



# Birmingham LA Guidance for Reviewing Education and Health Care Plans

September 2020

# **Birmingham LA Guidance for Reviewing Education and Health Care Plans**

The following guidance and new EHCP Review Report forms have been produced to support educational settings when carrying out reviews. They have been designed so that professionals are better able to evidence changes to needs, outcomes and provision to enable the plan to be amended appropriately.

## **Contents**

[Section 1 – Guidance and Process for EHCP Reviews](#)

[Section 2 – Best Practice for Gaining the Views of Children and Young People](#)

[Section 3 – Best Practice for Gaining the Views of Parents and Carers](#)

[Section 4 – Involving Health in EHCP Reviews](#)

[Section 5 - Guidance for completing the EHCP Review Report](#)

## **Appendices**

- Appendix 1 - EHCP Review Report Template – Up to and including Year 8
- Appendix 2 - EHCP Review Report Feedback Template – Year 9 and above
- Appendix 3 – EHCP Review – SENCO Checklist
- Appendix 4 - Children and Young People's Views Toolkit
- Appendix 5– Parent and Carer Views Toolkit
- Appendix 6 – Outside Agency Advice Templates
- Appendix 7 – Additional Information for reviews Y9+
- Appendix 8 – Preparing for Adulthood
- Appendix 9 – Personal Budget Information
- Appendix 10 – Example of Completed EHCP Review Form
- Appendix 11 – Example of Record of Short-Term Outcomes

## **Section 1 – Guidance and Processes for EHCP Reviews**

- 1.1 [Introduction](#)
- 1.2 [EHCP Review Process Map](#)
- 1.3 [When should an EHCP Review be held?](#)
- 1.4 [Who should arrange/attend the EHCP Review?](#)
- 1.5 [The Mental Capacity Act](#)
- 1.6 [How much notice should be given?](#)
- 1.7 [Prior to the EHCP Review](#)
- 1.8 [The EHCP Review Meeting](#) and [EHCP Review Meeting Agenda](#)
- 1.9 [Following the EHCP Review](#)
- 1.10 [What happens next?](#)

## 1.1 Introduction

This guidance aims to provide advice and support to educational practitioners, principally, special educational needs and disabilities co-ordinators (SENDCOS), who have day-to-day responsibility for the operation of the SEND Policy and the co-ordination of EHCP 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 EHCP 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)*

The LA has a duty to ensure that EHCP Reviews take place. However, in Birmingham, the Local Authority has delegated responsibility for arranging and carrying out the EHCP Reviews to the individual Schools/Settings.

## EHCP Review Process

The **term before** the EHCP review is due the educational setting should set or confirm the date of the meeting, identify who should be invited to attend, who will need to be contacted for any updated advice/reports and consider how to gain parent and pupil views.

At least **6 weeks in advance** the educational setting should invite all relevant attendees to the EHCP Review and also request reports where appropriate. They should ensure that suitable tools are utilised to gain the views of children/young people, parents and carers.

At least **two weeks in advance** the education setting should prepare and circulate the paperwork/reports to all invited attendees.

**The EHCP Review meeting takes place with the child/young person at the centre.**

**Within two weeks** of the date of the meeting, the Local Authority must receive the EHCP Review paperwork from the educational setting, **signed by parents/young person** and educational setting. Copies are sent to everyone who attended the meeting.

**Within four weeks of the meeting** the Local Authority must **make a decision** to maintain, amend, reassess or cease the EHC Plan based on the recommendations from the review and any other evidence provided. The parents/young person will be notified in writing of the LA's decision. If recommendations are not agreed the parent/young person will be given the right of appeal and have two months to lodge an appeal with SENDIST should they disagree with the decision. If **no amendments** are requested the LA will **maintain** the plan and the EHCP Review process ends.

Where the EHCP is to be amended the Local Authority will gather evidence and issue a draft amended EHCP. Following this the parent/young person will be given 15 days to make comments or representations. A final amended plan will be sent and the parent/young person will be given the right of appeal and have two months to lodge an appeal with SENDIST should they disagree with the finalised EHCP. The EHCP Review process ends.

### 1.3 When should an EHCP Review be held?

The first review must be held **within 12 months** of the date when the original EHCP was issued. Subsequent reviews will be held within 12 months of any previous review.

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 EHCP Review.

For looked after children the EHCP Review should, if possible and appropriate, coincide with one of the reviews of their Care Plan and specifically 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 considering 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.

***\*A child becomes a 'young person' at the end of the academic year when they turn 16 years old.***

## Transition Reviews

For children and young people who are moving between phases the LA has legal timescales to meet regarding amending and finalising any EHCP prior to transition.

EHCPs for pupils who are moving between phases; **nursery to school, Infant school to junior school, primary school to secondary school**, must be finalised by the 15<sup>th</sup> February in the year they transfer.

Schools should hold EHCP Reviews to discuss transition to in the **Summer Term**, the year prior to transition. Parent and young person preferences about the future setting must be obtained.

**e.g. Secondary Transfer – EHCP review - Summer Term of Y5.**

EHCPs for pupils who are moving from a **secondary school to a post 16** setting/apprenticeship or a **secondary school/institution to Post 19** setting must be finalised by the 31<sup>st</sup> March in the year they transfer. Settings should hold EHCP Reviews to discuss transition in the Summer Term the year prior to transition. Parent and young person preferences about the future setting must be obtained.

