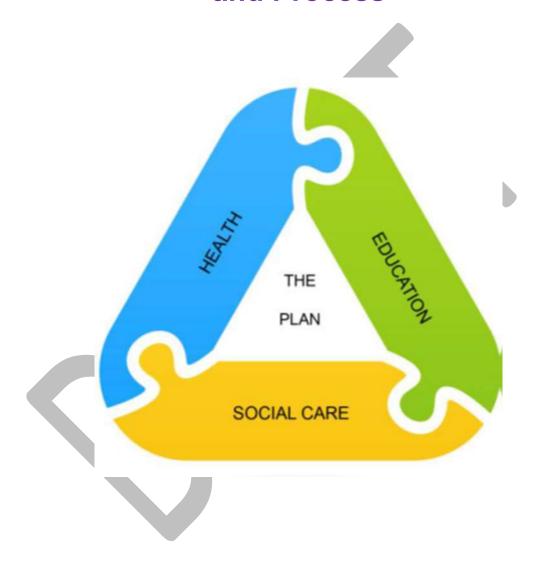
# **London Borough of Croydon**

# Guidance Notes for the Review Document and Process



September 2015

#### Introduction:

This document presents the guidance notes for all children and young people who hold an Education, Health and Care Plan in Croydon which requires a review. The guidance outlines the Special Education Needs (SEN) review document and the process linked to this. This covers all children and young people from early years through to Post 16 education in all settings. It has been developed to address the following key purposes, :

- The requirement to have a clear policy outlining the Council's expectations relating to Education, Health and Care Plans and the subsequent review process, as outlined in Section 44 of the Children and Families Act (2014) and the SEN Code of Practice (2014), Section 9.166 - 9.185.
- 2. The requirement that EHCP's <u>must</u> be reviewed by the Local Authority as a minimum every 12 months.
- 3. The need to revise the existing local process for ensuring reviews are carried out in an open and transparent manner, with clear and robust guidance
- 4. To ensure clarity for those conducting the review
- 5. To ensure all reviews continue to monitor and record outcomes and supporting targets and to deliver ongoing outcomes and supporting targets

This document is informed by the following legislation and guidance: The Children and Families Act (2014), Education Act (1996), The Special Educational Needs and Disability Regulations (2014), The Special Educational Needs (Personal Budgets) Regulations (2014), Care Act (2014), Working Together to Safeguard Children (2013), The Children's Act (1989), Disability Discrimination Act (2005), Equality Act (2010), Reasonable adjustments for disabled pupils (2012), The Mental Capacity Act (2005) and the Code of Practice, Supporting pupils at school with medical conditions (2014).

# The London Borough of Croydon's commitment:

The SEN Service are committed to delivering a service of excellence. Young people in Croydon say that the following is important to them:

- Good health
- Employment
- Independent living and housing
- Friends, relationships, being part of the community

The Special Educational Needs Code of Practice (2014) aims to bring together all the agencies involved in supporting better outcomes for children and young people with special educational needs and disabilities along with parents, carers and community organisations. The following statement of commitment was agreed at the start of Croydon's reform process:

We are ambitious in our aspirations and want children and young people with SEN and disabilities to achieve the best possible outcomes.

This means:

- Young people at the heart of determining what is best for them
- Developing resilience to help them achieve their life goals

We will achieve this through:

- Partnership with parents to shape the Local Offer and make informed choices about opportunities for their children
- Timely support where it will make most impact
- · Services working and behaving as one

#### The 0-25 SEND Service commitment:

The 0-25 SEND Service will ensure that parents/carers and their child are valued and respected by all individuals and agencies and that agencies and partners co-operate with each other. We will listen to, and understand, any concerns raised and work with the child/young person and their family to make things better by working creatively to agree and achieve outcomes and priorities. We will be honest and open and ask that others will be the same with us. The child/young person and their family will be at the heart of the process and will be treated as an equal. As part of this, we will recognise that every child is an individual and it is important that they are included in all decision making. However, we will respect and honour the rights of children, young people and their families to initiate the current legal framework at any time during the assessment process and will assist families to do this.

