

EHCP Reviews

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Over the last year or two, as the number of SEND Tribunal appeals have increased, annual reviews of EHCPs are not being carried out as they should be. Sometimes, it appears that they are not happening for several consecutive years.

If your child/young person has an EHCP, it has to be reviewed every year and there is also provision for early reviews if circumstances require - eg if the school placement is breaking down etc.

The review process as set out in the Code of Practice can be summarised as follows:

- The annual review meeting is held in school and all the professionals working with the child/YP are invited to attend and/or provide reports.
It is important to be aware this is an information gathering exercise and is not the actual annual review itself.
- The paperwork for the meeting should be circulated to all parties at least two weeks beforehand to give everyone the opportunity to read it in preparation for the meeting.
- After the annual review meeting has been held, the SENCo must submit the completed annual review report and any accompanying reports, updated profiles etc to the local authority. This must be done within two weeks of the meeting having taken place, or the end of term, whichever is the sooner.
- The local authority must then hold the annual review itself and within four weeks of the annual review meeting having taken place in school, notify parents of their decision.
- If they decide that they are going to make no changes to the EHCP, they must write to you telling you that, and here's the really important bit - they must give you a right of appeal against that decision.
- If they decide that they ARE going to make changes, they must inform you and include a draft amended EHCP.
- You then have 15 days to provide comments on the draft
- The final amended EHCP must be issued within 12 weeks of the annual review meeting.

We all tend to call the meeting in school the annual review, so after it has happened, we think the annual review has taken place. We often do not realise that the fact that we receive no letter from the local authority means that the annual review has not actually been held. Much more importantly, it means that we have not been given that precious right of appeal. Recently, I have become aware of cases where annual reviews have not been held for several years.

If you are concerned that your child/YP may not have had the annual reviews they should have had - especially when changes to the EHCP have been requested - you can check with the local authority by asking for copies of the decision letters following each annual review since the EHCP was first issued. Copies of these letters should be readily available on the computer system so it should be a very quick and straightforward matter to provide you with copies within a few days. You can make your request by email to special-needs@royalgreenwich.gov.uk

For those of you who want to steep yourselves in the detail of what the law requires, attached is the IPSEA guideline with all the references to the regulations, the Code of Practice and case law.

If you have concerns about the issue of annual reviews or need clarification about what is supposed to happen, please email or call.

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FLAG

(Families Living with Autism in Greenwich)

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