**e.g. Post 16 Transfer – EHCP review - Summer term of Y10**

**Post 19 Transfer – EHCP review – Summer Term of Y13/Y16**

### 1.4 Who should arrange/attend the EHCP Review?

The educational setting must convene the EHCP review. Relevant setting staff should attend the meeting and the following people should be invited to attend:

- the child/young person
- the child's parents/carers
- the local authority SEND Principal Officer / Coordinator (if appropriate)\*

- any other professional working with the child/young person including Health, Social Care, SEND Support Services, Educational Psychologists, short breaks provider etc
- where the child/young person is approaching transition to another setting a representative from the new setting should also be invited.
- Outside agencies should attend reviews where future placements are being discussed

\*Reviews can go ahead without attendance of a LA Principal Officer

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

## **1.5 The Mental Capacity Act**

The SEND Code of Practice (CoP) 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.

*SEND CoP 2015 8.19 "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 that every effort should be made to encourage and support people to make the decision for themselves. If lack of capacity is established, it is still important to 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. Someone cannot be treated as lacking capacity for these reasons.

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.

## 1.6 How much notice should be given?

Attendees must be given **at least two weeks'** notice but it is recommended that practitioners and parents/carers should be given a minimum of **6 weeks' notice** to ensure their availability and to provide sufficient time for written reports and supporting information to be submitted.

Please see Section 4 for additional advice regarding involving health in EHCP Reviews.

## 1.7 Prior to the EHCP Review Meeting:

The most important part to the review meeting is the preparation - namely, gaining the views of the CYP as well as their family, and ensuring the appropriate professionals are contributing in some way to the process. The appropriate person appointed as chair of the EHCP Review 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 EHCP Review and to seek their advice and information. Please see Appendix 7 for further information about how to decide who should attend review meetings from Year 9 onwards.
- Write to the parents/carers to invite them to attend the meeting and discuss how they would like to share their views. Where appropriate send them the parent's/carer's views document to complete prior to the meeting – please see [“Section 3 – Best Practice for Gaining the Views of Parents and Carers”](#).
- Arrange for the child's/young person's views to be collected – please see [“Section 2 – Best Practice for Gaining the Views of Children and Young People”](#).

- Collate any appropriate educational information and reports, including the latest EHCP, SEND Support Plans, One Page Profiles, Individual Target Plans, national 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 following questions will help with preparation:**

- Has the young person been helped to understand what will happen at the meeting before the review?
- What support has been put in place to ensure the young person's views are captured and the s/he can be present at the meeting? An example of this might be the use of photos or video.
- Has everyone who is relevant including the young person and anyone they want there, been invited?
- Has all relevant paperwork been distributed 2 weeks ahead of the meeting in a form that everyone can understand?

### **1.8 The EHCP Review Meeting**

The meeting should:-

- **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 special Educational, Health and Social Care provision** made for the child or young person to ensure it is being effective in ensuring good progress towards outcomes
- **review short-term outcomes/interim targets** set by the educational setting for the coming year and where appropriate agree new short-term outcomes;

- **review outcomes** in the EHCP and amend/set new ones as appropriate to enable continued improvement
- **review 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 any significant 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 meeting should **be person-centred** and utilise person-centred tools. It must take into account the views, wishes and feelings of the child or young person and their parent/carer, especially when making decisions. Ensuring the principles to person-centred planning are embedded in this process means that there will be a similar structure to all review meetings, but meetings should be tailored in terms of their delivery and the methods of recording to meet the needs of the CYP and their family. For example, large sheets of paper on the wall with set headings could be used allowing all participants at the meeting to record their views. However, for some this would cause additional stress and would not be appropriate.

Person-centred planning is simply a way of working that puts children, young people and families at the centre, advocating that everyone has the right to exercise choice and control in directing their lives and support. Young people have told researchers to them this means:

**“NOTHING ABOUT US WITHOUT US!” – RIPSTARS research “Remember, we are human beings, not a problem to be solved.” RIPSTARS research**

(RIP STARS – Are a group of disabled young people aged between 17 – 25 from Coventry UK. They have been trained to be researchers. They lead a project “Research by young disabled people for disabled young people”.)

## **EHCP Review - Agenda**

**Introduction and Apologies:** 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. When the young person is joining the meeting, everyone should be clear about their role and how long they are expected to be part of the meeting.

**Circulation of Paperwork:** The chair should ensure everybody has a copy of the child's/young person's most up to date EHCP and a copy of any reports/advice received in advance of the meeting including child's/young person's/parent/carers views. For Year 9+, this should include information relating to careers interviews.

**Purpose of the Meeting:** The chair should explain the main purpose of the meeting is to establish the progress towards achieving outcomes in EHCP, co-construct any new long term outcomes if required and set interim short term targets. For Year 9 onwards, strengths, needs and outcomes need to be based on preparation for adulthood outcomes, namely: employment, community inclusion, independent living and health.

**Review of Educational Provision:** Using person centred tools, e.g. What's working/not working, review the special educational provision made for the child or young person to check it is being effective in allowing access to teaching and learning and ensuring good progress. Where relevant, review the health and social care provision made for the child or young person and its effectiveness in ensuring good progress towards outcomes.

