

Annual Reviews and Transfer Reviews TOOLKIT

Essential information for SENCOs and SEN Leads

Guidance for schools and other education providers

on

Transfer of Statements to EHC Plans

and

Annual Review of Statements and EHC Plans

EHCP/Transfer Review Toolkit

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Guidance for schools and other education providers
on
Transfer of Statements to EHC Plans
and
Annual Review of Statements and EHC Plans
EHCP/Transfer Review Toolkit

This guidance helps schools to manage the Transfer Review process in particular, and is also relevant for Annual Reviews of Statements and EHC Plans. The guidance has been reviewed, updated and amended in light of feedback and questions that the Local Authority received from education providers, other professionals, parents, carers and children and young people.

This guidance is part of a suite of documents, all of them working drafts, first issued on 15th October 2014 following the essential briefings provide by Inclusion and Skills Officers in the week beginning 29th September 2014. The process of review and amendment in light of comments received will continue until the documents are finalised towards the end of the spring term 2015. Guidance as to where you can find further information, FAQs, documents, templates and the relevant legislation is provided throughout.

Annual Review of Statements Report Forms

We have received very valuable feedback from schools about the multi-use Annual Review Report (Report on the Annual Review of Statement of special educational needs, Transfer Review, or an Education and Health Care Plan). Schools have told us that they would prefer to use the current Annual Review documents for pupils with Statements who are having an Annual Review of their Statement (not a Transfer Review).

We will accept reports on Statement Reviews on either the old or the new documents. However, the Report on the Annual Review of a Statement has been slightly amended and the **December 2014 Version** should be used for Statement reviews. The December 2014 version is available as a download on the Working with children in Barnet website. We have also revised the Report for the Annual Review form in relation to Transfer Reviews and EHC Plan Reviews in light of this feedback. As a result, there are now separate Review Report forms for each type of Review. Schools **must** ensure that they use the correct form.

We have provided separate guidance on what needs to be included in each section of the Review report with each form.

The remainder of this guidance relates only to reviews of Statements to convert Statements to EHC Plans (Transfer Reviews) and Annual reviews of EHC Plans

The sections in this guidance are:

1. Background
2. The role of the Local Authority
3. The Transfer Review/Annual Review process
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1. BACKGROUND

The new SEN and Disability Code of Practice: 0-25 (2014) came into force from 1st September 2014. The legislation which underpins it is the Children and Families Act 2014 which can be found at <http://www.legislation.gov.uk/ukpga/2014/6/contents> and the Special Educational Needs and Disability Regulations 2014 which can be found at <http://www.legislation.gov.uk/uksi/2014/1530/contents/made>

The DfE issued statutory guidance in August 2014 to explain how the new legislation will operate to transfer Statements to EHC Plans between 1st September 2014 and 31 March 2018. Local Authorities and schools must comply with this guidance.

2. THE ROLE OF THE LOCAL AUTHORITY

By 1st April 2018, Local Authorities must have transferred all children and young people who have Statements to the new system following a 'Transfer Review'. Almost all these children and young people will then have an Education, Health and Care Plan. All existing Learning

Difficulty Assessments for young people will be transferred to an Education, Health and Care Plan by 1st September 2016, where this is necessary.

Barnet has produced a Local Transition Plan, highlighting which children will be prioritised for having a Transfer Review to convert their Statements to EHC Plans. The full Transition plan can be found at:

http://www.barnet.gov.uk/info/941017/from_statements_to_education_health_and_care_plans/1224/from_statements_to_education_health_and_care_plans

For the academic year 2014/15, the priority groups are as follows:

- Children in Nursery
- Children in Year Groups 2, 9 and 11
- School leavers
- Pupils in non-maintained schools
- Barnet pupils educated in maintained schools in other Authorities.

Barnet's Local Transition Plan indicates which year groups we will be focusing on over the next 3 years and can be found in the Transfer/Transition Plan and at **Appendix 1 (Transfer/Transition Plan)**. We also need to prioritise children and young people who are moving from one school to another, children and young people who move into Barnet from other Local Authority areas, and children and young people who are leaving custody.

