

Annual, Transition and ‘Emergency’ Reviews - Policy

Purpose

This policy outlines the procedures that should be followed during the annual, emergency and transition reviews for learners at the educational settings of Ambitious about Autism and the Ambitious about Autism School Trust.

The Annual Review

The Local Authority must check each child’s progress and make sure that the Education, Health and Care Plan (EHC Plan) continues to meet their SEND. They must review a learner’s Plan at least once a year, but they can review it more often if they think it is necessary.

The annual review is in six parts:

- Sending out the invitations to parents/carers/local authority/health body;
- Pre-meeting paperwork;
- Holding an annual review meeting;
- The Head of School/Head of College report of the annual review meeting to the LA;
- The Local Authority’s (LA) review of the Plan;
- Local Authority makes decision within four weeks.

Part 1: Invitations

The setting will write to the parent/carer, local authority (education and social care) and health body, if one is known, with the date of the review meeting and an invitation to attend. The law says these must be sent at least two weeks before the meeting. The setting will request parents’/carers’ views on their learner’s progress over the past year. ***The setting will offer assistance with this, where it is helpful.*** The meetings can vary in length, on average they are one hour and fifteen minutes in duration. We expect our children and young people, especially from year 9 onwards, to attend part of the meeting (or all of it if they wish) and contribute to their annual review.

Part 2: Pre-meeting paperwork

The setting will also ask for the views of the local authority and health body (where known), together with all professionals who know and work with the pupil/learner on their progress with specific reference to the child/young person’s targets (setting) and outcomes (EHC plan). Before the review meeting the setting will send parents/carers and all those invited to attend the meeting, copies of all the views they have obtained which may include proposed amendments to the EHC plan. The law says these **must** be received at least two weeks before the review.

If needed, the learner’s teacher will arrange a meeting to help parents/carers plan for the Annual Review. It is important staff share beforehand their review of the learner’s progress on their EHC Plan outcomes to enable parents/carers to contact the relevant staff members with any queries in advance.

Part 3: Annual review meeting

At the annual review meeting, parents/carers, and where appropriate the learner and relevant staff who have been working with the learner over the year, will focus on a person-centred review. This review shall look at on progress towards targets and the outcomes from the child/young person’s EHC Plan and will agree any amendments and new targets for the following year.

Policy Owner	Executive Principal	Review Date:	January 2027
Policy No.	AaA 115	Version No.	1.0

The meeting will also look at any written reports that have been provided and at the EHC Plan, review any proposed amendments to the EHC plan and discuss any other changes that need to be made.

The review meeting will normally be held at the setting, but we can also hold the meeting electronically, via Teams, if this is more convenient for parent/carers. Parents/carers also can bring a friend, an adviser, or an independent parental supporter to the meeting. Parents/carers are strongly encouraged to attend this important review meeting.

It is important to find ways to include the learner's views in this review process as they are paramount. Where possible, learners from year 9 upwards (see further below) should be attending their annual review meeting. Where learners are too young or are otherwise unable to attend, their views and preferences should be demonstrated through the use of video clips, photos, conversations with staff or other means. It is important to remember the learner's voice is at the centre of the review process.

After listening to everyone's views at the review meeting, the setting will agree progress made on the learner's EHC plan outcomes and develop targets and amendments from this discussion. A record of the review meeting must be taken by a staff member from the setting. The Head of School/College or someone with delegated responsibility will send a report to the LA recommending any amendments that the people at the meeting (including the parents/carers) felt should be made to the Plan and include the notes of the meeting, especially if any disagreement at the meeting has not been settled. The law says this report **must** be sent within two weeks of the date of the meeting. The setting will send parents/carers a copy of their report.

Part 4: Following the annual review meeting the local authority

After the meeting the local authority is required to make a decision within four weeks of the annual review meeting. It is only after the local authority has made a decision that the annual review process is complete. The authority must make one of 3 decisions:

- To maintain the EHC plan (keep the plan unchanged);
- Amend the EHC plan (make changes);
- Cease the EHC plan (end the plan).

Parents and carers should be asked to let the school/college know if they receive a decision from their local authority.

Parts 5 and 6: Changes to the Plan

If the local authority writes to the parent/carer advising they intend to amend the plan, they will send the proposed amendments/draft EHC plan at a later date. The law says these must be sent 'without delay', although sometimes this can, unfortunately take many weeks and months. Once the amendments/draft plan have been sent to the parents, the local authority will give parents/carers 15 days to comment on the proposed changes. A draft plan will never include the name of the school and the LA will ask their parents/carers to name their preference. The LA is required in law to finalise an EHC plan within 8 weeks of sending the amendments/draft plan. Often the local authority will also send the amendments/draft plan to the setting, however, parents and carers should be asked to let the setting know as soon as they receive them. The setting will often also comment on the amendments/draft EHC plan and can support the parent to comment.

