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About this Section

7.1 This Section of the SEN Code of Practice (the Code) sets out the three Steps for the completion of the periodic review (known as the annual review) of a ‘Statement of Special Educational Needs’ (a Statement). The completion of annual review is a statutory requirement on the EA. It provides for the review of a Statement for a child whether registered at a school, not registered at a school or is registered but does not attend a school. (See paragraph 7.44 for the annual review process for a child who does not attend a school). Section 8 is also relevant regarding planning for the transition of a child with a Statement including the completion of the first “transition plan” during the school year in which a child with a Statement attains age 14 and in each subsequent year. The annual review steps include:

- STEP 1** Initiation of the annual review – EA Action.
- STEP 2** Preparation of the annual review report – Action by school or designated officer of the EA (known hereafter in this Section as the EA Designated Officer).
- STEP 3** Consideration of the annual review report and decision on whether the Statement remains unchanged, amended or ceased – EA Action.

This Section is underpinned by:

- Article 19 and Schedule 2 of the Education (Northern Ireland) Order 1996 (the 1996 Order), supported by draft regulations:
 - 14 (11) and (13) (Time limits and prescribed information relating to assessment);
 - 18 (Periodic Review of a statement under Article 19(1)(b));
 - 19 (Periodic Review of a statement under Article 19(1)(b) where a child does not attend a school);
 - 20 (First Transition Planning Meeting leading to a Transition Plan); and
 - 21 (Matters Supplementary to regulations 18 to (20).

(of the Education (Northern Ireland) Order 1996)

Key point: See the Glossary for the definition of the key terms used in this Code.

Introduction

7.2 Article 19(1) of the 1996 Order requires the EA to review all Statements periodically. Periodically means a review conducted within a period of 12 months beginning with the date on which the Statement was made, or as the case may be, with the date of the previous periodic review. A periodic review (annual review) is part of the process of continuous assessment of the progress of the child who has a Statement. Where technology and electronic communication is available, and with the agreement of the parent, any Notice or document served under this Section may be transmitted using this medium. In addition, to assist relevant party representations about the annual review of the Statement and the sharing of the annual review report and where appropriate the transition plan (first or subsequent), all concerned should maximise the use of available technology and electronic communication e.g. use of e-mail.

7.3 A relevant party should always be informed of the annual review arrangements. The annual review ensures that once a year the relevant party, the child, the school, the EA and all the professionals involved, consider the progress the pupil has made over the previous 12 months. It is a way of monitoring and evaluating the continued effectiveness and appropriateness of the Statement to ensure it meets the pupil's needs.

7.4 For a child attending school, most of the annual review process is conducted by the school on the behalf of the EA. The annual review involves close co-operation by all concerned in the child's education and progress. Annual reviews should be based on a written report (an annual review report) from the principal of a school which reflects representations from the relevant party and the views of the child concerned. The report should also reflect advice and/or information from anyone in the school who teaches or is otherwise responsible for providing education to the child, or from anyone

else the school considers appropriate. Flexibility exists within the school process which, in certain circumstances, may mean that an annual review meeting will not be required.

7.5 The principal is required to submit the annual review report to the EA on or before the date specified by the EA¹ - see paragraph 7.20. On the receipt of an annual review report, the EA has 4 weeks to make its determination in relation to the Statement i.e. whether or not it requires to be amended or whether to cease it - see paragraph 7.55. If the EA determination is no amendment is needed - see paragraph 7.57. If an amendment to a Statement is needed - see paragraph 7.58 and paragraphs starting 5.32. If the Statement is no longer required and will cease to be maintained - see paragraph 7.59.

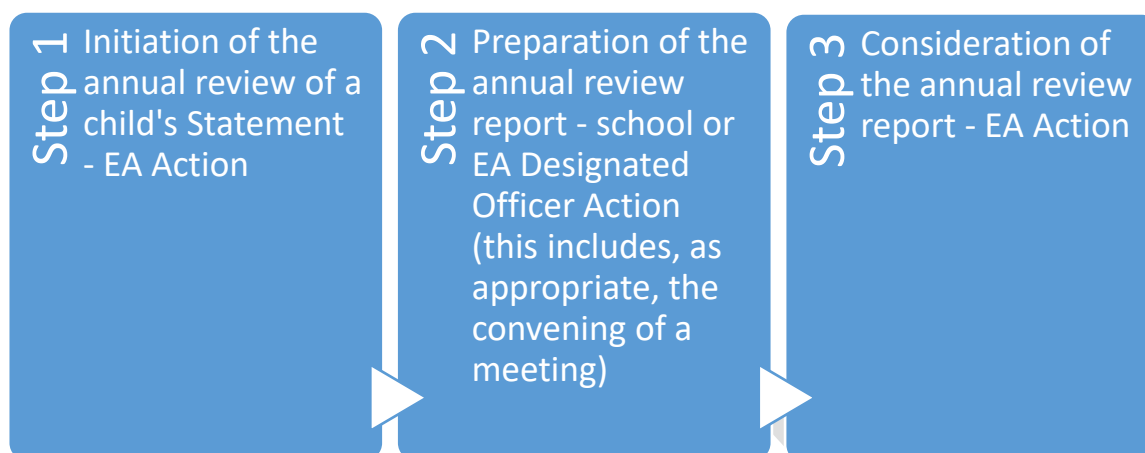
7.6 For the child with a Statement, during the school year the child attains age 14, the annual review should run concurrently with the preparation of the child's first transition plan.² If the child already has a transition plan in place, the annual review will determine whether amendments are needed to that plan. (See Section 8).