#### The Review Document:

The review document is drafted to reflect the main EHC Plan (see Appendix 1). Therefore, the sections in the review document follow the statutory framework outlined in the SEN Code of Practice (2014), Section 9.62.

The sections are as follows:

**Section A:** The views, interests and aspirations of the child and his or her parents or the young person

**Section B:** The child or young person's special educational need

Section C: The child or young person's health needs which are related to their SEN

**Section D:** The child or young person's social care needs which are related to their SEN or disability

**Section E:** The outcomes sought for the child or the young person. This should include outcomes in preparation for adult life. The EHC Plan should also identify the arrangements

Any reference to must indicates that this is a statutory requirement

for the setting of shorter term targets by the early years provider, school, college or other education or training provider

**Section F:** The special educational provision required by the child or the young person

**Section G:** Any health provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN. Where an Individual Health Care Plan is made for them, that plan should be included

**Section H1:** Any social care provision which <u>must</u> be made for a child or young person under 18 resulting from Section 2 of the Chronically Sick and Disabled Persons Act

**Section H2:** Any other social care provision reasonable required by the learning difficulties or disabilities which result in the child or young person having SEN. This will include any adult social care provision being provided to meet a young person's eligible needs (through a statutory care and support plan) under the Care Act 2014.

Section I: This section is not included in the review document as it relates to the name and type of school, maintained nursery school, Post 16 institution or other institution to be attended by the child or young person. An additional section relating to this area is outlined under 'additional sections'

**Section J:** Where there is a Personal Budget, the details of how the Personal Budget will support particular outcomes. There are separate guidance notes below regarding requests for Personal Budgets through the review process.

Section K: The advice and information gathered during the review process

## The Purpose of the Review:

The main purpose of the review meeting is to actively monitor the child or young person's progress towards their outcomes and longer term aspirations. The review <u>must\_also</u> consider whether these outcomes and supporting targets remain appropriate and must set new interim targets for the coming year and where appropriate, agree new outcomes.

All reviews <u>must</u> be undertaken in partnership with the child and their parent or the young person, and must take into account, and record, their views, wishes and feelings.

Additionally, the review meeting <u>must</u> consider the continuing appropriateness of the EHC Plan in the light of the child or young person's progress during the previous year or changed circumstance and whether changes are required including changes to outcomes, enhanced provision, change of educational establishment or whether the Plan should be discontinued.

Any change recommended must be made by providing the appropriate evidence base or report. Verbal changes are difficult to implement if there is no evidence base to substantiate them.

#### Frequency

Reviews must be held at least annually, except for children who are under 5 years of age. In this instance, reviews should be held at least every 6 months, but preferably once per term. This is due to the significant developmental change in children between the ages of 0-5 years. However, in these cases, it is not necessary for all individuals to attend every meeting; they should only attend where relevant and necessary.

It is recommended that the review meeting is held 11 months after (i) the issue of the final Education, Health and Care Plan or (ii) the date of the previous review meeting.

The timings recommended are outlined in Appendix 2.

#### **The Review Process**

The SEN Code of Practice (2014), Section 9.173, outlines:

"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 <u>must</u> co-operate to ensure a review meeting takes place. This includes attending the review when requested to do so."

Additionally, this section confirms:

"The local authority can require the following types of school to convene and hold the meeting on the local authorities behalf:

- Maintained schools
- Maintained nursery schools
- Academy schools
- Alternative provision academies
- Pupil referral units
- Non-maintained special schools
- Independent education institutions approved under section 41 of the Children's and Families Act

Additionally, the London Borough of Croydon requests that early years settings, further education colleges (or other Post 16 institutions) convene and hold review meeting on our behalf.

However, any child or young person who is not in any educational establishment (as outlined above), or any child or young person who is currently electively home educated, will have a review meeting arranged and chaired by a member of the SEN Service.

