

5. Annual Reviews

The LEA's procedure is summarised on a flowchart ("8. Annual Review Procedure - For a child with a statement") to be found in Appendix D to this document.

Additional guidance is given in sections 9 and 10 of the SEN Toolkit.

5.1 The Legal Framework

Section 328(5) of the Act requires that a statement must be reviewed on the making of an assessment under section 323 and, in any event, within 12 months from the date of the statement or the last review. The Regulations (Regs.18-22) lay down the procedure that must be followed. Chapter 9 of the Code provides further guidance.

5.2 The Timing of Reviews

The LEA has the power to review a statement at any time, provided it is within the 12 months maximum. The timing of annual reviews will reflect the circumstances of the child and the action which may flow from the review (e.g. a move to secondary school). Timing will also aim to reflect the circumstances of the child's school, and the need to ensure, administratively, that there is a reasonable spread of annual review dates across an academic year. Parents will always be informed.

5.3 Phase Transfer

Regulation 19 requires that where a statemented child is within 12 months of transfer between phases of his schooling (transfer from primary to secondary is the prime example), then the LEA must ensure that the child's statement is amended so that before February 15th of the year in which the pupil transfers, the statement names the school or other institution which the child will be attending following the transfer (Note that this requirement comes into force from February 2003).

5.4 Pupils for Review – lists for Schools, Careers, Health & Social Services

Regulation 18(1) requires that not less than two weeks before the start of a term, the LEA writes to the head teacher of every school, technology college or PRU with pupils whose statements are maintained by Birmingham, listing all those pupils due for review in the term (where school includes any school approved by the Secretary of State). This list is automatically generated from the SEN database using the report entitled '65 – Annual Reviews Pending by School'.

The appropriate Assistant Education Officer takes responsibility for ensuring that the list is sent.

The covering letter (SEN44A) attached to this list will require the head teacher to submit a report in respect of each child mentioned. The letter will specify, for each child, any particular person from whom the LEA consider advice should be sought in order to arrive at a satisfactory report. This report must be submitted to the LEA by the end of the coming term at the latest, or within 10 school days of the review meeting (whichever is the earlier).

Regulation 18(5) requires that not less than two weeks before the start of a new school year, the LEA writes to the Connexions Service (currently the Careers & Education Business Partnership), listing all the children with statements maintained by Birmingham and who will be in year 9 in the coming school year. This list is generated automatically from the SEN database using the report entitled '63B – CEBP Y8 data' (this lists current year 8 pupils and hence pupils who will be in year 9 in the coming year). The list, attached to covering letter SEN44B, will indicate the school and address of each child. The appropriate Assistant Education Officer takes responsibility for ensuring that the list is sent.

Regulation 18(6) requires that not less than two weeks before the start of a term, the LEA writes to the health authority (letter SEN44C) and the social services authority (letter SEN44D), listing those pupils whose statements are maintained by Birmingham, who live in the area of the authority and who are due for review in the term. The list is automatically generated from the SEN database using the report entitled '65a – Health & SSD Annual Reviews Pending'. The list will indicate the school, national curriculum year and address of each child. The appropriate Assistant Education Officer takes responsibility for ensuring that the list is sent.

This list is copied to the Psychological Service, the Visiting Teacher Service, the Pupil & School Support Service and the Behaviour Support Service, to help them plan attendance at those reviews that they consider necessary.

- 5.5 If any pupil is not specifically named on the list sent to schools, then the LEA will write to the head teacher (letter SEN45) requiring a review report (or transition planning meeting if appropriate) by a specified date – giving at least 2 months notice. The letter will specify any particular person from whom the LEA consider advice should be sought in order to arrive at a satisfactory report. The letter will be copied to parents. The appropriate version of letter SEN45 (A for pupils in years 8 or below, B for pupils in year 9 or above) will be generated automatically according to the NC year logged on the SEN database.
- 5.6 In order to comply with section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986, in the covering letter (SEN44D) attached to the list sent to Social Services, the relevant officer will be

requested to advise the LEA whether or not any pupil due for review in year 9, is or is not a disabled person. (As noted in 5:19 following, a representative from Social Services will always be invited to attend the reviews of all year 9 pupils).

5.7 The Involvement of Parents and Pupil

Parents should be encouraged to contribute their views to the annual review process, to attend the review meeting, and to contribute to discussions about any proposals for new targets for the child's progress.

Wherever possible, pupils should also be actively involved in the review process, attending all or part of the review meeting. They should be encouraged to give their views on their progress during the previous year; discuss any difficulties encountered; and share their hopes and aspirations for the future.