**Outcomes:** Ensure any revised outcomes are recorded and agreed by all participants at the meeting. For Year 9 onwards, the views of the CYP **must** be included as part of this process.

**Funding:** Consider changes to CRISP/top up funding, Banded Funding, Requests for Personal Budget, Transport, (including independent travel).

**Action Planning:** Agree any further actions which are required with specific strategies, roles and responsibilities identified.

**Conclusion:** Summarise agreed conclusions, recommendations and actions.

The educational setting will also need to complete the Education, Health and Care Plan EHCP Review Report Form and annotate (using agreed protocol) the EHCP if the meeting is recommending **significant changes** to need or provision.

### **Additional requirements for an EHCP Review for pupils from Year 9 onwards**

All EHCP Reviews from Year 9 must include a focus on preparing a child/young person for adulthood, including Employment, Community Inclusion, Independent Living, Health (Please see Appendix 8 for further information regarding including Preparation for Adulthood in EHCP review meetings.)

Planning must be centred on the child/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. Children/young people and their parents/carers 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. In preparation, all young people should ideally be supported to start to understand about preparing for adulthood from Year 9.

The meeting organiser should invite representatives of post 16 institutions to these review meetings, especially where the child or young person has expressed a desire to attend a particular institution. Review meetings taking place from Year 9 onwards should have a focus on considering options and choices for the next phase of education. Where a young person is nearing the end of their time in formal education and a plan is likely to be ceased within the next 12 months, the EHCP review should consider good exit planning. Support, provision and outcomes should be agreed that will ensure the young person is supported to make a smooth transition to whatever they will be doing next – for example, moving on to higher education, employment, independent living or adult care.

EHCP Review discussions, support and help should 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
- An explanation of Social Care support
- Maintaining good health and where to find information and understanding regarding which health services and professionals will be supporting them in adulthood. Participants should plan and prepare effective transition from children's to adult health services
- Participating in society and 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 with 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 EHCP 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



- Preparation for adulthood must be built throughout all sections of the EHC plan.

**Careers advice for children and young people** - Schools and colleges must ensure that students are provided with independent careers guidance. They should raise the career aspirations of their students with special educational needs and disabilities and broaden their employment horizons. They should use taster opportunities, work experience, mentoring, role models and inspiring speakers to assist young people to make informed decisions.

Please see Appendix 7 for further information related to holding EHCP Reviews from Year 9 onwards.

### **1.9 Following the EHCP Review**

The chair will prepare the EHCP Review report which must be signed by themselves, the Head Teacher and the parent/young person. Please see [Section 5](#) for further information about completing the EHCP Review Report. The EHCP Review report and any additional documents should then be sent to everyone who attended the review as well as to SENAR [EHCPReviews@birmingham.gov.uk](mailto:EHCPReviews@birmingham.gov.uk) using encrypted email.

Word versions of the review documentation would be preferred although a PDF copy of the signatures page is recommended.

If you are unable to access egress you may post the paperwork to: SENAR, PO Box 16289 Birmingham B2 2XN

#### **When do you need to send the paperwork?**

The SEND Code of Practice states that the completed EHCP Review report and any additional documents must be sent to SENAR **within 2 weeks of the meeting date**, this must not be exceeded.

### **1.10 What happens next?**

The EHCP Review team at the Local Authority (LA) will send confirmation that the paperwork has been received. They will consider the recommendations of the EHCP Review report and any evidence or additional documents provided. The LA will review the EHC plan alongside these recommendations to consider whether to make amendments so it remains relevant to the needs of the child or young person and the desired outcomes.

Parents/young person/school will receive a letter confirming the LA's decision to either maintain, amend or cease the EHCP within 4 weeks of the meeting. If the action is to amend the plan this will be done without delay. Please note the LA are only able to keep to these deadlines if the educational setting submits the paperwork within the two-week deadline.

If you have any queries please contact the School Link Service by emailing [schoollinkservice@birmingham.gov.uk](mailto:schoollinkservice@birmingham.gov.uk) or by calling on 07760 551220.

Any parents or guardians with queries should contact the Parent Link Service by emailing [parentlinkservice@birmingham.gov.uk](mailto:parentlinkservice@birmingham.gov.uk) or by calling 0121 303 8461.

## Section 2 - Best Practice for Gaining the Views of Children and Young People

The SEND Code of Practice (CoP) 2015 sets out the importance of the child or young person (CYP) participating as fully as possible in decision making processes and being provided with the information and support necessary to enable them to participate. There must be high regard given to the views, wishes and feelings of the child or young person.

*Section 19 of the Children and Families Act 2014*

In order to support settings in gathering the views of CYP with SEND, Birmingham City Council have developed a practical toolkit. (See Appendix 4) The toolkit provides examples of Person-centred Thinking Tools and Resources to help support rich conversations with CYP about their thoughts, wishes and feelings.

### **When should I gain the views of CYP with SEND?**

**CYP should be considered at every point in the decision-making process** so that CYP sit at the heart of the assess plan do review process.

**Rich conversations** should take place regularly (not just at Annual Reviews). This will ensure that the needs of children and young people are responded to in a timely manner and with full consideration of young person's wishes, views and feelings.