The Authority is required to take a 'tell us once' approach, and to facilitate, encourage and support approaches for person centred planning (see section 7). Information about the support that is available for parents to encourage this can be found later in this document.

The Authority is also required to provide guidance to schools, setting, colleges and parents. This document forms part of this guidance.

3. THE TRANSFER REVIEW OR ANNUAL REVIEW OF AN EHC PLAN

The Transfer or Annual Review is an important aspect of the Statutory process and will need careful planning at school level to ensure that the right advice is available when it is needed. It needs to take place within a new statutory timeframe and be person centred. There is more information about this later in this guidance.

The purpose of the Transfer/ Annual Review is to:

- Gather and assess information
- Review the special educational provision so that it is effective
- Review health and social care provision where it relates to the SEN and/or the special educational provision

- Consider whether or not the Plan/Statement needs to be continued
- Review interim targets (For example, those in IEPs)
- Review outcomes.
- Set new long term and short term outcomes
- Be held within 12 months of the date when the Statement/EHC Plan was issued
- Have regard to education and training outcomes for young people over the age of 18.

3 (a) The Transfer Review

The Transfer review will take the place of the annual review of a Statement that you would usually do. The process follows a shortened EHC Assessment process, and needs to be completed within 14 weeks of the process being started. There is a flow chart to help you with this in **Appendix 2 (Transfer Review Timelines)**.

There is a lot of work to be completed within a 14 week timescale, and the emphasis in the legislation is on the word '*within*'. So these timescales are the latest by which certain stages must be completed, and they should be completed in advance of this wherever possible.

3 (b) The Annual Review

For Annual Reviews of EHC Plans, the Code says at Section 9:176 that schools **must** prepare and send a report of the meeting to everyone invited within 2 weeks of the meeting taking place. Most schools already do this with annual Reviews of Statements.

3 (c) Starting the process

The timescale is triggered when you send out a letter to the parents/carers inviting them to attend the Transfer Review meeting. The invite letter template with explanatory notes for parents can be found at **Appendix 3 -(letter to parents to start transfer review)**. To help us all to meet these timescales there is a lot of work that can, and should, be done prior to you sending the letter that invites parents to the meeting, and the timescale being triggered.

You must send a copy of your trigger/invitation letter to SENdata@barnet.gov.uk.

You must send a copy of all the reports that have been provided to the Local Authority with the trigger letter.

3 (d) School advice for the Transfer or Annual Review

Some schools like to take a 'round robin' approach to collating information on progress from teachers and teaching assistants to contribute to the review. This can be a good idea, provided that the person convening the meeting has asked for specific and relevant information to inform the Review meeting. If schools do take this approach, they **must** still complete the 'Advice to be completed by the school or setting' form to summarise this information. The form contains additional information about assessment and attainment, progress against objectives/outcomes and any issues that might be raised at the Review meeting. The document should contain a summary of any information collated from teachers and teaching assistants. The information collected should also be included with the Review documents, even though it has been summarised in the school advice.

Some schools have expressed concerns that they are required to repeat information about levels of progress in the Report of the Annual Review/Transfer Review form, even though this is already highlighted in the school's own report. It is acceptable for this section of the Review report to refer the reader to a specific report or the school advice, provided this is clearly highlighted and can be easily located.

4. PREPARATION FOR THE TRANSFER REVIEW

For all the children in your school that are in the priority groups for this year (and subsequently) we strongly suggest that you review all the advice and reports that you already have about the child as soon as possible. This will help you to see what reports you need to have updated. The law is quite clear that we must not ask for further advice if what we already have is recent and relevant. So, for example, if the child has Speech and Language difficulties and you are having the Transfer Review meeting in the autumn Term, and the Speech and Language Therapist reviewed and updated the child's support and completed a report in the summer, there is no need to ask the Speech and Language Therapist for further information.

It is strongly advised that you complete an audit of what reports you already have for each child for whom you will be completing a Transfer Review as early as possible in the school year. There is a Reports Audit form available for you to use if you wish to, which can be found at **Appendix 4 - (Reports Audit Form)**.