[Code 9.18-9:19]

5.8 Attendance at Reviews

LEA Officers (e.g. Educational Psychologist, support service teacher, Principal Assessment Officer) will attend those reviews considered necessary on the basis of significant changes in the child's special educational needs or provision. A particular focus is given to reviews of pupils in year 5 so that careful planning can be given to the forthcoming secondary transfer.

Every effort must be made for an LEA representative to attend all reviews of children placed in independent or non-maintained special schools outside the City.

The appropriate AEO will maintain a record of annual reviews attended by LEA officers. Anyone attending a review must, therefore, inform him of any review they have attended.

(i) Review Of Statement Where Child Not In Year 9 Attends School

5.9 The legal procedure is laid down in Regulation 20. The head teacher will have been advised of the name of the pupil to review either in a list or in a specific letter (as noted in sections 5.4-5.5 above).

5.10 The head teacher is required to invite the following to attend the review meeting:

- a representative of the LEA

- parents (if a child is looked after by the local authority, under a care order, the child's social worker and the residential care worker or foster parents, should be invited as appropriate)
- at least 1 member of staff who teaches the child or who has responsibility for the provision of education for the child
- any other person the head teacher feels is appropriate
- any other person named by the LEA

Wherever possible, pupils should also be actively involved in the review process, attending all or part of the review meeting.

- 5.11 Before the review is held, the head teacher must seek advice from the child's parent; the persons (if any) specified by the LEA, and from any other person the head teacher considers appropriate.

Health authorities and social services authorities are required by section 322(1) of the Act to respond to the head teacher's request for written advice (made on behalf of the LEA), unless the exceptions in section 321(2) and (3) apply.

[Code 9:15]

This advice must be written advice relating to:

- the child's progress towards meeting the objectives specified in the statement;
- the child's progress towards attaining any targets linked to these objectives;
- the application of the provisions of the National Curriculum (where the school is not established in a hospital and is a maintained school) and then progress made since the statement was written or the last review;
- any substitutions to the provisions of the National Curriculum (where the school is not established in a hospital and is a maintained school) and the progress made since the statement was written or last review;
- the progress made by the child since the statement was made or the last review, in his behaviour and attitude to learning;
- any matters appropriate to a 'transition plan';
(note: a 'transition plan' is required at every review from the one in year 9 onwards)

- whether the statement continues to be appropriate;
- any appropriate amendments to the statement;
- whether the LEA should cease to maintain the statement.

The Code notes that although head teachers are required to seek advice, as per this Regulation [20(4)],

They are not required to seek advice on every one of those points from **all** the persons they ask for advice, except for parents. Instead, head teachers can ask for specific advice from specific persons, or can ask for advice generally.

[Code 9:15]

- 5.12 The head teacher must send, to all those invited and who have not informed the head teacher that they will not be attending it, copies of the written advice received, no later than 2 weeks before the date of the review meeting. In addition, the head teacher is required to serve written notice accompanying the copy documents, to request the recipients to submit written comments on that advice and any other advice they think appropriate, before or at the meeting.
- 5.13 The review must consider the matters listed in section 5.10 above, plus and any significant changes since the date on which the statement was made or last reviewed.

The review meeting must then recommend:

- any steps that need to be taken, including whether the LEA should amend or cease to maintain a statement;
- any targets for the pupil to meet up to the next review;
- any matters that need to be included in any 'transition plan'

If the meeting cannot agree to the recommendations, “the head teacher should ensure that this disagreement is recorded, together with the reasons for it”.

- 5.14 The written review report submitted to the LEA after the meeting must include the head teacher's assessment of the matters raised at the meeting and his or her recommendations. The head teacher must send copies of this report to:
- parents
 - anyone who submitted written advice

- any other person named by the LEA
 - any other person considered appropriate by him or her
- 5.15 The Principal Officer will review the statement in the light of this report, together with any other information or advice they consider relevant. This Officer will record the LEA's recommendations on the annual review form, detailing:
- any steps that need to be taken, including whether the LEA should amend or cease to maintain a statement;
 - any targets for the pupil to meet up to the next review;
 - any amendments required to a 'transition plan' (where it exists)
- 5.16 As required by Regulation 20(14), the LEA will, within 1 week of completing their review, send a letter advising of the LEA's decisions and recommendations to the child's parent, the head teacher, and to any other person considered appropriate by the LEA. The Administrative Officer will use the following letters:
- SEN46 - where no changes to the statement are to be made;
 - SEN34 – where statement is to be ceased;
 - SEN47 – where part of review form is incomplete and further information is being requested from the school; or
 - An amendment notice (SEN32) attached to covering letter SEN31 (version A, B or C). Details of the amendments will be provided by the appropriate Principal Officer.
- 5.17 The head teacher is responsible for ensuring that any necessary amendments to any transition plan are made.