Changes that are typically made in an annual review are:

- Changes to the special educational needs of the child or young person (Section B of the EHC plan);
- Changes to the special educational provision of the child or young person (Section F of the EHC plan);
- Changes in therapeutic support or levels of 1:1;

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However, while the LA may suggest changes at any time in the year, changes are most likely to be made after an annual review.

If parents/carers want help in discussing the suggestions or just need advice, **staff at the setting and the Learner and Family Support Team are available to advise. Where necessary parents/carers can be referred to other support agencies for advice.** These contacts can be found via the Learner and Family Support Team or on our website.

Phase Transfer Reviews

LAs have a legal duty to review and amend an EHC plan when a child or young person transfers from one phase of education to another. A Phase Transfer is the moving between particular stages of education:

- Early years education to school;
- Infant to junior school;
- Primary to middle school;
- Primary to secondary school;
- Middle to secondary school;
- Secondary school to a post 16 institution.

For those transferring from secondary school to a post-16 institution, the EHC plan must be reviewed, amended and finalised by 31 March in the year of transfer; for all other phases of transfer, the deadline is 15 February in the year of transfer. For those transitioning from one post-16 placement to another, the Local Authority is required to finalise the plan within five months of the start of the new term.

The Year 9 Annual Review

From year 9 onwards, the local authority must consider the child/young person's ability to prepare for adulthood. There are four recognised areas of preparing for adulthood. These are:

- Employment;
- Community Inclusion;
- Independent living;
- Health.

This means that annual review meetings from year 9 and above should facilitate discussions on the topics above. It is also important to include the child/young person's views.

From 16 years and above, young people are presumed to be able to make their own decisions unless it can be demonstrated they lack capacity. Even where a young person lacks capacity to make specific decisions, their views must be taken into account. The Preparing for Adulthood Foundation has prepared a useful [guide](#) on key topics for consideration from year 9 onwards.

'Emergency' Annual Review

On occasions it is clear that an early annual review needs to be held, these are often referred to as emergency annual reviews. Typically, an early review may be requested where:

- A child/young person's special educational needs change significantly and the description in the EHC plan is no longer accurate;
- The provision in the child/young person's EHC plan no longer meets their needs;
- A child/young person has been excluded or is at risk of exclusion from school;
- The school/college is no longer able to meet the child/young person's needs.

Policy Owner	Executive Principal	Review Date:	January 2027
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It is important to flag up these concerns early to both parents/carers and the Local Authority. A request for an early annual review can be made by the parents/carers, LA or school/college. Where possible the time frames for annual reviews should be adhered to. It will be important that a careful record is kept of the meeting, including the reasons for the early review meeting, response of all those invited, and any actions agreed including dates, following the meeting. The LA should be asked if it treats the early review meeting as a 'statutory' review meeting. This is important as where the meeting is 'statutory' it means the authority will be under a duty to make a decision within a time frame (see above) and parents/carers will have a right of redress (see below) if any decisions are made by the LA with which they are unhappy. It may be necessary to seek advice from the Learner and Family Support Team where the issues are especially complex and/or where the parents/carers need advice and support.

Transition Review

Towards the end of a learners' education at the setting, work will start on their transition to a new onward placement. This work is led by the setting's Transitions Officer who is part of the Learner and Family Support Team. The Transitions Officer will:

- Hold transition events for families;
- Provide bespoke advice and representation to each parent/care;
- Liaise with the relevant local authority;
- Support on the paperwork;
- keep the Settings transition guide up to date;
- Liaise with key staff within the setting and the professional team around the learner.

Challenging the contents of EHC plans

After an annual review, the local authority must make one of three decisions (see above). If the parents/carers are not happy with the decision made by the LA, or if generally they are not happy with the EHC plan, they have the right to challenge the contents through an independent mediation process or at the Special Educational Needs and Disability Tribunal. Parents/carers should be directed to seek advice from staff or the Learner and Family Support Team. This is also the mechanism used if a setting is not happy with the contents of an EHC plan e.g. where the levels of 1:1 support do not reflect the staff required to support the child/young person. In this situation a conversation can be had with parents/carers about whether the contents of an EHC plan could be challenged. Any mediation or appeal is made by the parents against their Local Authority. This does not prevent representations being made directly by the setting to a Local Authority where provision in an EHC plan is incorrect.

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