### **Education, Health and Care Plan Reviews**

**EHCPs should show clearly the contributions made by the child or young person.** Settings should consider ways to gather the views of CYP regularly (ideally termly) in order to build up a record of views throughout the year, to be used as contributions towards the review.

**Making time for rich and meaningful conversations with CYP is the best way to gain their views.** To help engage CYP in these conversations, the following resources are suggested:

- **'PfA Aspect Cards'** - It is important to consider the views of CYP in relation to Preparing for Adulthood (PfA), even from an early age. There are four **'PfA Aspect Cards'** in the **Toolkit Resources** related to the four PfA themes. All four aspects should be considered when talking to a CYP about their views, wishes and feelings. However, you may feel that the rich conversations you have with the young person lead more toward one aspect than another.
- **Question prompts** and **person-centred resources** are provided for each aspect card.
- **Opportunities to support conversations document** – These suggest ways to facilitate conversations with children and young people and help to gain their views, wishes and feelings. The ideas include both planned activities and ideas for incidental opportunities.

### **How can I record the views of the child or young person?**

It is important to gather the child or young person's contributions about:

- **'What people like and admire about' them**
- **'What's important to' them, now and their aspirations for the future.**
- **What's working / what's not working for them currently**
- **'How best to support' them**

**Structured conversations** ensure that their views are considered fully and lead to meaningful contributions. The information that is gathered should inform decisions about potential outcomes, provision and, more generally, how they are supported.

- **Person-Centred Thinking Tools (PC Tools)** – A number of PC Tools have been included in the **'resources' folder**. These include 'Good Day / Bad Day', '4+1 Questions', 'Perfect School', 'Communication Charts' and 'Working / Not Working' formats.

- **Template - 'Record of young person's views'** – This document, included in the **'resources' folder**, can be used to record conversations, observations and other contributions made by the child or young person. However, you may record these in any format that you find useful.

## **EHCP Review**

### **Suggested Tools for gaining views of CYP:**

- What's Working / What's Not Working
- Person-Centred Review (PCR)
- The Children & Young People's Views Toolkit
- Planning Alternative Tomorrows with Hope (PATH)

## Section 3 - Best Practice for Gaining the Views of Parent and Carers

The SEND Code of Practice (CoP) 2015 sets out the importance of parents participating as fully as possible in decision making processes around their child/young person. It states that they should be provided with advice and support along with appropriate accessible information, which allows them to prepare for discussions and meetings.

(Section 1.9, p 21)

### When should I gain the views of Parents and Carers?

**Rich conversations** should take place regularly (not just at the time of EHCP reviews). This will ensure that the views of parents and carers are responded to in a timely manner and with full consideration of their wishes and feelings.

### Reviews of EHCP

**EHCPs should show clearly the contributions made by the parents/carers.**

Settings should consider ways to gather the views of parents and carers regularly in order to build up a record of views throughout the year. It may be that there are differences of opinion between children and young people/parents and carers/professionals about the best steps going forwards. These differences are best explored through a continuous relationship, rather than through the medium of an annual meeting.

### Prior to the EHCP Review Meeting

The dates and times of review meetings should be discussed with parents in order to enable them to attend. When the meeting date is set, settings should

discuss with the parent/carer the best methods to use in order to obtain their views and ensure that they are able to fully participate in the review meeting.

A variety of methods can be used to support parents/carers to be able to express their views – please see Appendix 5 for examples.

- Parent Views Form – For those parents who are able to provide a written response prior to the review meeting.
- Share anonymised examples of completed Parent View Forms. It can be helpful to have models.
- Provide prompts to support parents thinking prior to the meeting, e.g. Pupil and Parent's Prompt Sheet.
- Provide an opportunity for parents to discuss the review before it happens. In a prior meeting (which may form part of the ongoing communication between the setting and the parent) views can be gathered as well as the format of the meeting being discussed.

### **During the Meeting**

- Use person-centred questions/charts as part of the review meeting:-
  - o 'What people like and admire about' their child/young person
  - o 'What's important to' their child/young person now and their aspirations for the future
  - o What's working / what's not working for their child/young person currently
  - o 'How best to support' their child/young person

- If using such person-centred questions/charts, it can be useful to have some key parental (and pupil) views on the chart in advance of the meeting starting. This gives the parental voice a central 'foothold' in the meeting, which can sometimes be lost in the professional aspects of the process.
- Provide an adult that the parent/carer trusts to translate/scribe during the meeting, if they would find this supportive.
- Be conscious of moments in the review when the conversation has been passed back and forth between professionals, without active contribution from the parent/carer. The parent/carer may find it difficult to break back into the dialogue without support.

### **After the Meeting**

- Share the information being sent to SENAR with the parent.
- Describe to the parent/carer what will happen next and the process to be followed by SENAR. Explain that there will be another formal review in 12 months (unless an earlier review is required), but that conversations about their child or young persons' needs and provision are welcomed throughout those 12 months.



## Section 4 – Involving NHS Health in EHCP Reviews – April 2020

This guidance applies to all NHS Health advice sought from across the NHS Health system: community services (from Birmingham Community Healthcare such as therapies, nursing, Community Paediatricians), mental health support (from FTB across specialist services such as clinical psychology as well as targeted, such as the STICK team) and acute health services (such as, Birmingham Women's and Children's Hospital epilepsy team).