(ii) Review Of Statement Where Child In Year 9 Attends School

- 5.18 The legal procedure is laid down in Regulation 21. The head teacher will have been advised of the name of the pupil to review either in a list or in a specific letter (as noted in sections 5.4-5.5 above).

This is basically the same procedure as for pupils not in year 9, except that a representative from the Connexions Service must be involved and someone from the Social Services Department should be invited. In addition, a Transition Plan is drawn up. However, to aid readability, all the relevant procedure has been outlined below.

- 5.19 The head teacher is required to invite the following to attend the review meeting:

- parents (if a child is looked after by the local authority, under a care order, the child's social worker and the residential care worker or foster parents, should be invited as appropriate)
- at least 1 member of staff who teaches the child or who has responsibility for the provision of education for the child
- a representative of the social services department – to ensure that any parallel assessments under the Disabled Persons (Services, Consultation and Representation) Act 1986, the NHS & Community Care Act 1990, and the Chronically Sick & Disabled Persons Act 1970 can contribute to and draw information from the review process
- a representative of the Connexions (Careers) service
- any other person the head teacher feels is appropriate
- any other person named by the LEA
- a representative of the LEA

Wherever possible, pupils should also be actively involved in the review process, attending all or part of the review meeting.

A representative of the Connexions Service as a conditions of grant, **must** attend, whether or not the young person is in school.

[Code 9:56]

- 5.20 Before the review is held, the head teacher must seek advice from the child's parent; the persons (if any) specified by the LEA, a representative of the Connexions (Careers) service and from any other person the head teacher considers appropriate.

Health authorities and social services authorities are required by section 322(1) of the Act to respond to the head teacher's request for written advice (made on behalf of the LEA), unless the exceptions in section 321(2) and (3) apply.

[Code 9:15]

This advice must be written advice relating to:

- the child's progress towards meeting the objectives specified in the statement;

- the child's progress towards attaining any targets linked to these objectives;
- the application of the provisions of the National Curriculum (where the school is not established in a hospital and is a maintained school) and then progress made since the statement was written or the last review;
- any substitutions to the provisions of the National Curriculum (where the school is not established in a hospital and is a maintained school) and the progress made since the statement was written or last review;
- the progress made by the child since the statement was made or the last review, in his behaviour and attitude to learning;
- any matters appropriate to a 'transition plan';
(note: a 'transition plan' is required at every review from the one in year 9 onwards)
- whether the statement continues to be appropriate;
- any appropriate amendments to the statement;
- whether the LEA should cease to maintain the statement.

The Code notes that although head teachers are required to seek advice, as per this Regulation [20(4)],

They are not required to seek advice on every one of those points from **all** the persons they ask for advice, except for parents. Instead, head teachers can ask for specific advice from specific persons, or can ask for advice generally.

[Code 9:15]

- 5.21 The head teacher must send, to all those invited and who have not informed the head teacher that they will not be attending it, copies of the written advice he or she has received, no later than 2 weeks before the date of the review meeting. In addition, the head teacher is required to serve written notice accompanying the copy documents, to request the recipients to submit written comments on that advice and any other advice they think appropriate, before or at the meeting.
- 5.22 The review must consider the matters listed in section 5.18 above, plus and any significant changes since the date on which the statement was made or last reviewed.

The review meeting must then recommend:

- any steps that need to be taken, including whether the LEA should amend or cease to maintain a statement;
- any targets for the pupil to meet up to the next review;
- any matters that need to be included in any 'transition plan'

If the meeting cannot agree to the recommendations, “the head teacher should ensure that this disagreement is recorded, together with the reasons for it”.