It is expected that the following will apply to all review meetings:

- The meeting will be held at the educational institute attended by the child or young person
- The meeting should be chaired by the headteacher, SENCO or other senior leader at the school.

Any reference to <u>must</u> indicates that this is a statutory requirement

- A minimum of 2 week's notice will be given identifying the date and time of the review meeting
- The child's parents/carers, or the young person, a representative of the school (or other institution), local authority SEN officer, a health service representative and a local authority social care representative <u>must</u> be invited. Other individuals relevant to the review should also be invited.
- The meeting <u>must</u> focus on the child or young person's progress towards achieving the outcomes specified in the Education, Health and Care Plan and what changes might need to be made to the support that is provided to help them achieve those outcomes, or whether changes are required.
- The school <u>must</u> prepare and send a report of the meeting to everyone invited to attend with two weeks of the meeting. The report must set out **recommendations** on any amendments required to the Plan.

However, it should be noted that it is not a statutory requirement for individuals to attend every review they are invited to. Due to capacity within teams, the local authority will only attend review meetings where there are complex issues to be resolved. The following guidance outlines who from the local authority or local authority commissioned services should be invited to attend:

- Change of provision, educational institution or advice on outcomes and target setting: The Educational Psychologist or relevant health/social care professional should be invited
- Advice on the statutory process: A representative from the SEN Service should be invited
- Advice on a conversion from a Statement of Special Educational Need to an Education, Health and Care Plan: A representative from the SEN Service should be invited

The requirement to return the review report to the Local Authority within 2 weeks of the meeting is now a <u>statutory requirement</u>. It is now a statutory requirement that the Local Authority decides whether to make changes, amend or cease the Education, Health and Care Plan.

It should be noted that review meetings makes **recommendations** in relation to the child or young person. Any decision relating to the recommendations is made by the Local Authority. Additionally, if a review is making a recommendation relating to a change of placement or educational institutions, this should clearly show the child or young person's special educational needs to inform the process of identification; individual schools', colleges or other educational placements should not be identified or named, as there is a separate local authority process to identify suitable provision in discussion with the young person and family.

The London Borough of Croydon's commitment is to update the Education, Health and Care Plan annually to ensure the Plan remains relevant, up to date and reflective of the child or young person's special educational needs. The only exception to this is if no changes are recommended following the review meeting.

Any decision made by the Local Authority following a review meeting will result in the child's parents, or the young person, being given the statutory right to appeal the decision to the Special Educational Needs and Disability Tribunal (SENDIST). This includes advising of the right of mediation, if preferable. The SEN Service remains committed to resolving complaints, concerns or disputes through direct meetings or mediation.

If the Local Authority decides to cease to maintain an Education, Health or Care Plan, it must follow the process set out in the SEN Code of Practice, Section 9.199 – 9.210.

#### **Completing the Review Document**

Appendix 1 outlines the format for formally recording the review meeting's recommendations. As specified at the beginning of this document, the review document follows the same format as the main Education, Health and Care Plan.

For all Reviews, the following recommendations are made:

- That every review document is stored, updated, used and sent to the SEN Service in an electronic format. This allows the documentation to move swiftly and be updated more easily (Please note: all documents sent via email must be forwarded using a secure encrypted system, such as Egress, or with an encrypted password for security purposes)
- Where possible, attached reports should be scanned and emailed to the SEN Service – again, using a secure transfer system
- If there are no changes and no recommendations for update to any section of the Review document, 'no change' should be recorded in the relevant section.
- If sections of the core Education, Health and Care Plan Document are currently blank, unless there is new and evidenced information that needs to be considered, these sections should be left blank.

#### Below is the advice for completing the individual sections:

In key sections of the document, the areas will be split into two sections (i) original and (ii) updated. 'Original' refers to what is written into the child or young people <u>current</u> Education, Health and Care Plan. Therefore, the information contained in this section should be cut and pasted from the current Plan. 'Updated' refers to what is being recommended for change and is the box that contains the recommendations of the meeting group.