If you do require additional or updated reports, you should obtain this prior to the Transfer review meeting. You should also send all reports, whether previously held or which you have recently requested, to the parents and other professionals with the meeting invitation letter. Some schools already do this as part of the Annual Reviews of Statements and this is good practice.

You should agree the meeting date with parents and other professionals at an early stage. We would suggest that you try to do this for all relevant pupils as early as possible, at the

same time that you are reviewing the reports that you already have. However, it is important that you DO NOT send them the formal letter inviting them to the Transfer Review meeting too far in advance, as this then triggers the timescales (see **Appendix 2, Transfer Review Timeline 2014**). The statutory guidance says that schools MUST invite parents to the meeting at least 2 weeks beforehand and we think that schools should aim to send the formal invitation letter no more than 2 weeks before the meeting.

5. PREPARATION FOR THE ANNUAL REVIEW OF AN EHC PLAN

The process for this is very similar to the Transfer Review process, but with some changes in the relevant timescales. The relevant part of the Code of Practice is Section 9:176. The timescales can be seen at **Appendix 5-(Annual Review Timeline 2014)**.

For all the children in your school who have an EHC Plan, we strongly suggest that you review all the advice and reports that you already have about the child as soon as possible. This will help you to see what advice you need to have updated. The law is quite clear that we must not ask for further advice if what we already have is recent and relevant, as explained in the previous section.

It is strongly advised that you complete an audit of what reports you already have for each child for whom you will be conducting an annual review of their EHC Plan as early as possible in the school year. There is a Reports Audit form available for you to use if you wish to, which can be found at **Appendix 4 - (Reports Audit Form)**.

If you do require additional or updated reports, you should obtain this prior to the annual review meeting. Under Section 9:176, you **must** send all reports, whether previously held or which you have recently requested, to the parents and other professionals, including the Local Authority, with the meeting invitation letter. Some schools already do this as part of the Annual Reviews of Statements and this is good practice.

You should agree the meeting date with parents and other professionals at an early stage. We would suggest that you try to do this for all relevant pupils as early as possible, at the same time that you are reviewing the reports that you already have. However, it is important that you DO NOT send them the formal letter inviting them to the Annual Review meeting too far in advance, as this then triggers the timescales (see **Appendix 5- Annual Review Timeline**) . The statutory guidance says that schools MUST invite parents to the meeting at least 2 weeks beforehand and we think that schools should aim to send the formal invitation letter no more than 2 weeks before the meeting.

6. DECIDING WHO TO INVITE TO AN ANNUAL REVIEW OR TRANSFER REVIEW MEETING

Information about this can be found in the 2014 Code of Practice at Section 9:176. Schools **must** invite the following people and give them at least 2 weeks' notice to attend the meeting:

- **The child/young person's parents or carers**
- **A school representative**
- **A Local Authority SEN Officer**
- **A Health Service representative (if involved)**
- **A Local Authority Social Care representative (if involved)**
- **Other individuals involved, for example, Youth Offending Teams, Early Intervention Key worker**

For annual Reviews of EHC Plans (rather than Transfer Reviews) schools **must** seek written information about the child/young person from all those invited. However, professionals may refer you to existing reports or may feel that it is not necessary to provide an updated report. Therefore, if there is already recent, relevant information from a particular professional, then the requirement to have sought advice is satisfied. However, schools may wish to indicate in their invitation to external professionals that, if they wish to provide any information in addition to that already provided, they may do so. Forms are available for external professionals to record this information, and are listed as supporting documents at the beginning of this guidance. Some professionals may wish to provide information in their own standard format, and this is also acceptable. However, any advice provided must include the information requested on the relevant form, and contribute to the development of outcomes.

