Annual Reviews – when to maintain/ amend/ cease

Amending an Education, Health and Care (EHC) plan is a significant decision that should be made carefully and in the best interests of the individual receiving support. The SEND Code of Practice details that EHC plans are not expected to be amended on a very frequent basis (9.193). This guidance should be read in conjunction with the Standard Operating Procedures.

In most cases, the education setting will have arranged and chaired the annual review meeting. The annual review report must be submitted to the Local Authority within 2 weeks of the meeting, and we must review the report's recommendations within 4 weeks of the meeting and decide whether the EHC plan:

- *Remains appropriate*
- *Needs amending*
- *Is no longer required (cease to maintain)*

A reassessment can also be requested through the annual review process and we must respond to this within 15 calendar days.

You should also note that if the review was conducted by the Local Authority, the same rules apply.

Here's a checklist to help determine when you should or should not amend an EHC plan. If you are still unsure as to whether an EHC Plan requires amendments, please check with your Senior Case Officer.

When you should amend an EHC Plan:

Change in Needs
The individual's needs have significantly changed, and the current plan no longer adequately addresses those needs.
For example,

- Section B: if there are significant special educational needs referred to in the annual review report that are not in the EHCP or very outdated descriptions: it may need to be amended.
- Section F: if the provision refers to historic settings e.g. the child is in a secondary school and the provision refers to primary school or it is clear that provision is no longer required: the EHCP may need amending.
- Section F: if the provision specifies an ABA programme, then please discuss with your Senior Case Officer as we need to robustly review progress and any costs associated with this provision.
- Section I: if the current education setting is not named, the EHCP will need amending.
- Section J: if the child/ young person is in receipt of a Personal Budget, then please discuss with your Senior Case Officer as there should be evidence of how the PB is being used and a further funding agreement may be required.

New Assessments or Reports
New assessments, evaluations, or reports provide updated information that indicates a significant change in the individual's needs or provision requirements.

Outcomes
The child/ young person is at the end of a Key Stage and new outcomes have been provided to amend the EHCP. If new outcomes have been submitted, you may expect some changes in provision also.

Educational Placement Changes
A change in the individual's educational placement, such as transitioning to a new school or moving to a different type of educational setting, necessitates adjustments to the EHC plan.

Health or Medical Changes
There are significant changes in the individual's health or medical condition that affect their educational and care needs and these have been evidenced through the annual review documentation, the plan may need adjustment.

Lack of Progress in Current Provision
Despite the existing support, there is a lack of progress, and it is evident that modifications are required to better meet the individual's needs. All requested changes must be evidenced through the annual review documentation.

Consider Funding if changes to Section F have been made
Ensure that you also consider if the current funding level remains appropriate for any changes to provision or whether further funding is required.

If the annual review paperwork does not suggest changes but you notice any of the information above, you may need to go back to the setting to confirm with them and ask them to re-submit the paperwork with the additional information you require to amend the plan.

<u>When you should not amend an EHC Plan (maintain):</u>
Routine Administrative Updates
Routine administrative updates that do not affect the substantive content of the plan may not require an amendment however you must ensure that Nexus is updated. For example, a change of contact number.

Minor Changes
Minor changes that do not impact the individual's overall support needs may not necessitate an amendment. For example, only amendments to Section A have been requested.

Temporary or Short-Term Issues
Issues that are temporary or short-term in nature may not require an immediate amendment if they are expected to be resolved within a reasonable time frame.

No New Information or Evidence
If there is no new information or evidence suggesting a change in the individual's needs, it may not be necessary to amend the plan.

Only New Outcomes
If a setting has only provided new outcomes through the annual review paperwork but there has not been a change in need, no new provision has been provided and it is not the end of the Key Stage. Choose the following option in the 'No amendments' letter:

The Local Authority note that the setting has provided new outcomes in line with your progress, which we accept and will keep as part of our records. We encourage the setting to refer to these outcomes when reviewing your future progress, and the Local Authority will update the outcomes accordingly when your EHC plan is next amended.

Remember that the decision to amend an EHC plan should be based on a thorough assessment of the individual's current situation and needs. Consultation with all

relevant parties, including young people, parents/carers, and professionals involved, is crucial in making informed decisions.

When you should propose a Cease to Maintain:

Completion of Outcomes
The child or young person has achieved the outcomes set out in the EHC Plan and no longer requires additional support to maintain or progress in their education, health, or care needs.

Age-Appropriate Progress
The child or young person is making age-appropriate educational progress without the need for the special educational provisions detailed in the EHC Plan.

Completion of Education
The young person has completed their education and has moved on to employment, higher education, or training, and does not require the support of an EHC Plan in their new setting or a young person aged 18 or over leaves education and no longer wishes to engage in further education.

Age Limit
The young person reaches the age of 25, which is the upper age limit for maintaining an EHC Plan, whilst still in education. The EHC Plan should cease at the end of academic year in which they turned 25.

Consent
Parents/ Carers, and where appropriate, the young person, agree that the EHC Plan is no longer necessary and consent to it being ceased.

When not to cease:

- Where a young person of compulsory school or participation age – i.e. under the age of 18 – is excluded from their education or training setting or leaves voluntarily, the local authority must not cease their EHC plan, unless it decides that it is no longer necessary for special educational provision to be made for the child or young person in accordance with an EHC plan. The focus of support should be to re-engage the young person in education or training as soon as possible and the local authority must review the EHC plan and amend it as appropriate to ensure that the young person continues to receive education or training.
- Where a young person aged 18 or over leaves education or training before the end of their course, the local authority must not cease to maintain the EHC plan unless it has reviewed the young person's EHC plan to determine whether the young person wishes to return to education or training, either at the educational institution specified in the EHC plan or somewhere else. If the young person does wish to return to education or training, and the local authority thinks it is appropriate, then the local authority must amend the EHC plan as necessary and it must maintain the plan. The local authority should seek to re-engage the young person in education or training as soon as possible.
- A local authority will not be able to cease an EHC plan because a child or young person has been given a custodial sentence. The local authority will have to keep the plan while the child or young person is in custody.

The decision to cease an EHC Plan should be made carefully, ensuring that all relevant factors are considered and that the child or young person's needs will continue to be met through appropriate support mechanisms. This decision should be based on thorough assessments, professional recommendations, and agreement from parents or guardians and the young person.