



Shropshire guidance booklet for
practitioners working with
children and young people

Shropshire Annual Review Guidance



Introduction

This guidance aims to provide advice and support to school practitioners, principally, special educational needs co-ordinators (SENCo's), who have day-to-day responsibility for the operation of the SEN Policy and the co-ordination of annual reviews of pupils with Special Educational Needs.

Please also refer to Chapter 9 of the SEND Code of Practice Sections 9.166 to 9.185 for guidance regarding the annual review process...

"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 by the local authority as a minimum every 12 months. 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 supporting targets remain appropriate." (SEND Code of Practice 2015, Section 9.166)

"As part of the review, the local authority and the school, further education college or section 41 approved institution attended by the child or young person must cooperate to ensure a review meeting takes place." (SEND Code of Practice 2015, Section 9.173)

All annual review documentation can be found on our webpage [here](#):

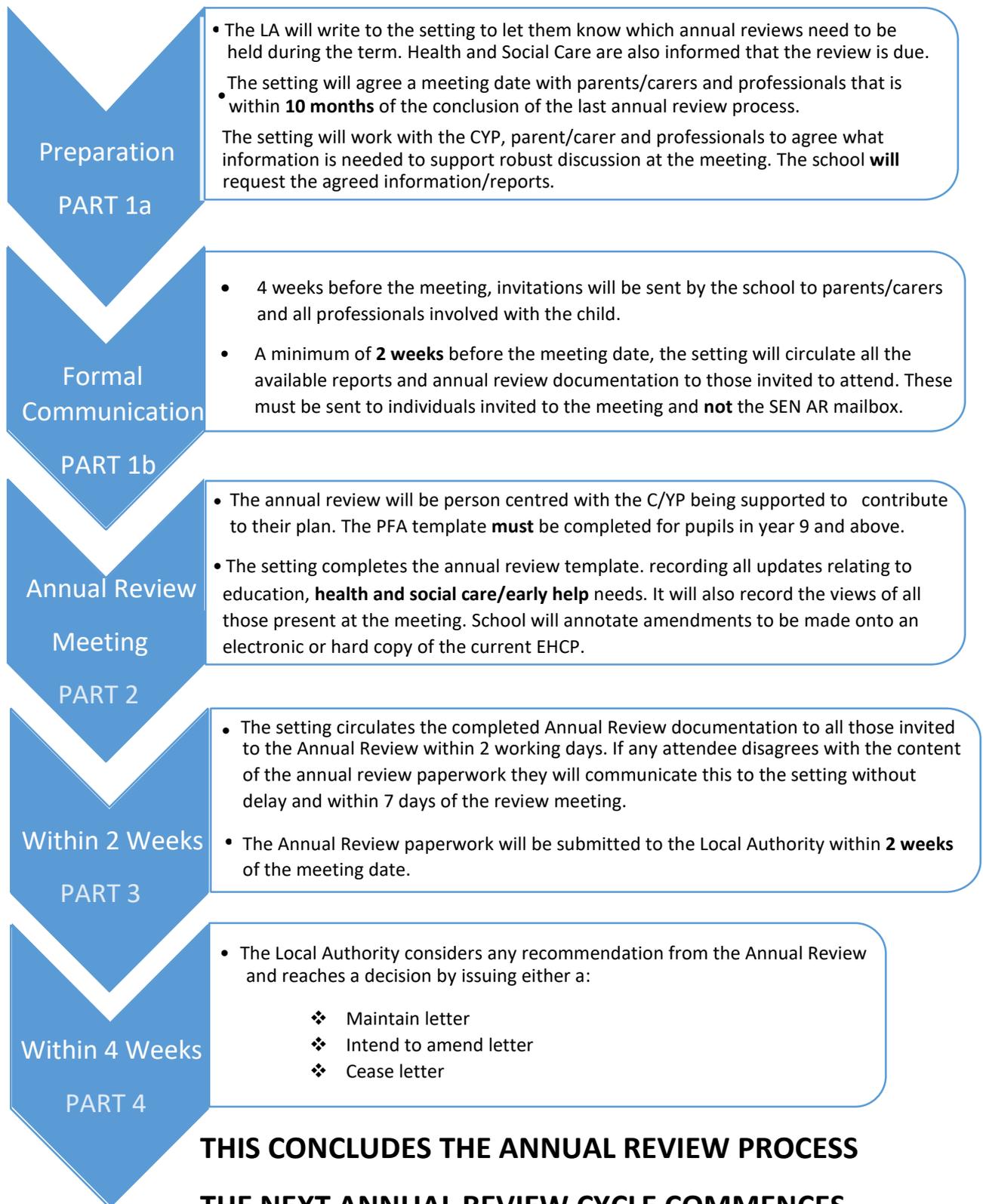
Reviews should:

- **be person-centred** and must involve the child or young person and their parent/carer, and must take into account their views, wishes and feelings
- **gather and assess information** which can be used by the educational setting to support the child or young person's progress across all areas of their life and their access to teaching and learning and other support
- **review the specialist educational, health and social provision** made for the child or young person to ensure it is being effective in ensuring good progress towards outcomes
- **review long-term outcomes** in the EHCP and amend/set new ones as appropriate to enable continued improvement
- **review short-term steps** in the Person Centred Plan, set by the educational setting for the coming year and where appropriate agree new short-term steps
- **review of any existing Personal Budget** and arrangements for Direct Payments, including the right to request a personal budget
- **consider whether the EHCP is still appropriate** in light of progress being made during the previous 12 months and whether changes are required to any part(s) of the plan. It may be appropriate to recommend a cease or a transfer to a Graduated Support Plan (GSP).