7.7 Where an annual review relates to a child who is not a registered pupil at a school or is registered at a school but does not attend a school, an EA Designated Officer is responsible for the preparation of the annual review report (including seeking representations and advice and/or information and convening a meeting. (See paragraphs beginning 7.44). Diagram 7.7 at the end of this Section provides the Annual Review Process Flowchart for a Child Attending School.

¹ Draft regulation 18(6) (Periodic review of a statement under Article 19(1)(b)).

² Draft regulation 18(7) (Periodic review of a statement under Article 19(1)(b)).

Diagram 7.1: Three Steps within the Annual Review Process for a Child Attending School



STEP 1
INITIATION OF THE ANNUAL REVIEW - EA ACTION

Advice and Information for Parents, Young People and Children

7.8 The EA is required to make available clear and easily understood advice and information for parents, young people and children about the annual review process. Such advice and information is required to be made available in a range of formats. (See Section 11).

Where the Relevant Party is a Young Person

7.9 Where the relevant party is a young person, they have the right to appoint a person to provide them with assistance and support so that the young person may fully exercise their rights in the SEN and Inclusion Framework (the SEN Framework). The EA is required to respect any appointment and recognise the assistance and support offered by that person. In addition, where a young person has been determined by the EA to lack capacity, in relation to the exercise of any rights within the SEN Framework, an alternative person or where a child does not wish to have an alternative person, the parent – (hereafter referred in this Section as alternative person or parent), can exercise those rights on behalf of the young person and in that young

person's best interests. (See Section 13).

7.10 The EA is required to:

- issue any required documents regarding a Statement (proposed or completed), and the appropriate Notice directly to the young person or, to the young person's appointed person (if appropriate); or to the alternative person or parent in the event of a child lacking capacity to exercise their rights;
- notify the parent of the young person, in writing, where the young person is not yet age 18, that the appropriate documents regarding a Statement have issued to the young person; and;
- in so doing maximise the use of electronic communication (with consent) in transmitting these documents and Notices (see paragraph 7.2 and Glossary "serve a Notice").

EA Initiation of the Annual Review

7.11 To inform an annual review of a child's Statement, under Article 19, in each school year, the EA is required to request an annual review report from the principal of the school at which the child is registered. (See Diagram 7.1 regarding the required content of the annual review report).

7.12 The EA should ensure sufficient planning time is given to schools to complete an annual review report for each child with a Statement and for submitting the annual review report to the EA. The EA is required to, write to every school by the end of the second week of September each year specifying the dates by which reports (including the proposed first transition plan or as appropriate proposed amendments to the transition plan) are to be submitted to the EA.³ This allows the EA to prioritise and stagger the school completion of the annual review as well as the delivery of the

³ Draft regulation 18(5) (Periodic Review of a Statement under Article 19(1)(b)).

completed reports to the EA. In addition, in writing to schools, the EA should as a matter of good practice, provide:

- a) a list of those children with a Statement attending the school, clearly setting out those pupils for whom an annual review meeting is required to take place; and
- b) a timetable specifying the date(s) within which schools are required to inform the EA whether updated Health and Social Care (HSC) Trust advice and/or information may be warranted owing to a change in a child's circumstances. (See paragraph 7.14).

Advice the EA may Seek for the Purpose of Annual Review

7.13 The EA may obtain advice for the purpose of the annual review, either directly or through the principal of a school (on the behalf of the EA). This advice corresponds to that which the EA is required to seek for the purpose of statutory assessment. (See paragraph 4.60). As such, it may include information from a relevant party and the child concerned, educational and psychological advice and/or information, health and social care advice from a HSC Trust and any other advice and information which the EA considers necessary.⁴

7.14 Under paragraph 7.12, where a school has advised the EA, that a child's circumstances have changed which may warrant updated advice and/or information from, for example, a HSC Trust, the EA may, in order to secure an accurate assessment of the child's SEN, seek to obtain HSC Trust advice for the purpose of the annual review. A HSC Trust is required to provide advice within 6 weeks of the receipt of the request.⁵ Delivery of this advice and/or information may be subject to HSC Trust exceptions. (See paragraphs beginning at paragraph 4.67). The EA is required to put in place suitable arrangements, which are consistently applied across Northern Ireland, to request and obtain HSC Trust advice for the purpose of annual review.

⁴ Draft regulation 18(2) (Periodic Review of a statement under Article 19(1)(b)).

⁵ Draft regulation 18 (3) (Periodic Review of a statement under Article 19(1)(b)).

(See Section 9).

Annual Review Guidance for Schools

7.15 In addition to the practical guidance included in this Section, to ensure consistency, the EA should, as a matter of good practice provide guidelines for schools for conducting the annual review. In particular these guidelines should include guidance about:

- a) EA advice and guidance for parents, young people and children about the annual review process including making written representations and the right of the relevant party to request a meeting. The EA guidance should reinforce that the principal should inform the relevant party of their right to request a meeting, if no meeting is required that particular year⁶;
- b) inviting written representations and seeking advice and information and the proforma to use for this purpose;
- c) informing the EA of any children where updated health advice and information may be required, due to a new or deterioration of an existing medical condition, or a child's educational circumstances have changed **during the year**;
- d) guidance and directions with regard to the preparation of the first transition plan;
- e) the requirements surrounding meetings for the purpose of annual review;
- f) attachments to send with the annual review report, to include representations used to inform the principal's assessment and recommendations made; and
- g) assistance and support arrangements for young people to exercise their rights within the SEN Framework.

⁶ Draft regulation 18(11) (Periodic Review of a Statement under Article 19(1)(b)).

