



# Understanding annual reviews

A practical guide to parents' legal rights



# What does it mean?

This page fills you in on some of the most common legal words and jargon used in education.

In this guide we use:

- **'must'** where the law says this has to happen
- **'should'** when the government expects something to happen, for example in codes of practice.

The booklet covers children with statements of special educational needs aged between two and 19 in England and Wales.

Children with **learning difficulties** either:

- find it significantly harder to learn than most other children of the same age or
- have a disability which makes it harder for them to use the same educational facilities (buildings, equipment etc.) as other children in their area.

Children with learning difficulties generally need extra help at school and so are said to have **special educational needs** (often shortened to SEN). The **Special Educational Needs Co-ordinator (SENCO)** is the teacher at the school who organises extra help for children with learning difficulties.

A **statement** is a legal document drawn up by a local education authority (LEA) which sets out a child's special educational needs and all the help needed to deal with their difficulties.

An **annual review** is a check on whether the statement is still right for the child. It takes place at least every 12 months but for children under five, the LEA may review it at least every six months. A transition review looks ahead to post 16 choices for pupils in Year 9.

**Interim reviews** are held outside the normal 12 month period and are called for various reasons eg:

- your child is at serious risk of disaffection or exclusion
- the LEA has to meet the February 15 deadline for naming a new middle or secondary school
- your child's needs have changed suddenly.

## Review timetable

At least two weeks before a school term, the LEA informs the headteacher in writing about which pupils' statements must be reviewed that term.

The Head asks for advice from parents and professionals and invites them to a meeting. The Head sends copies of the advice to parents and any professionals attending the review meeting at least two weeks beforehand.

The Head asks for written comments on the advice.

The meeting takes place.

The Head reports to the LEA within two months of receiving their letter.

The LEA decides whether to take any action. They must inform parents within one week of deciding to make any changes.

# My child's statement is being reviewed

All parents want the best for their children. They hope they will be happy and get on well in school. If your child has a statement of special educational needs at least once a year you will be asked to take part in a review of the statement. This is your chance to check how well your child is doing and whether the help is working.

## Step 1: the school asks for my views

The headteacher, or sometimes the school's special educational needs co-ordinator (SENCO), starts off the review process by asking you to write your advice about your child's progress. They will also ask for advice from anyone else they and the local education authority (LEA) think may help. If you know of anyone eg someone from a disability organisation, supplementary school teacher, hospital consultant or counsellor whose advice would be helpful, but who the school or LEA may not contact, ask the school to ask them for advice and perhaps invite them to the meeting (see Step 5).

You should be asked about your child's progress:

- towards the aims in the statement
- towards any short term targets
- in the National Curriculum
- in their behaviour and attitude to learning

You should also be asked if you think your child's statement:

- describes their needs correctly
- provides the right kind of help
- is still needed to provide their extra help

## Step 2: plan your advice

Begin with two sheets of paper. One is for a list of all the points you want to make in your written advice. The second is to list questions which you can ask at the review meeting.

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Your written advice can be just a list of points or you could add evidence for your views such as examples of your child's behaviour at home, letters from other professionals such as a doctor, or details from reviews of your child's Individual Education Plans (IEPs) (*see below*).

### **Step 3: check the aims for your child**

Begin with your child's statement. Find Part 3 which should begin with the objectives – or aims – of the statement. Answer the following questions:

- do the aims still seem right for my child?
- is my child making progress towards the aims?

*Make a note if you think the aims should change.*

### **Check short-term targets**

Now check whether your child has met the targets on the Individual Education Plans. Were the targets too easy or too hard? Are they the right targets? Do they focus on the right area of learning?

Make a note of:

- areas of concern
- improvements noticed by your child and yourself
- any difficulties your child has had
- any action taken by the school
- what worked and didn't work
- whether help at home was a reason for progress.

*Make a note of any new targets you think would help.*

#### **The individual education plan (IEP)**

IEPs should include:

three or four short-term targets that match your child's needs  
the ways of teaching (strategies) to be used  
the help to be put in place  
when the help is to be reviewed  
how the school will decide if the help has been successful.

#### **Targets**

The targets in an IEP will be set by or for your child and should be in small steps. Targets can be written like this: "by the end of the term John will be able to..."

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#### **Step 4: check your child's National Curriculum progress**

Before the review meeting the school must tell you about your child's progress in the National Curriculum and in any other subjects which your child studies instead of the National Curriculum. They may provide information about your child's progress in basic reading, number and life skills and how they are doing in other areas of the curriculum. This may depend on their age and what level they are working at.

For some children with severe learning difficulties the school may have checked their progress by using the P scales. These measure very small steps of progress.

Ask for any information you feel you need to make a proper judgement about your child's progress. You have a right to a copy of your child's school record which includes their school reports and other information such as copies of their IEPs. Write to the headteacher for this but remember it can take up to three weeks for the school give it to you.