The Annual Review Process

for pupils of compulsory school age.

THE ANNUAL REVIEW PROCESS IS IN 4 PARTS



The Annual Review process is essential to ensure children and young people with SEND achieve good outcomes. The Review must always consider what has worked or not worked for an individual and all those providing support understand what children and young people aspire to achieve in their lives. The Review provides an opportunity for everyone involved to reflect on how needs and aspirations might change as the individual involved gets older and therefore is key to ensuring that the EHCP remains a meaningful document.

When should an Annual Review take place?

The first review meeting must be held **within 10 months** of the date when the original EHCP was issued. Subsequent review meetings will be held **within 10 months** of the conclusion of the previous annual review process (see flowchart).

A review can be requested at any time by parent/young person/setting/practitioner if there are any significant changes of circumstance.

For children between the ages of 0-5 the local authority recommends reviewing the EHCP after 6 months to ensure the provision and support remains appropriate. This review does not need to be submitted to the local authority, but must be produced ready for the annual review.

For looked after children the annual review should, if possible and appropriate, coincide with one of the reviews in their Care Plan and in particular the personal education plan (PEP) element of the Care Plan.

For a young person detained in custody, the provision put in place during their time in custody will be monitored at least annually. A monitoring meeting will take place which should consider the special educational and health provision arranged for the detained person in custody and the appropriateness of the provision in the EHCP in light of the detained person's progress or changed circumstances. Their EHCP will be formally reviewed upon release. An EHCP cannot be amended or ceased during their time in custody.

Who should arrange/attend the Annual Review meeting?

The educational setting must convene the annual review meeting and invite the following to attend;

- the child's parents/carers or young person
- the local authority SEN Officer
- any other professional working with the child/young person including health, social care, sensory inclusion service, short breaks provider etc
- if the child/young person is approaching a transition to another setting a representative from the new setting should also be invited
- relevant staff from the current setting

Parents/carers may also wish to invite somebody to provide them with support or guidance, such as IASS. Young people may have an independent advocate who they would wish to also be included in the review.

The Mental Capacity Act

The Code of Practice states that a young person in a post 16 placement with an EHCP has the right to make decisions about their plan unless they do not have the mental capacity to do so as identified through an assessment.

"The right of young people to make a decision is subject to their capacity to do so as set out in the Mental Capacity Act 2005. The underlying principle of the Act is to ensure that those who lack capacity are empowered to make as many decisions for themselves as possible and that any decision made or action taken on their behalf is done so in their best interests. Decisions about mental capacity are made on an individual basis, and may vary according to the nature of the decision. Someone who may lack capacity to make a decision in one area of their life may be able to do so in another."

The five key principles of the Mental Capacity Act are:

- 1) **Presumption of capacity** – Every individual has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise.
- 2) **Individuals are supported to make their own decisions** – A person must be given all practicable help before anyone treats them as not being able to make their own decisions. This means you should make every effort to encourage and support people to make the decision for themselves. If lack of capacity is established, it is still important that you involve the person as far as possible in making decisions.
- 3) **Unwise decisions** – People have the right to make decisions that others might regard as unwise or eccentric. You cannot treat someone as lacking capacity for this reason.
- 4) **Best interests** – Anything done for or on behalf of a person who lacks mental capacity must be done in their best interests.
- 5) **Less restrictive option** – Someone making a decision or acting on behalf of a person who lacks capacity must consider whether it is possible to decide or act in a way that would interfere less with the person's rights and freedoms of action, or whether there is a need to decide or act at all.

There is also further guidance on the Mental Capacity Act and how it applies to parents and to young people in relation to the Act in Annex 1, Mental Capacity, of the SEND Code of Practice.

How much notice should be given?

Attendees must be given at least two weeks' notice however we would recommend giving practitioners and parents/carers 6 weeks' notice to ensure their availability can be met and to provide sufficient time so that they can submit a written report/supporting information.

Prior to the Annual Review meeting

The appropriate person appointed as chair of the annual review meeting from the educational setting (usually the Senco or Headteacher) should:

- Write to all practitioners involved with the child/young person to invite them to attend the meeting and to seek their up to date advice and information.
- Write to the parents/carers to invite them to attend and ask they complete the parent's views prior to the meeting.
- Arrange for the child's/young person's views to be collected.
- Collate any appropriate educational information and reports, including the latest EHCP, the person centred plan, curriculum attainment levels etc. It is important to use this time to speak to all staff who have contact with the child/young person on a regular basis.
- Collate and circulate all advice and information gathered to all those invited at least two weeks before the meeting.