7. TAKING A 'TELL US ONCE' APPROACH

The new legislation places a greater emphasis than previously on a 'person-centred' approach. When you send the formal letter to parents inviting them to the review meeting, you should also send them the form for their views, which they can complete prior to the meeting itself. Some parents may need to provide their views in a different format, or orally, or may need other support to help them make their contributions. While most parents will be comfortable submitting their views using the form, schools must consider their requirements for support or alternative ways of making their views known at an early stage, and talk to parents about how they can do this. Many will be happy to have a conversation with a trusted member of staff, while others may prefer to receive help from other sources. Details about the support that is available for parents can be found in **Appendix 6** (Further information/Contacts) and also **here**:

http://www.barnet.gov.uk/info/941009/local_offer_-_information_support_and_advice/1216/local_offer_-_information_support_and_advice

The form on which parents can express their views, wishes and feelings about their child's needs can be found in the supporting documents (Parent/Carer's views to be included in the Annual Review for a Statement/Transfer Review or EHC plan).

The views of children and young people are also very important and you will need to think about how best to support them in expressing these. In the supporting documents there is a form on which their views can be recorded (My Views to be included in my Annual Review of my Statement/Transfer Review or EHC Plan). We know that some children will want to express their views in different ways, and schools are encouraged to create their own versions of the document, taking into account the child's age and abilities when doing so. If you do this, you should use the form given here as guidance as to what information needs to be collected, enhancing this as you consider appropriate.

To support children and young people in expressing their views effectively, you will need to think about, and discuss with them, the best way for them to do this. For some it might be by using a computer, through drawings, through discussion with a trusted member of staff or other adult or in a variety of other ways. While children and young people should be included in the Review meeting itself, some will prefer to have a discussion outside of the main meeting, and some to attend for only part of it.

There is information about the 'key working approach' available at

http://www.barnet.gov.uk/info/941015/key_working/1222/key_working

New rights for young people over the age of 16

Schools and other settings will need to have regard to the Children and Families Act 2014 and Section 1:8 of the 2014 SEN Code of Practice which highlight the significant new rights afforded to young people once they reach the end of the academic year in which they are 16. In particular, Local Authorities, schools and other agencies should normally engage directly with the young person rather than their parent. However, it is recognised that most young people will continue to want their parents involved in discussions and planning, and some young people may not have the capacity to make their view known or to make certain decisions. There is further information about this in Chapter 8 and Annex 1 of the Code, and Section 80 of the Children and Families Act.

8. THE EHC PLAN ANNUAL REVIEW/TRANSFER REVIEW MEETING

By now, all reports, whether previously held or recently requested and produced, including parent/carers and child/young person views, will have been collected. You will already have

agreed the meeting date, and sent a letter inviting parents to attend the meeting approximately 2 weeks beforehand. You will also have sent the parents and child/young person and all the professionals involved, including the Local Authority, a copy of all the advice you have received. You may already have pre-populated some of the Review document, for example with levels of progress etc. to save time at the meeting.

Section 3 of this guidance (above) explains the purpose of the Review.

The meeting must focus on:

- a) The child or young person's progress towards achieving outcomes specified in the EHC Plan, or, where this is a Transfer Review to convert a Statement to an EHC Plan, the progress against the objectives identified in the statement.
- b) For Transfer Reviews, identifying short and long term outcomes (which should link to the objectives in the Statement) to put into the new plan. Please note that for children and young people in the last year of a phase of education (Year 2, Year 6 and Year 11 and school leavers) the outcomes set must be applicable to the next phase of education.
- c) Whether there are any changes needed to the outcomes themselves
- d) Consideration of the support that the child/young person receives and whether any changes to the support are required to help them achieve these outcomes

It is helpful if you use the Report of the Annual Review as the format/agenda for the meeting. There is no need to make a separate agenda unless you particularly want to. If you do make a separate agenda, you must ensure that all the information required for the Report of the Annual Review is gathered and recorded accurately on the form, ideally in the presence of others at the meeting.

When you record recommendations or decisions from the review you must also record whether there is anyone who does not agree with these recommendations/decisions and their reasons for this.

The notes of the discussion and other information need to be provided on the Review document (Report on the Annual Review of a Statement, Transfer Review, Learning Difficulty Assessment or Education, Health and Care Plan). Some schools like to take minutes of the meeting which can be helpful, but is not a requirement. If schools decide to take minutes, they must still summarise the views of all attendees on the Report of the Annual Review form and ensure that the views of everyone involved are accurately recorded. These do not need to be lengthy because everyone will have had an opportunity to provide written information which will also be considered. It is best to do this at the meeting itself so that everyone is confident that their views are accurately recorded.