**A minimum of 6 weeks' notice is required if written health advice is required for an EHCP Review Meeting.**

NHS Health partners should only be asked to contribute to an EHCP review if it adds value to the discussion about what is already in the EHCP. In exceptional circumstances professional attendance at the review may be requested and should be agreed in discussion with the professional directly.

NHS Health partners will contribute under one or more of these criteria:

- there has been a **change in clinical / health need which requires a change in health provision**
- the child or young person is **not making progress towards outcomes as expected and they have current active support or have an open referral** from a health service (that is relevant to the discussion about limited progress)
- there is a **significant and new risk related to the child or young person's context** (social, emotional/wellbeing etc) which necessitates a review of previous health provision to ensure that health support continues to be safe and effective.

If there have been no health changes since the previous EHCP review there is no requirement to seek updated health information specifically for the EHCP

review meeting. Information provided by health partners throughout the year in the form of care plans, clinic letters as well as telephone and documented email liaison is able to be used as a basis for feedback on progress and should provide a guide as to whether additional written advice from health for the EHCP review is necessary.

If unsure, then contact the health professional directly to discuss your proposed approach to health update for the EHCP review.

Where a health professional has been asked for specific advice for the EHCP review they will respond based on the following guidelines. Current capacity constraints in health services mean that NHS health colleagues routinely prioritise contributions for new EHCP requests, rather than for Reviews of existing EHCPs so please bear this in mind.

Service (NHS Trust)	<b>NHS Health advice for an EHCP review can be requested (N.B <u>ALL</u> these criteria must be met)</b>
<b>Forward Thinking Birmingham (BWC Trust)</b>	<ul style="list-style-type: none"> <li>• where there is active ongoing involvement from FTB with the child / young person</li> </ul>
<b>Birmingham Children's Hospital: nursing, specialist teams</b>	<ul style="list-style-type: none"> <li>• where there is evidence of significant change of health needs relevant to the service which might result in a change in health provision</li> <li>• where there is active intervention with the child/young person This must be discussed directly with the clinical team involved.</li> </ul>
<b>Community Paediatrics (BCHC Trust)</b>	<ul style="list-style-type: none"> <li>• where there is evidence of significant change of health needs relevant to the service which might result in a change in health provision</li> <li>• where there is active intervention with the child/young person</li> <li>• at key transition points – Year 9, Year 11 and Year 13</li> </ul>

Service (NHS Trust)	NHS Health advice for an EHCP review can be requested (N.B <u>ALL</u> these criteria must be met)
<b>Special School Nursing</b> (BCHC Trust)	<ul style="list-style-type: none"> <li>• where there is evidence of significant change of health needs relevant to the service which might result in a change in health provision</li> <li>• where there is active intervention with the child/young person</li> <li>• at key transition points – Reception, Year 5, Year 9, Year 11 and Year 13</li> </ul>
<b>Health Visitors</b> (BCHC Trust)	<ul style="list-style-type: none"> <li>• age 0 - 5</li> <li>• where there is evidence of significant change of health needs relevant to the service which might result in a change in health provision</li> <li>• where there is active intervention with the child/young person</li> <li>• at transition to reception</li> </ul>
<b>Community Children's Nursing, Complex Care and Palliative Care (BCHC Trust)</b>	<ul style="list-style-type: none"> <li>• where there is evidence of significant change of health needs relevant to the service which might result in a change in health provision</li> <li>• where there is active intervention with the child/young person and/or provision of a care package</li> <li>• at key transition points – Reception, Year 5 and Year 9, Year 11 and Year 13</li> </ul>
<b>Physiotherapy</b> (BCHC Trust)	<ul style="list-style-type: none"> <li>• where there is evidence of significant change of health needs relevant to the service which might result in a change in physiotherapy provision, provided they have an open referral</li> <li>• where there are physio-specific targets (i.e. short/long term</li> </ul>

Service (NHS Trust)	NHS Health advice for an EHCP review can be requested (N.B <u>ALL</u> these criteria must be met)
	outcomes) which the Physiotherapy service is required to report progress on
<b>Occupational Therapy</b> (BCHC Trust)	<ul style="list-style-type: none"> <li>• where there is an open referral to OT and there is evidence of significant change of health needs relevant to occupational activities which might result in the need to change OT provision</li> <li>• if there are OT-specific targets (i.e. short term and long term outcomes in the EHCP) which the OT service is required to report progress on</li> </ul>
<b>Speech and Language Therapy</b> (BCHC Trust)	<ul style="list-style-type: none"> <li>• where there is evidence of significant change of education/health needs relevant to the service which might result in a change in education/health provision provided they have had an open referral in the last 6 months</li> <li>• if there are SALT-specific targets (i.e. short term and long term outcomes in the EHCP) which the SALT service is required to report progress on</li> </ul>
<b>Children in Care</b> (BCHC Trust)	<ul style="list-style-type: none"> <li>• Where there is active intervention with the child/young person</li> </ul>
<b>Turtles Short Breaks at Edgewood Road</b> (BCHC Trust)	<ul style="list-style-type: none"> <li>• Where the child/young person is receiving a short break – all have a named nurse</li> </ul>

**Glossary:** BCHC Trust: Birmingham Community Healthcare NHS Trust

BWC Trust : Birmingham Women's and Children's NHS Trust (this includes FTB)

FTB : Forward Thinking Birmingham

## Section 5 Guidance for Completing the Education, Health and Care Plan Review Report Template

### Introduction

The school, institution or educational provider should complete the EHCP Review Report, at least annually, in respect of every child or young person on roll for whom the Local Authority (LA) continues to maintain an Education, Health and Care Plan (EHCP).