The front page of the document has a box that requires the chair of the review to indicate the following information:

- 1. The date the meeting was held
- 2. The date the document was sent to the SEN Service
- 3. The date the documentation was received by the SEN Service
- 4. The date the amendments to the Education, Health and Care Plan are due to be actioned
- 5. The date of the next review meeting

It is important to note that the chair of the review meeting must record the date the meeting was held and the date the documentation was sent to the SEN Service as there are new statutory timeframes linked to the review process for both the educational provider and the Local Authority. It is now a statutory requirement that the review document <u>must</u> be returned to the SEN Service within 14 calendar days from the date the meeting was held.

In relation to the last points 3 and 4, these will be completed by the SEN Service upon receipt of the documentation.

It is strongly advised that the date for the next annual review meeting is identified and agreed at the close of the meeting. It is recommended that the date is no more than 11 months after the current meeting as the statutory requirement is that an annual review is held at least annually. For example, if the meeting is held on 5<sup>th</sup> June, it is recommended that the meeting the following year is held on 5<sup>th</sup> May or earlier. At any time between this timeframe, the educational provider can hold an emergency review (see section below).

**Section A:** This should be updated if the views, wishes or aspirations of the child/young person or their family have changed. This should also be updated to reflect natural changes, such as the age of the child or young person's and their ability to directly contribute.

**Section B:** The child or young person's special educational need should only be amended if there is new evidence demonstrating change, such as a new diagnosis or if a previously identified need is no longer requiring provision. Written evidence must be provided.

**Section C**: The child or young person's health needs which are related to their SEN should only be amended if there is new evidence demonstrating change, such as a new diagnosis or if a previously identified need is no longer requiring provision. Any recommendation for amendment in this section can only be made by a health professional who is appropriately qualified and registered in the relevant specialist field. Written evidence must be provided.

**Section D:** The child or young person's social care needs which are related to their SEN or disability should only be amended if there is new evidence demonstrating change or if a previously identified need is no longer requiring provision. Any recommendation for amendment in this section can only be made by a social care professional who is appropriately qualified and registered in the relevant specialist field. Written evidence must be provided.

**Section E:** The outcomes sought for the child or the young person should not require update as these should be longer term and linked to supplementary shorter term targets, which would require regular update via the SEN Support Meeting (previously and Individual Education Plan review). However, they must be considered and recommended for update, particularly at points of transfer or change (for example, primary to secondary etc).

**Section F:** The special educational provision required by the child or the young person must be considered annually based on evidenced progress. Any progress must be linked directly to the targets listed and the provision made. If the provision is enabling progress, this must be evidenced, if it isn't, the target and provision must be considered carefully to ensure that progress can be achieved through a new target.

**Section G:** Any health provision required by the child or the young person must be considered annually based on evidenced progress. Any progress must be linked directly to the targets listed and the provision made. If the provision is enabling progress, this must be evidenced. If it isn't, the target and provision must be considered carefully to ensure that progress can be achieved through a new target.

**Section H1 and H2:** Any social care provision required by the child or the young person must be considered annually based on evidenced progress. Any progress must be linked directly to the targets listed and the provision made. If the provision is enabling progress, this must be evidenced, if it isn't, the target and provision must be carefully considered to ensure that progress can be achieved through a new target. To confirm, any outcome and associated targets in H1 <u>must</u> be directly linked to Section 2 of the Chronically Sick and Disabled Persons Act

**Section I:** This section is not included in the review document as it relates to the name and type of school, maintained nursery school, Post 16 institution or other institution to be attended by the child or young person. An additional section relating to this area is outlined under 'additional sections'

**Section J:** During the Review meeting, it is recommended that a discussion is held to identify any element of the Education, Health and Care Plan that the parents or young person would like to be considered through a Personal Budget. It is strongly recommended that the chair of the review meeting is familiar with Croydon's Personal Budget Policy, which can be viewed or downloaded from the London Borough of Croydon's website <a href="https://www.croydon.gov.uk/education/special-educational-needs/sen-money/direct-payments">https://www.croydon.gov.uk/education/special-educational-needs/sen-money/direct-payments</a>. If a Personal Budget is requested by the family or by the young person directly, it should be recorded as such on the Review document. Following receipt of the paperwork, the child or young person's allocated Education, Health and Care Plan Co-ordinator will contact the parents or the young person to discuss this request.