Information Box 7.1: Required Content of the Annual Review Report ⁷

The Annual Review Report is required to include the following:

- the child's progress towards meeting the objectives specified in Part 3 the Statement;
- the child's progress towards attaining any expected outcomes established in furtherance of these objectives, including those set out in the child's personal learning plan (PLP) - see paragraph 3.75;
- any targets to be established in furtherance of the objectives specified in the Statement which the child is expected to meet during the period until the next annual review;
- any modifications to, or exclusions from, the application of the Northern Ireland Curriculum (the curriculum), and where there are substitute provisions, whether these are appropriate to maintain a balanced and broadly based curriculum for the child;
- any recommendations on whether the EA should not amend the Statement, amend or cease to maintain the Statement; and
- where a first transition plan is being developed or a transition plan is in place, any matters which are the appropriate subject of the transition plan (as under Section 8).

STEP 2

ANNUAL REVIEW - SCHOOL OR EA DESIGNATED OFFICER ACTION

7.16 Where the principal has delegated the completion of the annual review report to the school's Learning Support Co-ordinator (LSC), all those involved in the review should be informed. The principal should ensure that the LSC is aware of the need to inform the EA of those children with a Statement where, in the opinion of the school, updated health or social care advice and information is required. In addition, the principal should make the LSC aware of any individual professionals who should be invited to provide advice and/or information, and, if appropriate, to attend an annual review meeting, if so arranged.

7.17 On receipt of the request for an annual review report from the EA, the principal should check the EA list of children with a Statement for any discrepancies. For any child with a Statement not on the list, for example, a child whose Statement is less than 6 months old, if the school has concerns about provision or placement, the school

⁷ Draft regulation 18 (5) (Periodic Review of a Statement under Article 19(1)(b)).

should conduct an annual review.

Updated Advice and/or Information from a HSC Trust

7.18 The principal should inform the EA, of those individual children for whom updated health or social care advice and/or information may be required in light of a change of circumstance. (See paragraph 7.14). The principal should notify the EA by the specified date included in the EA's annual review letter. The EA, using improved electronic interface and protocols with the HSC Trusts, should seek updated advice and/or information from the relevant HSC Trust. The day to day knowledge of the child concerned along with ongoing monitoring, review and evaluation of a child's PLP will help inform the principal's opinion on whether updated health or social care advice is required (the information from the appropriate PLP phase review should be identified in preparation for the annual review process). (See paragraph 3.83). The EA should, as a matter of good practice, provide schools with a standard pro-forma for the purpose of letting the EA know that (in the principal's opinion) health or/and social care advice is required for the annual review of the child's Statement. (See paragraph 7.12(b)(i)).

7.19 In keeping with the very specific co-operation duties set out under Article 12A and Article 14 of the 1996 Order (see Section 9), HSC Trusts are required⁸ to respond to requests for help from the EA. In the context of the annual review of a Statement, this relates to updated written advice and/or information, subject to the exceptions stated in paragraph (4) of Article 14. In keeping with the arrangements for providing advice and/or information for the purpose of statutory assessment, under paragraph 4.88 and under Section 9, the EA and HSC Trust, should, as a matter of good practice, agree protocols for the provision or updated advice, for example, making use of the agreed templates for the purpose of statutory assessment.

⁸ Under Article 14 (Duties of health and social care board and health and social care trusts) of the 1996 Order as amended.

Statutory Timeframe for a Principal to Provide the Annual Review Report to the EA

7.20 The principal of a school is required to provide the annual review report to the EA on or before the date specified by the EA. (See paragraph 7.12).

Key Point: The principal of a school is required to submit the completed annual review report, and where appropriate, a first transition plan or recommended changes to that plan, by a date specified by the EA.

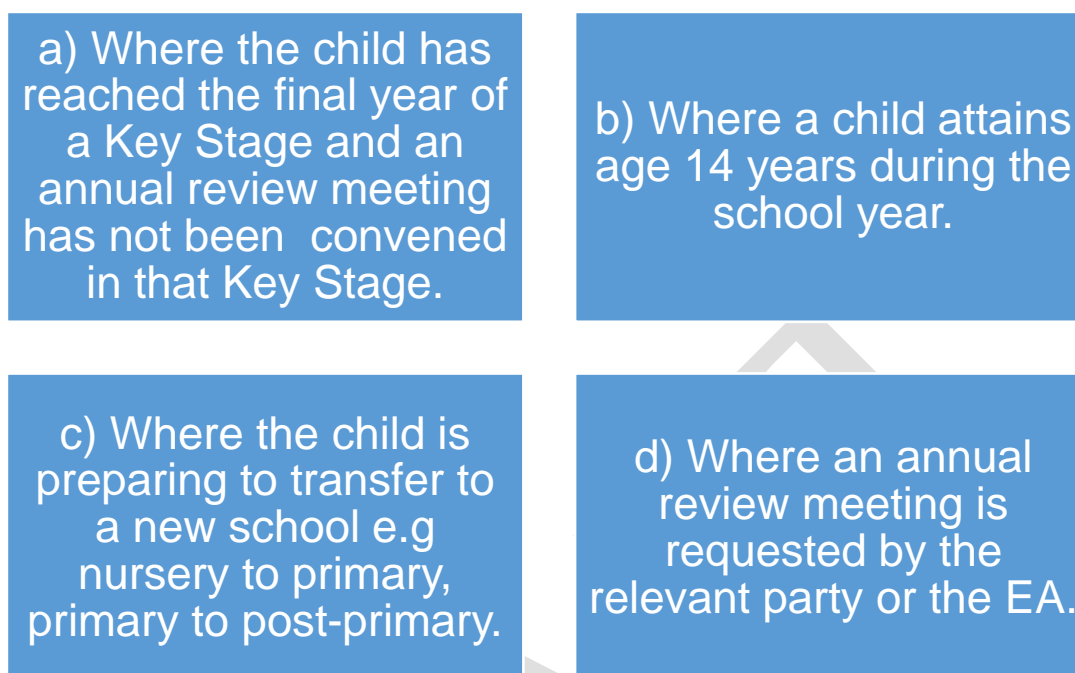
7.21 In initiating the annual review, the EA will have advised the school of those children for which an annual review meeting is required to take place. Before completing the annual review report, the principal **may** convene a review meeting; but is **required to convene an annual review meeting** in the following circumstances:

- a) the child has reached the final year of a Key Stage (i.e. Year 2, Year 4, Year 7, Year 10 and Year 12) and a review meeting has not yet been convened in that Key Stage [Glossary]⁹;
- b) during the school year in which the child attains age 14 years;
- c) the child is preparing to transfer to another school or institution; and
- d) a review meeting has been requested by:
 - i. the relevant party; or
 - ii. the EA.¹⁰

⁹ Section 8 sets out the annual review process for the year of the child's 14th birthday (KS3 Year 10) and KS 4 years 11 and 12 and subsequent years the child continues at school.

¹⁰ Draft regulation 18(10) (Periodic review of a statement under Article 19(1)(b)).

Diagram 7.2: When an Annual Review Meeting is Required to Take Place



Written Representations and Advice and/or Information

7.22 Before completing an annual review report for a child concerned (whether a meeting is required or not), the principal is required to invite written representations and advice and/or information from those as set out in paragraphs 7.23 to 7.31. The principal is required to take those representations and advice and/or information into account before completing the annual review report.¹¹ A record should be kept of the date representations and advice and/or information has been sought and from whom.

7.23 At the time the principal invites representations from a relevant party, the principal is required to inform them of their right to request an annual review meeting to inform the annual review.¹² EA guidelines, under paragraph 7.15, should reflect the arrangements for making a relevant party aware of the right to request an annual meeting and how to do so. Such an approach aims to provide clarity for the relevant party, the child concerned and also for the school staff involved. If a relevant party requests a meeting, the school is required to comply with the request. The relevant

¹¹ Draft regulation 18(8) (Periodic review of a statement under Article 19(1)(b)).

¹² Draft regulation 18(11) (Periodic review of a statement under Article 19(1)(b)).

party should also be made aware that the EA may require the school to convene an annual review meeting.

7.24 The advice and/or information is required to be sought from any relevant member of the school of staff, that is, anyone in the school who teaches or is otherwise responsible for providing education to the child; and anyone else the principal considers appropriate.¹³

Key point: If a relevant party requests an annual review meeting, the school is required to comply with the request.

7.25 The relevant party should be informed that the EA has initiated the annual review of the Statement. Where there is a first transition plan in preparation for the move from youth to adulthood, a transition planning meeting is required to take place concurrently with the annual review.¹⁴ (See paragraph 8.11). The school, in following the process outlined below, should satisfy itself that the completed annual review report under paragraph 7.40 is an accurate assessment of the child's needs. In so doing, the professional judgement of the relevant school staff who work directly with the child concerned on a day to day basis will be key contributors.

Relevant Party and the Views of the Child (who is not over compulsory school age)

7.26 Where any written representations are sought from the relevant party, at the same time, the principal is required to inform the relevant party about Article 13 of General Data Protection Regulations (GDPR) and the requirement of that provision.¹⁵ All concerned should be encouraged to use the opportunity to provide representations in order to get a fully rounded view of the child and their progress throughout the year.

Relevant Member of the Staff of the School

7.27 For those school staff involved in the education of the child, in providing advice

¹³ Draft regulation 18(8) (Periodic review of a statement under Article 19(1)(b)).

¹⁴ Draft regulation 20(7) (Transition Review Meeting leading to the first Transition Plan).

¹⁵ Draft regulation 21(5) (Matters Supplementary to regulations 18 to 21).

and/or information, the child's PLP will be a key evidence base to inform the annual review alongside the usual school arrangements for monitoring the progress of all pupils. For practical and timing purposes schools should, as a matter of good practice, aim to tie in the review of the child's PLP with the annual review process. (See paragraphs beginning at 3.83).

Any Person the Principal considers appropriate

7.28 The EA may tell the principal who should be asked to contribute to the review and, if a meeting is to take place, any person the EA considers appropriate to invite to the meeting.¹⁶ The school, under paragraph 7.16, should have informed the EA, based on their professional judgment, about those children for whom updated health or social care advice and/or information is required. In obtaining updated advice in these circumstances, the EA may advise the principal to invite a representative from a relevant HSC Trust to attend a meeting. The principal may invite such other persons, as considered appropriate, even if not asked to do so by the EA.

7.29 The principal's decision to invite other advice and/or information, (or should an annual review meeting be required, attendance at the meeting), should be informed by the school's day to day knowledge of the child concerned. It is advisable when inviting advice and/or information from other professionals or to request attendance at an annual review meeting, if so required, to indicate the priority attached to their contribution or attendance.

7.30 Schools should explain to the relevant party that professionals will not always be able to provide updated advice and/or information or attend all review meetings and that if, beyond the review meeting, the relevant party wishes to discuss matters of concern in the professionals' reports, they should approach the EA.

7.31 Other appropriate people from whom the principal requests written advice and/or information should also respond, although they are not under a statutory duty to do so.

¹⁶ Draft regulation 18(12)(d)(ii) (Periodic review of a statement under Article 19(1)(b)).

Review Meeting (where required)

7.32 Where it is known that an annual review meeting is required, as set out under paragraph 7.21, for practical purposes, the invitation to a meeting should be included in the invitation for representations.