The EHCP review **must** use a person-centred approach and **must** be undertaken in partnership with the child or young person and their parent and take account of their views, wishes and feelings. Reviews should focus on the child or young person's progress towards achieving the outcomes specified in the EHCP and consider whether the outcomes, supporting targets and provision detailed remains appropriate. Please see Section 1.8 of "Birmingham LA Guidance for EHCP Reviews" for further information about how to organise the EHCP Review Meeting.

Following the Person-Centred Review, the key worker should gather together the information obtained during the review alongside outside agency reports and other documents to complete the EHCP review report.

The review report must be completed as fully as possible. Ensuring that information is accurate will support SENAR in making decisions as to whether amendments need to be made to the EHCP.

The review report is not designed to be completed during the meeting. The meeting should be an open session with all participants taking an equal part. No professional jargon should be used. The report should summarise the main point agreed and any areas of disagreement.

## Completing the EHCP Review Report

The key worker (usually within the setting) should record the child or young person's name, date of birth, year group, name of the school, institution or educational provider, date of the current EHC Plan and date of review meeting at the top of the EHCP Review Report.

<u>Summary</u> - To be completed after the review	Please complete Yes/No/ N/A as appropriate
The <u>long term</u> outcomes in the EHCP have been achieved and the plan is no longer required.	
It is recommended that the EHCP is amended as a result of the review. Please ensure appropriate written evidence to support any	

The summary section should be the **final** section completed by the key worker and should summarise decisions, actions and recommendations made at the meeting. If any person attending the review did not agree with the recommendations, then this should be recorded by the key worker in the box provided in Section Five.

At the review meeting, the following will need to have been discussed:

- whether to maintain the EHC plan or if it should be ceased
- any changes that may need to be made to the plan as a result of a significant change in need or provision
- the continuing appropriateness of the EHC plan in the light of the child or young person's progress during the previous year
- changes required to the funding profile - CRISP/top up funding/Banded Funding level. This must be supported by [written evidence](#)\* (p38) and a revised funding documents need to be attached.

## Supporting Paperwork Checklist

Essential Documentation	Attached Yes/No/N/A (as appropriate)
Funding Profile – e.g. CRISP/top up funding/ Banded Funding	

The EHCP Review Report is the main formal output from the review meeting but the authority requires additional documentation to support in making decisions as to whether to maintain, amend or cease the plan. These include:-

- pupil and parent views in whichever format was used to gather them
- a copy of the short term/interim targets that were set at the review
- attendance and educational progress data held by the setting
- a copy of the funding profile (agreed at the review)
- Y9 onwards – career/pathways plans and transition plans for young people (17+) who are about to transfer to adult health and/or social care services at the age of 18

If at the review meeting changes to the EHCP were recommended these must be supported by written evidence\* (p38) and therefore further documents will need to be included:

- Word version of EHCP annotated with recommended amendments. Tracked changes **should not** be used. Please use strikethrough for deletions and bold for additions. Note these are recommendations for the Local Authority to consider. The LA will make the final decision as to whether to amend the EHCP
- Outside Agency Reports – These include any reports written by LA's support services, Health or Social Care and Health (LAC/CIN Reviews)
- produced since the last EHCP review meeting. (Usually within the previous 12 months)

- Health Reports – Letters from medical professionals to support changes in health needs or which identify a new diagnosis since the last EHCP review meeting.

### **Section One: Persons invited to review my plan**

This section of the review report provides information about who was invited to attend the review meeting. It should list the child or young person and parent as well as representatives from the setting and invited professionals. The key worker will need to clearly indicate in the 'yes/no sections' who attended the meeting and whether written information was provided. Any written information should be attached to the review report. At review meetings from Year 9 onwards careers advisors should also be invited. It is not necessary for a SENAR representative to attend all review meetings.

### **Section Two – Review of my Education, Health and Care Plan**

All meetings should be person-centred and will have a similar structure, but they also need to be tailored in terms of their delivery and methods of recording to meet the needs of the CYP and their family. A summary of the discussions should be included within the EHCP Review report form under the appropriate headings. Where PCR charts were used as part of the review, photos of these can be included but it should be ensured that all comments are clear and can be directly attributed to a person who attended the review.

Preparation for Adulthood should be considered at all review meetings but from Year 9 onwards, these should form the main focus of the meeting as the child/young person looks forward to adulthood and prepares for a time when they may no longer be in full time education.



**Like, Admire, Strengths, achievements and interests**

The information in this section should identify the strengths of the child/young person, these can be used to support in developing independence and overcoming any barriers identified in future sections.