**Section K:** The attendees at the Review meeting must be recorded alongside any report that has been provided.

The final page should be completed with any comments, as deemed necessary. However, it should be noted that the section relating to Home to School Transport is not the formal route for requesting changes to the transport provided. Any concerns can be raised and these will be passed to the SEN travel assistance commissioner but the inclusion of this information may not result in change if it is not deemed necessary. It should be noted that the primary purpose of the review meeting is to review educational progress. Any additional information regarding transport will be considered, but does not form part of the review and decisions regarding Home to School transport are not eligible for appeal through the Special Educational Needs and Disability Tribunal process.

The final box is added to ensure that any other information the chair of the meeting deems necessary is included and considered.

The Review document <u>must</u> be signed and dated by the chair of the meeting, including their designation/role.

Any reference to must indicates that this is a statutory requirement

#### Transfer between phases of education reviews:

The SEN Code of Practice (2014), Section 9.179 is clear that:

An Education, Health and Care Plan <u>must</u> be reviewed and amended in sufficient time prior to a child or young person moving between key phases of education to allow for planning for and, where necessary, commissioning of support and provision"

Key educational transfers are:

- Early years provider to school
- Infant school to junior school (even if the child is not technically moving from one provider to another)
- Primary school to middle school (again, even if the child is not technically moving from one provider to another)
- Primary or middle school to secondary school

Any young person moving from secondary provision to Post 16 provision should be considered under the following section "Preparing for Adulthood Reviews" as the legislation and expectation for these reviews differs.

It is strongly recommended that a transfer review takes place in the academic year <u>before</u> the child or young person is due to transfer. The review meeting should follow the same guidelines as normal reviews, but should additionally include the following:

- Representation from the receiving educational provider
- Representation or advice from any key professionals or agency if a change is being proposed to the Plan or the type of educational provision is recommended for change
- Clear recommendations that ensure the Plan remains appropriate to the new phase of education

For Reviews for children transferring between phases of education, any amendments to the final Plan (which includes naming the new educational institution or provider) <u>must</u> be completed by 15<sup>th</sup> February in the calendar year of transfer. Therefore, adequate time must be made when considering arranging transfer reviews.

#### **Preparing for Adulthood Reviews:**

Croydon is committed to planning at an early stage to prepare young people for adulthood and to develop a whole life approach to SEN and Disability.

All reviews from Year 9 onwards <u>must</u> include a focus on preparing for adulthood and must include consideration of how the interventions in the plan support applications for employment, independent living and participation in society. This transition planning must be built into the Education, Health and Care Plan. Therefore, the review meeting must ensure invitations are sent to representatives of Post 16 institutions and key practitioners (for example, the Preparing for Adulthood Co-ordinators from the SEN Service) in this specialist

area. It is also a statutory requirement to gain the views, wishes and feelings of the young person and their parent.

All maintained schools and pupil referral units have a statutory duty to provide independent careers advice. Other providers are additionally subject to this duty (refer to Section 42A of the Education Act for clarification). This information should be provided as part of the review process and incorporated into the Plan, as deemed necessary.

If, however, the young person is nearing the end of their time in formal education and the plan is likely to be recommended to cease, a clear exit plan should be outlined. If the meeting is planning to recommend ceasing the Plan, the process outlined within this document must be followed.