7.33 The invitation to attend a meeting for the purpose of annual review is required to be extended to:

- a) the young person, or the parent of the child in any other case;
- b) any relevant member of staff of the school;
- c) any person whose attendance the principal considers appropriate; and
- d) on the part of the EA:
 - i. a representative from the EA; and
 - ii. any other person the EA considers appropriate.¹⁷

7.34 In the circumstance of the preparation of a first transition plan during the school year in which a child with a Statement attains age 14 years, the EA will advise the principal, proprietor or the manager (as the case may be) that the school is required to invite a representative of the relevant HSC Trust and a person providing careers services,¹⁸ to attend the meeting.¹⁹ (See paragraph 8.15).

7.35 Where the relevant party invited to a meeting is a young person, but is under the age of 18, the person responsible for convening the meeting, at the same time, is

¹⁷ Draft regulation 18(12) (Periodic review of a statement under Article 19(1)(b)).

¹⁸ Under section 1 of the Employment and Training Act (Northern Ireland) 1950.

¹⁹ Draft regulation 20(4) (Transition Review meeting leading to the first transition plan).

required to inform the young person's parent of the invitation in writing.²⁰ If a young person has appointed a person to assist and support them, the arrangements under paragraph 13.14 apply.

7.36 Where the child concerned is looked after by a HSC Trust, their carer or social worker should be asked to attend the annual review meeting. (See Section 10). In inviting a relevant member of staff of the school, in most circumstances this should be the child's teacher, the LSC, or some other person responsible for the provision of education for the child - the choice of who this is rests with the principal. In some schools, for example small schools, the functions of the principal and relevant teacher may be fulfilled by one person.

7.37 Where any meeting is convened, the person in the school arranging the meeting, normally the LSC, is required to give 2 weeks' notice to each person invited, with the exception for a meeting involving a representative of the HSC Trust who should be afforded at least 6 weeks' notice, unless all parties consent in writing to a shorter period of notice.²¹

7.38 The representations, views and advice and/or information received, together with an account of the meeting, form the basis of the school's annual review report. Where a relevant party does not respond to an invitation to contribute in writing to the review, or to attend a review meeting, this fact should be noted in the report with any reasons given. In keeping with the requirement on the EA to seek and have regard to the views of the child, under Article 5A of the 1996 Order, where possible, pupils should be encouraged to provide their own account of their views, for example about their progress and any difficulties they have encountered.

Where a Meeting Does Not Take Place

7.39 Where a meeting is not required, and one has not been requested by the relevant party, the principal should prepare the annual review report based on the representations and advice and/or information received. Information Box 7.1 sets out

²⁰ Draft regulation 21(1) (Matters supplementary to regulations 18 to 20).

²¹ Draft regulation 21(2) (Matters supplementary to regulation 18 to 20).

the required content of the annual review report.

Where a Meeting Takes Place

7.40 Where a review meeting takes place, in addition to the required content of the report contained in Information Box 7.1, the annual review report is required to contain the following additional matters:

- a) All agreed matters and steps which the meeting attendees conclude ought to be taken in respect of the child.
- b) Where the meeting attendees cannot agree the recommendation, as to whether the EA should not amend the Statement, amend or cease to maintain a Statement, the differing recommendations of each attendee.
- c) Where a first transition plan is being prepared, any recommended content of that plan.
- d) Where a transition plan is in place, any recommended changes to that plan suggested by the meeting attendees.²²

Completion of the Annual Review Report

7.41 Following consideration of representations and advice and/or information received, or, as the case may be, following a meeting, the principal, is required to prepare the annual review report including all the required content as outlined in Information Box 7.1 above. The annual review report is required to be submitted to the EA on or before the specified date (see paragraph 7.20) for the EA's onward action in determining the outcome from the annual review and completion of the first transition plan. (See STEP 3, paragraph 7.55).

²² Draft regulation 18(13) (Periodic review of a statement under Article 19(1)(b)).

7.42 The annual review report and, if appropriate, the pupil's first or subsequent transition plan (once it is completed) is required to be shared with the relevant party, by the person(s) who completed them,²³ normally the school's LSC with regard to the annual review report. The school is required to share the annual review report with the relevant party at the same time it is shared with the EA.²⁴

7.43 Where the relevant party is a young person under age 18 and has been provided with the annual review report and a transition plan, the person who completed the annual review report, at the same time, is required to inform the parent of this fact in writing.²⁵

Annual Review of a Statement of a Child Who is Not Registered at a School or is Registered but Does Not Attend a School ²⁶

7.44 Where a child, the subject of the annual review, is not registered at or is registered but does not attend a school,²⁷ an EA Designated Officer is required to prepare the annual review report and, as appropriate, a first and any subsequent plan for the transition from youth to adulthood, as contained in Information Box 7.1. The annual review report is required to be completed within 8 weeks from the commencement of the review.²⁸

²³ Draft regulation 21(3) (Matters Supplementary to regulations 20 and 22).

²⁴ Draft regulation 21(3) (Matters Supplementary to regulations 20 and 22).