**What is important to the child/young person now and their aspirations for the future?**

Here, the likes and dislikes of the child/young person and what motivates them should be captured. This can include what the adults at the review may have identified as things which delight or absorb the child/young person. It should include the child/young person's aspirations for the future. From the point of view of the child/young person, future may mean 'next week' or 'when you grow up'.

**Progress towards Long Term Outcomes**

The key worker will complete this section by reporting the level of progress towards the outcomes that was agreed at the review meeting - some progress, fully achieved, not achieved. Any comments should be summarised. The discussion about progress towards interim targets/short term outcomes should have been recorded and a note made about the new targets set. The key worker is required to confirm that interim targets have been reviewed and new targets have been set for the coming year.

If changes are recommended to the long term outcomes and/or new long term outcomes are required, then these should be recorded by the key worker in Section 3 of the report.

From Year 9 onwards outcomes should focus on preparing for adulthood. Short term outcomes and interim targets should support the smooth transition towards what the young person wishes to achieve and move towards greater independence. Please see additional PfA related support materials in the Y9+ Guidance Appendix 8.

### **Support Needed so that the child young person can achieve their outcomes**

Within this section the main points of discussion relating to the suitability of the provision and placement identified in the EHCP including Health and Social Care sections should be summarised.

Under the headings, 'What have we tried? What's working?' the provision from the EHCP that has been implemented and been successful should be recorded. It is important to report the views of all those who were present at the meeting. Under the headings, 'What's not working? What have we learned?' the aspects of the provision that are not working for the CYP and the things that may need to change should be identified.

Also record in this section any discussions around the appropriateness of the **current placement** in meeting the needs of the child/young person. If the outcome of the review is that the placement is no longer appropriate, then the key worker will need to complete section three providing evidence as to why the placement is no longer suitable.

The **funding profile** (e.g. CRISP/Banded Funding) should be reviewed and agreed by professionals at the meeting. If changes have been made these should be noted in this section.

For those pupils in Year 9 and above the provision should focus on the support the child or young person needs in order to meet their PfA outcomes and consider next steps required to develop independence.

### **Actions – What do we do next?**

Record in this section any actions that have been agreed as a result of the discussions above. This could be in the form of an 'Action Plan'. Areas which were raised as 'not working' or as a concern should have a follow up action. If the funding profile (CRISP/Banded Funding) has not been reviewed with outside agencies as part of the meeting, there should be an action to do this within the next two weeks to ensure that an updated CRISP can be submitted to SENAR within the agreed timescales.

## Year 8 and Below

### Transfer between phases of education or change of settings

This section must be completed at key transition points where future placements are discussed. Phase transfers refer to pupils moving from Nursery to Reception, Infant to Junior, Primary to Secondary (Year 5).

Transfer between phases of education or change of school			
Transfer of school/setting	Details of Discussion about types of settings	Parent/Carer Named School Preferences	Child Young Person's Views
Early Years provider to School (Nursery to Reception)			

If the child or young person falls within these categories, then the appropriate section is completed by the key worker who records the details of the discussion held within the meeting alongside the **named school preferences indicated by the parent/carers** and child/young person. If those at the review recommend a change in type of placement this will need to be supported by reports from outside agencies which indicate the type of provision that is required to meet need. Section Three of the report will need to be completed. For further information about transition reviews please see [When should a review be held?](#)

## Year 9 Onwards

Information about the young person's aspirations, their strengths and challenges should inform discussion about future placements. The young person should have had access to personalised careers advice and guidance prior to the meeting. However, they should not be 'led' to making a long term decision if they are not ready or do not understand the implications. There are significant changes that occur at ages 16 to 18 such as pupils transitioning to adult services, changes to welfare benefits and changes in eligibility for transport assistance. The discussion about future pathways and the agreed plan to support the young person in any transition should be recorded.

The specific views of the young person and parents/carers with regard to future placements should be recorded in the section below along with a summary of the pathway which has been agreed.

Transfer between phases of education or changes of setting	
Transfer of school/setting	Details of Pathway Discussions – Preferred Placements
Secondary School to Post 16 setting or Apprenticeship	Child Young Person's Views
	Parent Carer Named Setting Preferences

For further information about transition reviews please see [When should a review be held?](#)

For those pupils in post 16 settings information regarding the courses they are accessing should be recorded along with their achievements.

Post 16 settings, campus and courses: Please attach Career Action Plan/Summary of Career Advice/Transition or Pathway				
Subject/name of setting, campus and course	Level being studied	Current assessment	Predicted	Comments

### Review of my Personal Budget (including arrangements for direct payments) (Section J)

The Review of Personal Budget section should include the review of any existing Personal Budget arrangements for direct payments and any request for a personal budget. A parent or the young person has a right to request a personal budget during a review of an EHC plan. Details of the proposed personal budget should be included in section J of the EHC plan. Please See Appendix 9 for further information about personal budgets.

Review of my Personal Budget (including arrangements for direct payments) (Section J) This section should review any <u>existing</u> Personal Budget and Direct Payment arrangements.			
Area	Personal Budget Allocation	Direct payment Value	To meet needs
Education			

### Section Three

This section should only be completed if **significant changes to need or provision** were identified at the review meeting. Each heading signposts key workers to the relevant part of the EHC plan.

