

Guidance for Independent Supporters who are supporting parents/young people with Annual Reviews of EHCPs

As well as being aware of what is involved in the Annual Review process and its associated timeline, it is always important that parents/YP are as fully prepared beforehand as possible.

To help parents/YP it is important that experienced **Independent Supporters** use the information provided in this guidance note in conjunction with the following:

- Annual Review Factsheet
- Annual Review Timeline
- Person Centred Planning Meeting document

Independent Supporters should also remember at all times to;

- ensure parents/YP are aware of process and their rights; &
- give them the information and support about their rights and how to exercise them.

When support for an Annual Review is beyond the knowledge or remit of the **Independent Supporter**, then the parent/YP should be referred onto the Information, Advice and Support Service¹ (IASS). **Independent Supporters** can also make parents/YP aware (signposting) of other organisations e.g. IPSEA or one of the other independent SEN advice agencies, or other relevant national organisations such as NAS, RNID, Contact a Family etc.

It would important to note that **Independent Supporters** may be involved with all, some or none of the steps of the Annual Review process. The level of involvement must be determined by the parent or young person, not by the **Independent Supporter**.

Section 19 Principles underpin Part 3 of the Children and Families Act (C&FA) 2014² as follows:

In carrying out their functions under Part 3 of the CAFA, local authorities must have regard to:

- the views, wishes and feelings of the child or young person, and the child's parents;
- the importance of the child or young person, and the child's parents, participating as fully as possible in decisions;
- the importance of being provided with the information and support necessary to enable participation in those decisions;

¹ <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network>

² <https://councilfordisabledchildren.org.uk/sites/default/files/uploads/documents/import/ChildrenAndFamiliesActBrief.pdf>

- the need to support the child or young person, and the child's parents, in order to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes.

When the C&FA 2014 came into force, as with any new system there have been some teething problems, but by working through these issues there have been many developments and improvements regarding the quality of EHCPs and the supporting documents being produced.

So the Annual Review provides an opportunity to address concerns with the quality of an EHCP and/or an opportunity to update needs or provision where these have changed or are not leading to the intended outcomes/objectives.

To help an Annual Review to be a positive and productive experience, capable of maximising potential benefits whilst ensuring it is personalised and changing things that are not going so well, it is essential that parents/YP understand:

- the process
- the timeline
- the purpose
- the possibilities
- the limitations
- their rights and responsibilities

Step 1

About a month before the actual review meeting there is a requirement for up to date reports to be requested on behalf of the local authority.

Independent Supporters can help the parent/YP contribute at this stage. This could be achieved by using person centred questions to help the parent/YP to reflect on the past year, specifically thinking about it in terms of:

- What's working/not working (consider from whose perspective this is);
- What's Important to them now and in the future (things they enjoy and want to continue doing);
- What's important for them (what good support looks like specifically for their situation and circumstances).

Make sure this information used is as detailed as possible, including real examples to help illustrate points. Where parents/YP identify things that are not working so well, try to assist by offering helpful suggestions that they believe might be worth exploring or trialling as an alternative. It is important that the parent/YP understands that the content of the EHCP is evidence based but the Annual Review process is an opportunity to try and get content changed in the EHCP.

Evidence can include:

- reports from professionals'
- school assessments and observations

- monitoring of progress
- minutes/notes from meetings

If there are any new reports that the parent/YP has, then these can also be included in the information they're providing. If the parent/YP is waiting for reports or appointments, make sure they make a reference to them.

Independent Supporters need to make sure the parent/YP understands that this information is to be sent into the local authority as soon as possible, and at least 2 weeks before the meeting so that it can be copied and shared with all the other people attending the meeting.

Independent Supporters should double-check if there are any special requirements they have for the Annual Review meeting that they need to let the organiser know about (see general tips on page 3)

Step 2

Reports required for the Annual Review will be circulated along with the invitations.