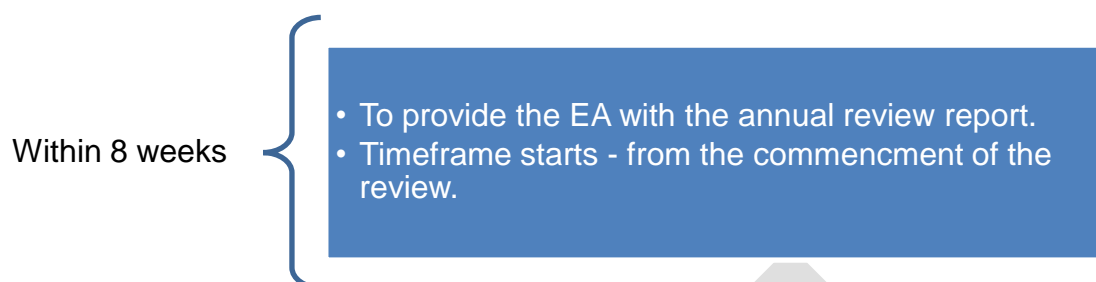
²⁵ Draft regulation 21(4) (Matters Supplementary to regulations 18 and 20).

²⁶ Draft regulation 19 (Periodic Review of a statement under Article 19(1)(b) where a child does not attend a school).

²⁷ Draft regulation 19(1) (Periodic Review of a statement under Article 19(1)(b) where a child does not attend a school).

²⁸ Draft regulation 19(2) (Periodic Review of a statement under Article 19(1)(b) where a child does not attend a school).

Diagram 7.3: Statutory Timeframe for EA Designated Officer to Provide the Annual Review Report to the EA



7.45 Where these circumstances apply, the school at which the child is registered but does not attend, is not required to take the actions regarding inviting representations or advice and/or information, convening a meeting and completing the annual review report. (See paragraphs beginning 7.21). It is the EA Designated Officer's responsibility to invite representations; convene the annual review meeting; and invite the relevant people to that meeting, as set out in the following paragraphs.²⁹ In these circumstances a meeting is required to be held every year.

Key point: An EA Designated Officer is required to complete the annual review report for a child who is not a registered pupil at a school or is a registered pupil at a school but does not attend a school.

Written Representations and Advice and/or Information

7.46 Before completing the annual review report the EA Designated Officer is required to invite written representations from:

- a) The relevant party; and on the part of the EA:
 - i. a representative from the EA; and
 - ii. any person the EA considers appropriate.

²⁹ Draft regulation 19(3) (Periodic Review of a statement under Article 19(1)(b) where a child does not attend a school).

- b) The manager of an Article 10(1) institution, other than an independent school, at which the child is receiving special educational provision.³⁰ An Article 10(1) institution means an institution outside Northern Ireland or in Northern Ireland otherwise than in a grant aided school.

7.47 Where any written representations are sought from the relevant party, at the same time, the EA Designated Officer is required to inform the relevant party about Article 13 of GDPR and the requirement of that provision.³¹ In keeping with partnership and the views of the child, all concerned should be encouraged to use the opportunity to provide representations in order to get a fully rounded view of the child and their progress throughout the year.

Review Meeting

7.48 The EA Designated Officer is required to convene an annual review meeting and invite the following people to the meeting:

- a) the relevant party; and
- b) on the part of the EA:
 - i. a representative from the EA; and
 - ii. any person the EA considers appropriate.³² This may include the manager of the Article 10(1) institution who provided written representations.

³⁰ Draft regulation 19(4)(b) (Periodic review of a statement under Article 19(1)(b) where a child does not attend a school).

³¹ Draft regulation 21(5) (Matters Supplementary to regulations 18 to 21).

³² Draft regulation 19(4) (Periodic review of a statement under Article 19(1)(b) where a child does not attend a school).

7.49 In addition, in the circumstance of the preparation of a first Transition Plan in respect of a child who has attained age 14 years, the EA Designated Officer should invite to attend the meeting:

- a) a representative of the relevant HSC Trust; and
- b) a person providing careers services.^{33 34}

7.50 In the case of a young person not yet age 18 being invited to the annual review meeting, the EA Designated Officer is required to, at the same time as inviting the young person, inform the young person's parent in writing of the invitation. The EA Designated Officer is required to give each person invited 2 weeks' notice, with the exception of a representative from HSC Trust who should be afforded at least 6 weeks' notice, unless all parties consent in writing to a shorter period of notice.³⁵

7.51 As well as the required content of the report, included in Information Box 7.1, the EA Designated Officer, should also include additional matters as set out in paragraph 7.40.³⁶

7.52 On completion of the annual review report, at the same time as the annual review report is shared with the EA, the EA Designated Officer is required to share it with the relevant party.³⁷ Where a young person who is not yet age 18 has been provided with an annual review report, the EA Designated Officer is required to inform the young person's parent of that fact in writing.³⁸ Where a first transition plan has been completed by the EA or a transition plan is in place, the person who prepared the plan, is required to share it once any amendments are included.

³³ Under section 1 of the Employment and Training Act (Northern Ireland) 1950.

³⁴ Draft regulation 20(3) (Transition Review meeting leading to the first transition plan).

³⁵ Draft regulation 21(2) (Matters supplementary to regulation 18 to 20 of the draft SEN Regulations).

³⁶ Draft regulation 19(5) (Periodic review of a statement under Article 19(1)(b) where a child does not attend a school).

³⁷ Draft regulation 21(3) (Matters supplementary to regulations 18 to 21).

³⁸ Draft regulation 21(4) (Matters supplementary to regulations 18 to 21).

Special Educational Provision Being Made for a Child in an Institution Outside Northern Ireland or in Northern Ireland Other Than in a Grant-aided School

7.53 Where the special educational provision is being made for a child in an institution outside Northern Ireland or in Northern Ireland other than in grant-aided school, (education other than at school (EOTAS)), the range of professionals involved may be wider and in some respects different from those involved in a school-based review. The review meeting might take place in the EA's offices or at hospital or at an EOTAS premises and should be chaired by the EA Designated Officer or the teacher in charge of EOTAS. The young person concerned, and, if appropriate the person appointed by the young person to provide assistance and support, or the parent of the child (in any other case) should be invited to attend. Most children who are educated in EOTAS remain on the register of their mainstream school and therefore relevant school staff should also be invited. When a child is educated other than at school because of major difficulties relating to health or a disability, the representations of the relevant HSC Trust professional will be particularly important.