9. SETTING OUTCOMES

There is a strong emphasis on setting and reviewing outcomes in Education, Health and Care Plans and there will need to be a clear link between the shorter term targets in IEPs, short term outcomes and then long term outcomes. IEP targets tend to be termly targets rather than annual ones, and as such would not normally be considered short term outcomes to be achieved over a year as indicated in an EHC Plan.

Information about training opportunities for various professional groups was provided previously and many schools have received this at the SENCo briefing. Schools and others have asked whether a suite of outcomes could be provided, and we are considering this.

10. AFTER THE EHC PLAN ANNUAL REVIEW OR TRANSFER REVIEW

Within two weeks of the Review meeting taking place, you **must** send the completed review form to us and to everyone that you invited to the meeting. You do not need to send any documents which have previously been circulated, but you must include any new documents or reports that were not circulated before the meeting.

You must fill in section 11 of the report of the annual Review which lists all relevant reports and contributions, so that attendees and the Local Authority can check their documentation against the list to ensure that they have received everything.

We then have different things to do depending on whether it is an Annual review or a Transfer review. Next steps are explained in the relevant timelines and in the flowchart below.

Further information and support is available for parents/carers, young people and schools. Contact details are provided at the end of this guidance, and also in **Appendix 6 (Further Information/Contacts)**.

11. PROCESS FLOWCHART

As soon as possible

1. Review the reports that you already have for the child/young person.
2. Request updated reports if necessary
3. Agree a date for the Transfer Review/Annual Review meeting with parents and other professionals
4. Consider how parents, children and young people can be supported to make their views known, and discuss with them as appropriate.

Week 1

5. Send the formal meeting invitation letter to the parents/young person and other professionals INCLUDING THE LOCAL AUTHORITY. Include copies of the reports that will be included in the Review
6. The formal meeting invitation letter MUST give at least 2 weeks' notice of the meeting

TRANSFER REVIEW

Weeks 3-8

Reports are already gathered

7. Parents, children's and young people's views are sought, with support where necessary
8. Transfer Review meeting takes place
9. Report of Transfer Review meeting is sent to SEN Case Officer within 2 weeks of the meeting (*see section 9 above*)

Weeks 8 and 9- SEN Caseworker drafts EHC Plan

Week 10- SEN Caseworker sends draft EHC Plan to parents and young person

Weeks 10 and 11- Parent and young person consider draft EHC Plan and send comments to SEN Caseworker

Weeks 13-14 Final EHC Plan issued

ANNUAL REVIEW

Week 3

Reports are already gathered

7. Parents, children's and young people's views are sought, with support where necessary
8. Annual Review meeting takes place

Weeks 5 to 9

Week 5 -The report of the Annual Review meeting is sent to SEN Caseworker

Weeks 7-9- SEN Caseworker notifies parent and young person of its proposed decision and asks for their comments within 15 days

Parents and young person are asked to consider name of the school on the Statement/EHC Plan

Weeks 10-14 SEN Caseworker considers parent and young person comments and makes amendments

Appendix 6

FURTHER INFORMATION/CONTACTS

A copy of the formal Review Invitation letter MUST be sent to:

SENdata@barnet.gov.uk

Help and advice for schools

SENAdmin@barnet.gov.uk

SENReforms@barnet.gov.uk

Telephone 020 8359 7007

Help and advice for parents and children and young people

Special Educational Needs and Disability Information, Advice and Support Service (formerly Parent Partnership)- parents and young people can self-refer

Sendiass@barnet.gov.uk

Telephone 020 8359 7637

Barnardo's London Independent Support Service (BLISS)- Professional Referrals only

ISbarnet@barnardos.org.uk

To provide comments/feedback about this guidance, please e-mail

senreforms@barnet.gov.uk

and put 'Feedback on guidance' in the subject line