Following their 16<sup>th</sup> birthday, all young people have the right to make decisions regarding their Education, Health and Care Plan and the provision linked to this. The only exception to this is if it is deemed they do not have capacity under the Mental Capacity Act 2005. Educational providers must ensure they are fully conversant with the rights of the young person and have secured a formal assessment before they deem a person unable to make decisions for themselves. There is further guidance on the Mental Capacity Act and how it applies both to parents and to the young people in Annex 1 of the SEN Code of Practice (2014).

For Reviews for young people transferring from secondary to Post 16 institutions, any amendments to the final Plan (which includes naming the new educational institution or provider) <u>must</u> be completed by 31<sup>st</sup> March in the calendar year of transfer. Therefore, adequate time must be made when considering arranging transfer reviews.

# Reviews for children and young people not attending a school or other institution

If a child or young person does not attend a school or educational institution, their special educational needs must still be reviewed at least annually. In these cases, the review must follow the same principles as other reviews, but the meeting is called and convened by the Local Authority. The report provided following the review meeting will be prepared and distributed by the Local Authority.

This relates directly to children and young people who are:

- Educated by parents at home (Electively home educated)
- In receipt of home tuition
- Following a home based programme
- Not on roll of an education provider

In relation to children and young people who are on roll but are non-attenders, it remains the responsibility of the named school to hold the review of their Education, Health and Care Plan.

#### The role of the Local Authority

Once the review is received by the Local Authority, the Local Authority must decide whether it proposes to maintain the Education, Health and Care Plan, amend the Plan, or cease to maintain the Plan. The Local Authority must notify the child's parent or the young person and the school or other institution attended of the decision reached. When the review process is finalised, a covering letter will be sent to the young person or their parent/carers notifying of the dispute resolution and mediation service, and additionally giving further right of appeal to the Special Educational Needs and Disability Tribunal. The SEN Service actively promote open communication with families and would advocate direct communication to try to resolve any disagreements or disputes, including those relating to decisions, but recognises that in some cases, decisions may need to be reviewed by an independent body. The Special Educational Needs and Disability Tribunal's role and functions can be accessed and contacted on <a href="https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability">https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability</a>.

Following the completion of the Review process and when all requested information has been received by the SEN Service, the next step is to review all of the information provided to ascertain if any amendment is to be made to the Education, Health and Care Plan. In relation to Education, Health and Care Plans held in the London Borough of Croydon, our aim is to amend and update the Plan annually, where required, to ensure the Plan is accurate, up to date and fully reflects the individual's current requirements. If no change is required, the Plan will not be updated.

However, it should be noted that if a change of placement is indicated, this decision cannot be reached by the individual Education, Health and Care Plan Co-ordinator. Placement recommendations are made by a panel consisting of Education, Health and Care professionals who consider the evidence provided and agree a recommendation.

If the panel recommends a change of placement this is passed to the Local Authority for decision. The decision is then passed to the commissioning team who will begin the search for alternative provision. A letter confirming this will be provided to the parent and the school. The parent will be given the right of appeal. It should be noted that until alternative provision is secured, the education setting retains the responsibility to continue to educate the child or young person. This legal requirement is only negated when the Plan is updated to name another educational setting.

If the panel do not agree that a change of placement is required, a letter will be sent to the parent and the school outlining the decision and the reasons behind this. The parent will be given the right of appeal. As previously outlined, the education setting retains the responsibility to continue to educate the child or young person.

## **Interim or Emergency Reviews**

There is the ability to call an earlier review if there is a significant change in the child's or young person's special educational needs. This change could be as a result of a change in

Any reference to must indicates that this is a statutory requirement

their education, social care or health requirements. This change would directly affect the content of the current plan, therefore, would require a review of the child or young person's needs and provision. An additional, emergency or earlier review can be requested by the child's parents, or by the young person, by writing directly to the child or young person's educational setting clearly stating why it is felt an earlier review is required. A copy of this letter should be copied and sent to the SEN Service for information. However, it should be clear that adequate notice is required as outlined in the SEN Code of Practice (2014) to ensure that the people required are able to attend and are able to distribute any documentation in time for the meeting. Section 9.175 of this document clearly states that:

"In most cases, reviews should normally be held at the educational institution attended by the child or young person. Reviews are generally most effective when led by the educational institution. They know the child or young person best, will have the closest contact with them and their family and will have the clearest information about progress and next steps."