Independent Supporters need to help the parent/YP be as informed and empowered as possible by:

- going through all the reports to make sure they fully understand all the information included in them and if necessary any implications that may arise;
- considering any issues or questions arising from the reports that they would like discussed at the Annual Review meeting;
- looking again at the outcomes included in the EHCP to check they are still relevant or if they need to be changed or modified in some way;
- checking if the aspirations are still the same;
- explaining the different ways that children and young people can be involved in the meeting. Check with them if the school is helping with this – such as preparing a photographic diary or picture board, preparing a PowerPoint presentation of their own etc. If nobody is helping them in this way, **Independent Supporter** can offer to do so;
- explaining the format of the meeting i.e. it should be person centred (but that may need to be clarified and explained) and discuss how they would like to be supported at it such as scribing for them on the flipchart, help them get the wording right so they can write it themselves, take notes etc;
- discussing the 3 potential conclusions that the local authority may reach after the Annual Review and if required provide reassurance by providing a brief overview of their rights and options;
- asking the host of the meeting nearer the date for details of who will be attending
- reminding them to inform the school who will be attending with them e.g. **Independent Supporter**.

Step 3 the Annual Review meeting

All the preparation beforehand should mean the parent, child or young person is as ready as they can be for the meeting. The parent/YP should be involved with every decision that needs to be made. **Independent Supporters** need to have a good understanding of what good support looks like for them including if they get upset, angry or overwhelmed.

Independent Supporters should check with the parent/YP at the start that they know everyone there and why they are there. If there are any new reports presented at the start of the meeting that the parent/YP hasn't seen before, ask for time to read them before the meeting starts even if it means the meeting starts late.

Keep checking with parent/YP throughout to make sure they understand and are fine with everything that is being said.

If there are any terms, acronyms or jargon that parent/YP may not understand check with them and don't be afraid to ask everyone to stick to plain English.

At the end of the meeting check with parent/YP that everything they wanted to say or to discuss has been covered and that they understand what is going to happen next.

Remind the parent/YP they will receive notes from the meeting within the next 2 weeks and they can get back in touch with **Independent Supporters** as soon as they have them.

Step 4 the meeting report

If the parent/YP requests, you can go through the meeting report with them and make sure that it isn't just a general summary but does record differences of opinions relating to recommendations for updates and amendments. If the parent/YP are happy with it there's nothing more to be done at this stage but if there are major concerns over the content, then **Independent Supporters** can outline to the parent/YP their options which could include helping them put their concerns in writing as soon as possible to the local authority.

Step 5 the LA's decision

An Independent Supporter might need to spend sufficient time with the parent/YP going through the local authorities' decision and make sure they're aware of their right of appeal if they decide not to amend or to cease the EHCP. (Refer on to IASS if they want to appeal)

If the local authority decides to amend the plan then make sure the parent/YP understands why the changes are being made and that they are in agreement with them. **Independent Supporters** can support the parent/YP request for additional amendments. **Independent Supporters** should also refer a case onto IASS if they are at all unsure about being able to support the parent/YP beyond this point.

Additional Notes

Parents can ask the school at any time, to provide them with a copy of their child's timetable clearly marked to show when support is being provided, by who, in class or withdrawn from class, 1 to1 or small group (size of group) etc. to help them understand when and how their child is being provided with support in school.

An early Annual Review (sometimes known as an Interim Review) can be requested by parent/YP particularly if:

- there is a sudden change in needs or circumstances
- the placement is at risk of breaking down

If this request is refused and the parent/YP is concerned they can ask for a reassessment of their needs instead. If the local authority refuse to reassess, the parent/YP has a right of appeal to the Tribunal.

General tips for meetings

1. Get parent/YP to try and anticipate what possible issues might arise
2. Get parent/YP to write down important points they may want to make or address
3. Get parent/YP to write down key questions they would like answered or be able to understand better
4. If parent has any additional needs make sure the host is aware of these beforehand e.g. can't walk too far, can't manage stairs, cannot concentrate/sit for more than 30 minutes i.e. will need a break
5. Check parent has been able to sort out childcare in case meeting overruns - anything that reduces anxieties or enables them to relax and fully engage
6. Check if parent needs to take a cold drink/chewing gum/stress ball etc.
7. Check parent has their diary in case a follow up meeting is required
8. Check if parent has confidence to agree to decisions on the day; they may want to defer to their partner/family and confirm the following day (must be quick turnaround due to time constraints on host to get the report written and sent to the LA).
9. Make parent/YP aware that they do not have to sign anything at the meeting. They can take papers home to discuss with family and return it to host the following day (same as point 8).