5.23 The written review report submitted to the LEA after the meeting must include the head teacher's assessment of the matters raised at the meeting and his or her recommendations. The head teacher must send copies of this report to:

- parents
- any other person named by the LEA
- any other person considered appropriate by him or her

5.24 The Principal Officer will review the statement in the light of this report, together with any other information or advice they consider relevant. This Officer will record the LEA's recommendations on the annual review form, detailing:

- any steps that need to be taken, including whether the LEA should amend or cease to maintain a statement;
- any targets for the pupil to meet up to the next review;
- any amendments required to a 'transition plan' (where it exists)

5.25 As required by Regulation 20(14), the LEA will, within 1 week of completing their review, send a copy of the transition plan plus a letter advising of the LEA's decisions and recommendations to the child's parent, the head teacher, and to any other person considered appropriate by the LEA. The Administrative Officer will use the following letters:

- SEN46 - where no changes to the statement are to be made;
- SEN34 – where statement is to be ceased;
- SEN47 – where part of review form is incomplete and further information is being requested from the school; or
- An amendment notice (SEN32) attached to covering letter SEN31 (version A, B or C). Details of the amendments will be provided by the appropriate Principal Officer.

5.26 The head teacher is responsible for ensuring that a transition plan is drawn up.

(iii) Review Of Statement Where Child Does Not Attend School

5.26 This will be pupils who are in any school year. The legal procedure is laid down in Regulation 22. The LEA again takes responsibility for most of it, and the range of professionals involved may be wider and in some respects different from those involved in a school-based review.

5.27 The LEA will invite (letter XX10) the following to attend the review meeting:

- the child's parents
- a representative of social services (where this is the first review held in year 9)
- a representative of the Connexions (Careers) service (where this is the first review held in year 9)
- any other person the LEA consider appropriate

Wherever possible, pupils should also be actively involved in the review process, attending all or part of the review meeting.

A representative of the LEA shall attend the meeting [Regulation 22(5)]

A representative of the Connexions Service as a conditions of grant, **must** attend, whether or not the young person is in school.

[Code 9:56]

5.28 No later than 2 weeks before the date of the review meeting the LEA will write (letter XX11) to all those invited, giving them details of the report they intend to write. The LEA will request that the recipients submit to the LEA any comments or advice appropriate to the review of the child.

5.29 The meeting shall consider the following:

- the child's progress towards meeting the objectives specified in the statement;
- the child's progress towards attaining any targets linked to these objectives;
- the application of the provisions of the National Curriculum (where the school is not established in a hospital and is a maintained school) and then progress made since the statement was written or the last review;
- any substitutions to the provisions of the National Curriculum (where the school is not established in a hospital and is a maintained school) and the progress made since the statement was written or last review;

- the progress made by the child since the statement was made or the last review, in his behaviour and attitude to learning;
- any matters appropriate to a 'transition plan';
(note: a 'transition plan' is required at every review from the one in year 9 onwards)
- whether the statement continues to be appropriate;
- any appropriate amendments to the statement;
- whether the LEA should cease to maintain the statement.

5.30 The review meeting will then recommend:

- any steps that need to be taken, including whether the LEA should amend or cease to maintain a statement;
- any targets for the pupil to meet up to the next review;
- any matters that need to be included in any 'transition plan'

5.31 The review report will be written by the LEA after the meeting. It will include the LEA's assessment of the matters raised at the meeting and their recommendations. The report will also refer to any difference between the LEA's assessment and recommendations and those of the meeting.

5.32 As required by Regulation 22(8), the LEA shall, within 1 week from the date of the meeting, send out (with covering letter XX12) copies of the completed report to:

- the child's parents
- any other person considered appropriate by the LEA

5.33 The Principal Officer will review the statement in the light of this report, together with any other information or advice they consider relevant. This Officer will record the LEA's recommendations on the annual review form, detailing:

- any steps that need to be taken, including whether the LEA should amend or cease to maintain a statement;
- any targets for the pupil to meet up to the next review.

Where the review is the first one held after the start of year 9, the LEA will also prepare a transition plan (Form 14). In any case where one already exists, they will amend the plan as they consider appropriate.

- any steps that need to be taken, including whether the LEA should amend or cease to maintain a statement;
- any targets for the pupil to meet up to the next review;

- any amendments required to a 'transition plan' (where it exists)
- 5.34 As required by Regulation 20(10), the LEA will, within 1 week of completing their review, send a copy of the transition plan (for years 9 and above) plus a letter advising of the LEA's decisions and recommendations to the child's parent, Social Services, Connexions Service, and to any other person considered appropriate by the LEA. The Administrative Officer will use the following letters:
- SEN46 - where no changes to the statement are to be made;
 - SEN34 – where statement is to be ceased;
 - SEN47 – where part of review form is incomplete and further information is being requested from the school; or
 - An amendment notice (SEN32) attached to covering letter SEN31 (version A, B or C). Details of the amendments will be provided by the appropriate Principal Officer.