Elective Home Education

7.54 A child's parent may choose to educate their child at home (elective home education). While a Statement is in place it remains the responsibility of the EA to review the Statement annually. The EA Designated Officer remains responsible for preparing the annual review report seeking representations from the young person or the parent of the child (in any other case) and the child concerned. Similarly the EA Designated Officer remains responsible for completion of a first and subsequent transition plan.

STEP 3

CONSIDERATION OF THE ANNUAL REVIEW REPORT – EA ACTION

7.55 On receipt of the completed annual review report, whether submitted from the child's school or from the EA Designated Officer, the EA is required to consider the content of the annual review report including any recommendations made along with

any updated health and social advice and/or information provided by a HSC Trust to the EA, where such advice has been sought. In making a decision, the EA will apply the same criteria, as under paragraphs beginning 4.98, in making its decision on the outcome of the annual review. The EA is required to determine whether:

- a) the Statement remains appropriate to the child's special educational needs and does not require to be amended; or
- b) the Statement requires amendment; or
- c) the EA should cease to maintain the Statement; and
- d) where a first transition plan has been prepared or a transition plan exists (as under Section 8), whether amendments to the plan are appropriate.³⁹

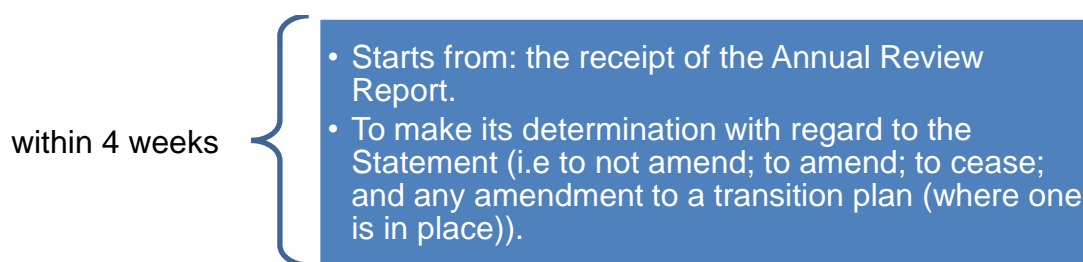
Statutory Timeframe for the EA to Make its Determination With Regard to the Statement

7.56 The EA is required to make its determination, within 4 weeks of receipt of the annual review report.⁴⁰ The EA should ensure appropriate arrangements are in place to accurately record the date of receipt of annual review reports for each child with a Statement. Where the EA has requested updated HSC Trust advice and/or information, and it has not been practicable for the Trust to meet the 6 week timeframe, for the reasons set out in paragraph 4.67, the EA may agree to a further extension to the 6 week timeframe of up to another 6 weeks.

³⁹ Draft regulation 18(4) (Periodic review of a statement under Article 19(1)(b)).

⁴⁰ Draft regulation 18(7) (Periodic review of a statement under Article 19(1)).

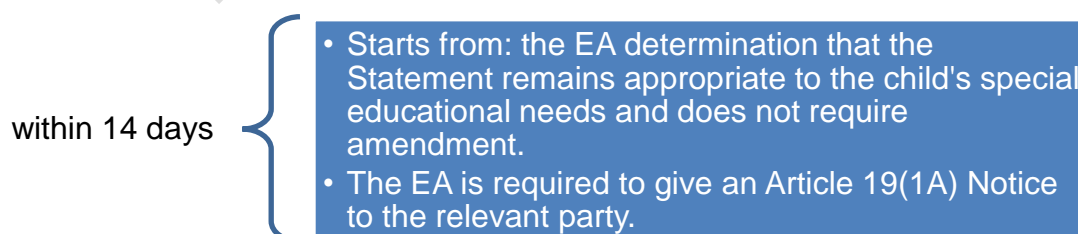
Diagram 7.4: Statutory Timeframe for the EA to Make its Determination With Regard to the Statement



Outcome: the Statement Remains Appropriate - no amendment

7.57 Where having examined the annual review report and, as appropriate, updated HSC Trust advice and/or information, the EA concludes that the existing Statement remains appropriate and does not require amendment it, the EA is required to issue **an Article 19(1A) Notice** (Notice of decision not to amend a Statement following annual review). This Notice is required to be issued to the relevant party within 14 days following making that decision.⁴¹ See paragraph 7.2 and Glossary “serve a Notice” with regard to use of available electronic communications to transmit Notices. The required content of the Notice is contained in Information Box: 7.2 below. The relevant party has a right to appeal the EA’s decision not to amend the Statement, subject to the requirement surrounding mediation (see Section 12) and the Notice informs the relevant party of that fact.

Diagram 7.5: Statutory Timeframe for the Issue of an Article 19(1) Notice (EA decision following annual review)



⁴¹ Draft regulation 14(11) (Time limits and prescribed information relating to assessment).

