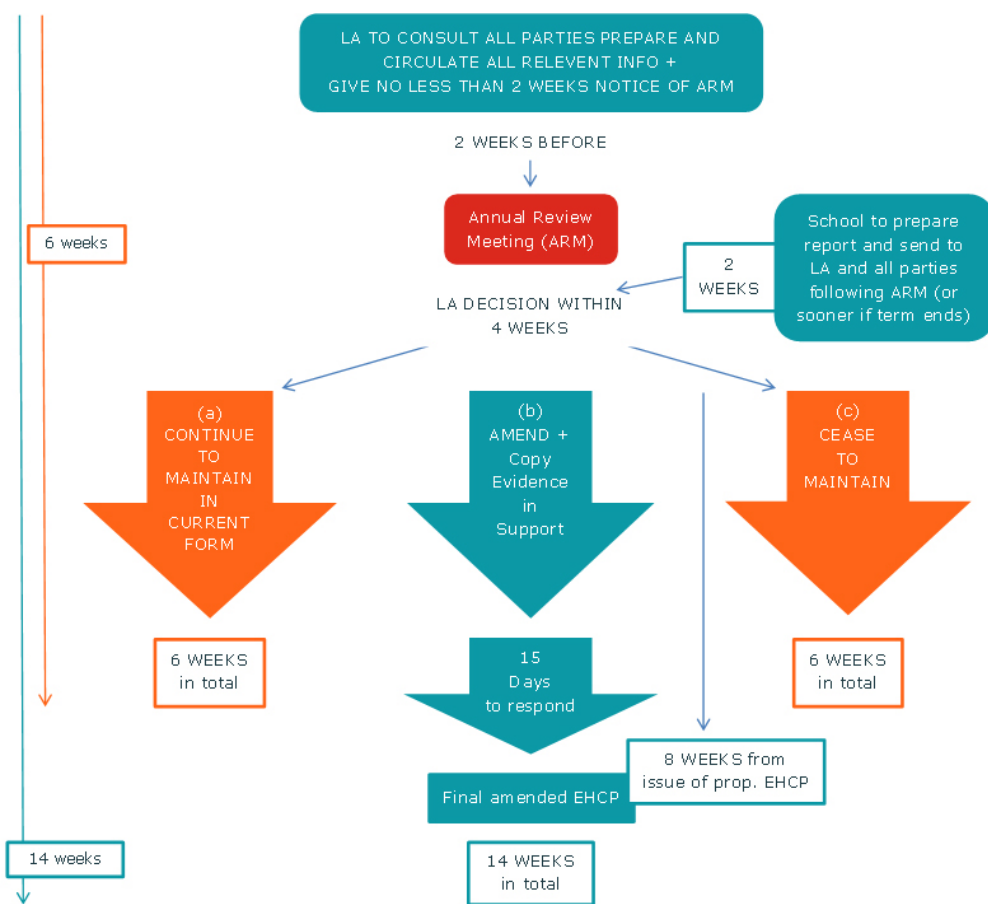
If the decision is to amend the content of the EHCP, the local authority must,

- Send a copy of a proposed amended EHCP to you along with evidence for the changes.
- Give you 15 days to:
  - Make comments about the content of the draft Plan.
  - Request that a particular school or other institution be named in the Plan.
  - Request a meeting with an officer of the local authority, if you wish to make representations orally.

Within eight weeks of sending the proposed amended EHCP to you, the local authority must issue a final amended version of the EHCP. The local authority must also explain about the ability to appeal to the Special Educational Needs & Disability Tribunal and the time limits for doing so.

The local authority may issue a proposed amended EHCP at any time that it considers it necessary to do so. If it does so, the process for making the amendments is the same as if they had been made in light of a formal review.

### Annual review process



If you have any questions or require advice, please contact the Special Educational Needs team on **0118 952 7219** or [senexpertsolicitors@bovesturner.com](mailto:senexpertsolicitors@bovesturner.com). Appeals to the Tribunal can be extremely difficult and expert advice should always be considered.

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