In relation to the timing of the review meeting, the SEN Code of Practice (2014) is very clear in Section 9.176 that:

"The child's parents or young person, a representative of the school or other institution attended, a local authority SEN officer, a health service representative and a local authority social care representative **must** be invited and given at least two weeks' notice of the date of the meeting. Other individuals relevant to the review should also be invited, including youth offending teams and job coaches where relevant. The school (or, for children and young people attending another institution, the local authority) must seek advice and information about the child or young person prior to the meeting from all parties invited, and send any advice and information gathered to all those invited at least two weeks before the meeting."

Therefore, any additional or emergency review **must** still provide adequate notice.

The aim of the review is to inform the development of an updated plan based on revised outcomes and objectives and subsequent resource allocation or provision. If a personalised budget/direct payment is being used, any review will include an audit of spend.

The review process for an interim or an emergency review must follow exactly the same process as a standard review applying the same timeframes.

# Requesting a re-assessment following a review:

There may be occasions when a re-assessment becomes appropriate, particularly when a child or young person's needs change significantly. In these situations, this should be discussed in full as part of the review process. The SEN Code of Practice (2014) outlines that:

'Local Authorities <u>must</u> conduct a re-assessment of a child or young person's Education, Health and Care Plan if a request is made by the child's parent or the young person, or the governing body, proprietor or principal of the educational institution attended by the child or young person, or the Clinical Commissioning Group (or NHS England where relevant). A

Local Authority may also decide to initiate a re-assessment without a request if it thinks one is necessary.'

However, it is also stipulated that the Local Authority can refuse a request if:

- Less than 6 months have passed since the last Education, Health and Care needs assessment has taken place
- If the Local Authority thinks that a further assessment is not necessary

In each scenario, the Local Authority <u>must</u> provide the right of appeal against any decision made.

The process for re-assessment will be the same as the process for a first assessment, with the same timescales.

#### Ceasing a Plan following a Review:

The SEN Code of Practice (2014) is very clear that:

'A Local Authority may cease to maintain an Education, Health and Care Plan if it is no longer responsible for the child/young person, or if it determines that it is no longer necessary for the plan to be maintained'. This includes:

- 1. The education and training outcomes in the Education, Health and Care Plan have been achieved
- 2. The young person aged 16 or over takes up paid employment (including employment with training but excluding apprenticeships)
- 3. The young person enters higher education
- 4. The young person aged 18 or over leaves education and no longer wishes to engage in further learning
- 5. The Local Authority is no longer responsible for the child/young person, for example, because they have moved to another local authority area

When considering whether to cease an Education, Health and Care Plan, the Local Authority must consult with the child and their parent/carer or with the young person directly (if they are over 16) through their review. Any decision to cease an Education, Health and Care Plan must be discussed as a key part of the child or young person's review and the recommendation taken forward from this meeting. Any decision by the Local Authority to cease a Plan will automatically result in the right to appeal the Special Educational Need and Disability Tribunal. This appeal right will be given in writing by the SEN Service, outlining the reason why the Plan is being ceased.

An Education, Health and Care Plan must not be ceased if a child or young person is excluded from their education, if they are in custody or if they leave voluntarily, unless it is decided the Plan is no longer required or necessary. In all cases, it is important that a child or young person's exit from an Education, Health and Care Plan is planned carefully to support a smooth transition.

Any reference to <u>must</u> indicates that this is a statutory requirement

If there are any questions relating to the information outlined in this document, or if further clarification is required, please contact the SEN Service on 0208-604-7263 or via individual Education, Health and Care Plan Co-ordinators.

# **Appendices**