- Section A – About Me – Child or Young Person's Views, Wishes and Feelings, My Strengths, My Family's Views
- Section B – My Special Educational Needs
- Section C – My Health Needs
- Section D – My Social Care Needs
- Section E – Outcomes
- Section F – Special Educational Provision
- Section G – Health Provision
- Section H1 - Any Social Care provision that must be made for a child under 18 under Section 2 of the Chronically Sick and Disabled Person's Act 1970
- Section H2 - Social Care provision reasonably required as a result of the child or young person having Special Educational Needs
- Section I – Educational Placement

If amendments to the plan are recommended, then these should be clearly identified. Reference should be made to [written evidence](#)\* (p38) that supports the need for the changes. Details of any changes may be recorded on a word version of the child/young person's EHCP. Settings **must not delete any** content of the existing EHCP but can annotate the EHCP using the following conventions:

- Old, inaccurate information or information that is considered and agreed to be no longer relevant should be ~~struck through~~.
- New information should be written into each section as appropriate in **bold font**.

### **\* Written Evidence**

Suggested amendments to sections will be considered based on appropriate written evidence. Examples of the types of acceptable evidence are listed below. Please note these lists are not exhaustive.

#### **Section A – About Me – Child or Young Person's Views, Wishes and Feelings, My Strengths, My Family's Views**

Amendments to this section should be supported by evidence of pupil and/or parent views:-

- Child and Young Person's Views Templates (Appendix 4)
- Parent/Carer Views Template (Appendix 5)
- CYPF comments on PCR charts (What's important to me now and aspirations for the future – if I could/would)
- Person-centred tools, e.g. Good Day/Bad Day/working/not working.

#### **Sections B, E, F, I (education)**

Amendments will be considered based on appropriate professional advice e.g. SENCo, Educational Psychologist, Pupil and School Support, Communication and Autism Team, Sensory Support Service, Physical Difficulties Support Service, Behaviour Support Teacher, Speech and Language Therapy Service, Occupational Therapy. Change of placement will not be considered without the written supporting advice from an outside agency.

- Outside Agency Annual Review Reports – “Educational Advice for Annual Reviews” (Appendix 6)
- Outside Agency Reports (within the last 12 months)
- Outside agency comments on PCR charts (e.g. working/not working)
- CYP comments on PCR charts/pupil views
- Physical Management Plans

### Sections C, D, G and H (Health and Social Care)

Changes can only be recommended in health and social care sections if there is relevant advice from health and/or social care representatives, e.g. Paediatrician/ Consultant/Diabetic Nurse/school nurse, Social Worker or other Social Care representative as appropriate. Please see Appendix 6 for EHCP Review Advice Forms.

## Section Four – Additional Information about my Educational Progress

### Early Years and Schools

The school, institution or educational provider is asked to list and attach any relevant data regarding the child's or young person's educational progress. The data should

also include the progress on the primary area of need. The attendance data should be attached, and any issues discussed at the meeting reported. It is possible that poor attendance may lead to an outcome being identified for inclusion as part of the plan.

**Post 16 settings** should confirm that they have completed attainment information in the courses table in section 2 of the form.

### Post 16 settings only:

To support SENAR in decision making as to whether to maintain or cease an EHCP the setting should indicate yes or no to the series of statements relating to the future pathways of the young person.

Additional Information to Support the Local Authority in decision making about maintaining or ceasing an EHCP.	
	Please indicate Yes/No
Local Authority top-up provision is no longer required; the young person is making progress at a SEN Support Level of provision	
The EHCP is not required to access further ESFA funding or Apprenticeship	



## Section Five – Any differing views and signatures

If any person attending the review does not agree with the general recommendations recorded in the Annual Review Report, then this should be recorded by the key worker in this section.

### Signatures

The review report must be signed by the parent/carer, the SENCo/Key worker leading the review and Head teacher/Principal. **As a matter of good practice where the pupil/young person has been involved and engaged in the meeting and are aware of the content of their plan then they should sign the form.**

For pupils in post -16 placements they must sign the Annual Review paperwork and the signature of the parent is advisable but not essential. In post-16 placements it is the young person who makes decisions about the support they receive through the plan. Please note, there may be occasions where it is not in the best interests of a child/young person to sign the review paperwork, for example involving issues of capacity to understand the recommendations being made or proven to lack mental capacity. (see EHCP Review Guidance Section 1.5)

### Data Protection/Data Sharing

The parents/carers and the child or young person should also sign the data sharing form which asks them to give permission for the information to be stored by BCC and shared with partner agencies when required.

### Following the EHCP Review Meeting

The EHC Plan Review Report, interim targets for the year, together with any other reports (including an annotated EHCP if changes are suggested) should be sent to everyone invited within two weeks of the meeting.



**Encrypted Email to SENAR** at [EHCPReviews@birmingham.gov.uk](mailto:EHCPReviews@birmingham.gov.uk)

**Subject line of the email** to state:

Name of Setting/Review/Pupil's Impulse Number/Year Group/No Changes or Amendments or Change of Placement

e.g. Happy Primary School/Review/456789/Y6/No changes

Happy Primary School/Review/345892/Y2/Change of Placement

Happy Secondary School/Review/569837/Y9/Amendments

SENAR Review team will acknowledge receipt of paper work once it has been assigned.