Information Box 7.2: Required Content of an Article 19(1A) Notice

An Article 19(1A) Notice is required to include the following:

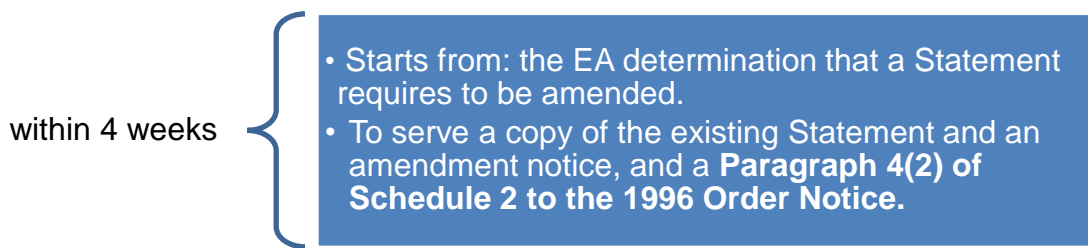
- the decision not to amend a Statement and the reasons for making that decision;
- the right to receive, on request, a copy of the advice given to the EA on which the decision was based;
- the right of the relevant party to appeal to SENDIST and how an appeal is made;
- mediation arrangements (if the relevant party intends to appeal an EA decision) including the associated time limits;
- where a relevant party intends to appeal to SENDIST, they can only appeal if a mediation adviser has issued them with a certificate under Article 21C;
- the availability, from the EA, of advice and information under Article 21A;
- the arrangements under Article 21B with the view to avoiding or resolving disagreements between: (i) the EA and the Board of Governors or grant-aided schools (on one hand) and the relevant party (on the other) about the their functions under the 1996 Order; and (ii) Board of Governors or proprietor (as the case may be) of a relevant school (on the one hand) and the relevant party (on the other hand).

Outcome: the Statement Requires Amendment

7.58 Where, following an annual review, the EA proposes to amend a Statement, whether a change to a child's needs, the name of the school or for any other reason, within 4 weeks of that determination the EA is required to serve a copy of the existing Statement and an amendment notice, and a **Paragraph 4(2) of Schedule 2 to the 1996 Order Notice**.⁴² In so doing, the EA is required to follow the procedure under paragraphs beginning 5.32 through to the serving of a copy of the completed amended Statement at paragraphs beginning 5.45. See paragraph 7.2 and Glossary "serve a Notice", with regard to use of available electronic communications to transmit Notices.

⁴² Draft regulation 14(13) (Time limits and prescribed Information relating to assessment).

Diagram 7.6: Statutory Timeframe for the Issue of Existing Statement and an Amendment Notice



Outcome: - to Cease to Maintain the Statement

7.59 If the EA concludes, in light of the annual review report submitted by the school and any other relevant information, to cease to maintain a Statement, the EA is required to issue a **Paragraph 13(2) of Schedule 2 to the 1996 Order Notice**. See paragraph 7.2 and Glossary “serve a Notice”, with regard to use of available electronic communications to transmit Notices. See paragraphs beginning 5.79 regarding the required action and the associate timeframes in the event of an EA decision to cease to maintain a Statement.

Diagram 7.7: ANNUAL REVIEW PROCESS FLOWCHART FOR A CHILD ATTENDING SCHOOL

STEP 1

EA ACTION IN INITIATING ANNUAL REVIEW

Procedural - By the second **week** of September each year, **EA** issue Annual Review letter to school specifying date for:
 > informing the EA of the names of those children where updated health advice is warranted (see para. 7.14); and
 > submitting the school's Annual Review Report (see para. 7.18) (reg.18(6))

Advice and Information
EA to request updated advice/information from relevant HSC Trust (if school suggest that updated advice is warranted).
 > **Statutory timeframe** for HSC Trust to provide advice/information = **6 weeks** (see para. 4.67) (reg. 10(4)(a))
 > If exceptions apply (see para. 4.67) (reg.15(10))

STEP 2

SCHOOL ACTION IN PREPARING ANNUAL REVIEW REPORT

School to:
 a) advise the EA by a specified date, those pupils for whom updated health and/or social care advice/information may be warranted (see para. 7.18);
 b) identify pupils (who have had a Statement for less than 6 months) where there is concern about provision or placement;
 c) inform relevant party of right to request a meeting;
 d) identify those pupils for whom a meeting is required (paragraph 7.21) e.g. final year of Key Stage (KS) (if no meeting already held in that KS);
 e) transiting planning meeting held concurrently with AR meeting/prepare first transition plan
 > **Statutory Timeframe** for school to provide the AR report to EA is the date on or before the date specified by the EA (para. 7.5 and 7.20) (reg.18(6))

Invite representations and advice and/or information to be sought from relevant party and from relevant school staff (see paras. 7.22 to 7.31) (reg. 18(8))

Arrange Annual Review Meeting (if appropriate) (see paras. 7.32 to 7.39) (reg.18(10))
 Provide parties with **2 weeks'** notice of meeting, apart from a HSC Trust, who are to be given at least **6 weeks'** notice (see para. 7.37 and 7.50) (reg 21(2))
 Additional matters (see para. 7.39) (reg.18(13))

Complete Annual Review Report:
 To include the content as specified in Information Box 7.1 (see para. 7.40) (reg. 18 (5)) and any agreed matters from AR meeting if one took place

STEP 3

EA DETERMINING OUTCOME OF ANNUAL REVIEW

EA Statutory Timeframe to make it determination (see paragraph 7.54)
 > **within 4 weeks** of receipt of the Annual Review Report from a school to consider the Report (reg 18(7)) and any updated HSC Trust advice

Serve a Paragraph 4(2) of Schedule 2 to the 1996 Order Notice along with an amendment Notice (see para.5.7) (reg. 14(10))
Decision to amend the Statement

Give an Article 19 (1A) Notice within 14 days of the determination (reg. 14(11))
Decision not to amend the Statement

Serve a Paragraph 13(2) of Schedule 2 to the 1996 Order Notice – (see para.5.83)(reg. 14(16))
Decision to cease to maintain the Statement