The Annual Review meeting

The person chairing the annual review meeting should explain clearly the purpose of the meeting and introduce any ground rules that they feel are appropriate. The meeting should begin with a welcome and introductions where everyone can explain their relationship to the child or young person and their role/contribution to the meeting. It is the chair's responsibility to indicate any agencies involved that are not present.

The chair should ensure everybody has a copy of the child's/young person's most up to date EHCP and the annual review report plus any other reports/information which may be appropriate.

The meeting should:

- **be person-centred** and must involve the child or young person and their parent/carer, and must take into account their views, wishes and feelings especially when making decisions.
- **gather and assess information** which can be used by the educational setting to support the child or young person's progress across all areas of their life and their access to teaching, learning and other support.
- **review the specialist educational, health and social provision** made for the child or young person to ensure it is being effective in ensuring good progress towards outcomes.
- **review long-term outcomes** in the EHCP and amend/set new ones as appropriate to enable continued improvement.
- **review short-term steps** in the Person Centred Plan, set by the educational setting for the coming year and where appropriate agree new short-term steps.
- **review of any existing Personal Budget** and arrangements for Direct Payments, including the right to request a personal budget.
- **consider whether the EHCP is still appropriate** in light of progress being made during the previous 12 months and whether changes are required to

any part(s) of the plan or whether the plan can be discontinued as a result of outcomes being met.

The Annual Review meeting – From Year 9

All annual reviews from year 9 **must** include a focus on preparing a young person for adulthood. Planning must be centred on the young person's aspirations and abilities. What they want to be able to do when they leave further education and how they can be supported. Young people should have the information they need to move onto the next stage of their lives which will happen at different periods for each young person.

Some young people will move to employment or higher education, or to on-going health/adult services including adult learning opportunities.

Annual review discussions, support and help will include:-

- **High quality, independent careers guidance** from year 9 until 18 years and to 25 years (as applicable) for young people with EHC plans.
- **Higher education and/or employment**, identifying appropriate post 16 pathways that will lead to these outcomes.
- **Training options**, work experience, work skills and help with understanding options including associated work linked welfare benefits.
- **Decisions** that young people want to make for themselves and planning their role in decision making as they become older. From the end of the academic year in which a young person turns 16 the right to make requests and decisions under the Children's & Families Act lies with the young person directly.
- **Support to prepare for independent living**, where they want to live and what support they may need. Where to find information about local housing options and benefits.
- **Social care** support should be explained.
- **Maintaining good health**, where to find information and understanding which health services and professionals will be supporting them in adulthood. Planning and preparing the effective transition from children's to adult health services.
- **Participating in society**, where to find out about transport, mobility, social and community activities including opportunities for engagement within local decision making. Developing and sustaining friendships.
- **Transition from Children's to Adult services**, should include effective planning between the services.
- **Transitioning into Further Education (FE)**, preparing and helping young people understand about FE, study programmes, what support is available, exploring with young people their ambitions, abilities and who may be involved. Young people may express a preference for a particular FE institution and they should be helped to understand and be informed about all local options available. Partnership working with FE should take place to forward plan the right transition and support. This may include opportunities for young people to experience FE through open days and taster courses. FE representative should be invited to annual reviews, preferably from year 10.
- **Leaving FE**, this will happen at different stages for young people, an exit plan and review will help support young people with their transition from FE and will assist effective planning with Higher Education/Adult Social Care/Health and other agencies involved. Young people should have

information about where to go and how to find out about employment opportunities.

- **Shropshire Preparation for Adulthood (PFA)** document sits alongside the annual review and captures young people's views/wishes and is informed by a continuous graduated approach throughout the year and over the period of transition from school to FE. You can find the PFA on this [page](#).
 - **Preparation for adulthood** must be built into the EHC plan.
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Following the Annual Review meeting

The chair will prepare the annual review report which needs to be signed by themselves and the parent/young person. The annual review report and any additional documents **must** be sent to the SEN Team **within 2 weeks of the meeting** via encrypted email (senannualreviews@shropshire.gov.uk).

When do you need to send the paperwork?

The SEND Code of Practice 9.176 states that the school (or, for children and young people attending another institution, the local authority) **must** prepare and send a report of the meeting to everyone invited **within 2 weeks of the meeting**. The report **must** set out recommendations on any amendments required to the EHC plan, and should refer to any difference between the school or other institution's recommendations and those of others attending the meeting.

What happens next?

The SEN Team at the Local Authority will monitor the annual review report and any additional documents. Parents/young person/setting will be notified in writing of the decision (e.g. maintain/amend/cease/reassessment). Please note the Local Authority are only able to keep to the statutory deadlines if the setting submits the paperwork within the two week deadline.

If you have any annual review queries please contact Ricki Foxall, SEN Team on 01743 254366 or you can email senannualreviews@shropshire.gov.uk