If your child has been tested or assessed recently by their teacher, ask how their results compare with others of the same age group. How do they compare with earlier tests they may have taken? Ask the SENCO or headteacher for this information before you write your advice if possible.

*Make a note of any problems with your child's progress.*

#### **Step 5: check your child's behaviour and attitude**

It's important to talk to your child about what they feel about school. What do they like best at school? What is the worst thing about school?

Is your child happy about the way the help is given?

Has your child's behaviour changed at home or school? Is their behaviour at home different from school? Give examples.

*List the help that works best and make a note of any problems affecting your child's behaviour and their feelings about school. Give examples where possible.*

You should now have a list of points about your child's needs and progress.

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## Step 6: check the statement

Check the points in your list with the statement. Does Part 2 describe your child's needs correctly?

*Make a list of any difficulties which you think are missing or not described in the right way.*

Now look at Part 3 of the statement. Does it provide the right kind of help? Is there enough help or is something missing?

*Make a list of any changes or extra help you think your child needs.*

Now ask if your child's progress is so good that your child has met all the aims that the statement in Part 3. Could your child manage with the sort of help provided by the school to children without statements? If you think this may be suggested, make sure you know what help this will be.

*Add any questions to your list to ask at the review meeting.*

Part 4 names the school your child goes to. The annual review is a good time to plan a move to another school. You have a right to ask for a change to the same type of school and (if the application meets certain conditions) the LEA must agree as long as you asked more than 12 months:

- after a similar request
- after receiving the final copy of the statement
- after an amendment to the statement
- after the end of an appeal to the Tribunal about the help in the statement (whichever is the latest of these).

Normal transfers between primary/middle and secondary schools should be discussed the previous year so that the statement can be changed by February 15 of the year of transfer. The SENCO of the school where you plan to send your child may attend the review meeting. If you have any questions about school transfer and your child's support in a new school, add these to your list now.

## Step 7: send your advice

Now gather up your points and send them to the school. The following letter gives you a model to work from. Choose from the points in brackets and add any examples or other evidence you think will explain the reasons for your views.

Dear Headteacher/SENCO (*give name*)

You asked for my advice for the review of my child's statement. I have listed my views about all the points you asked me about.

I think the objectives of the statement are... (*still the right ones/should be changed / have been met*).

My child's progress towards the objectives is... (*very good/ patchy/slow/no progress or going backwards*).

My child's short-term targets ... (*have been met/have been met in part/ have not been met*). I would like new targets on... (*give any examples of where you think targets would help*).

I feel my child is making (*good/slow/poor*) progress in the National Curriculum subjects. I am (*happy/worried/unsure*) about modifications and disapplications of certain National Curriculum subjects.

I feel my child's progress in behaviour and attitude to learning is (*good/sometimes difficult/a problem*). (*You could give examples.*)

I think Part 2 of the statement should be amended to take into account the following needs of my child... (*Give details of any changes or additions you would like.*)

I think Part 3 of the statement should be amended to give my child the following help... (*List the help you think your child should receive.*)

I think my child continues to need a statement to make sure they get the help they need (*or if the LEA want to end the statement:*) I have some questions about the help they will get if the statement ends.

I would also like to discuss the following points... (*Add anything else about your child's progress.*)

Please send me details of the review meeting, a list of those attending and a copy of the agenda. I can attend a meeting at the follow times... (*List times and dates when you can attend.*)

I should like to bring a friend/relative or independent parental supporter. I would like my child to come to the meeting. (*You could ask them to attend just part of the meeting if you wish.*)

Yours sincerely

Parent

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## Step 8: preparing for a meeting

Putting together your written advice and questions will have helped prepare you for the meeting. Make a single list from your points and questions and put them in order of importance.

### Getting the evidence together

At least two weeks before the meeting the headteacher must send you copies of the written advice from anyone else who has written their views. Check through these. Is there anything you want to say about them?

*You can send your views about the written advice to the headteacher or bring them to the meeting.*

Are there gaps in what you know about your child's progress? You could ask the headteacher to provide further information or list some questions for the meeting. Any information provided for the review should be translated if necessary to make sure you, and anyone helping you, can take a full part if you have English as an additional language.

Think if there is any evidence you need to take to back up your views. For example, your child's work showing their progress or lack of it over a period of time, notes made after an IEP review meeting or a diary of when your child has been upset or happy.

### Preparing those attending with you

If your child will attend the meeting talk to them about what they want to say. If you have checked points with them when you wrote your advice you should have a good idea of what their views are. Find out what help has worked best. You can then try to build on success. Sometimes it can be difficult for children to say critical things in front of teachers so you might feel it better for you to put some of their views when they are not at the meeting. They could come in when new targets are being talked about. The SEN Code says pupils should be allowed a friend or an ally with them at meetings if they want this. They may well be happy with you helping them to put their views, but they may also like to have their learning mentor, buddy or other person there. If this is your child's transition review it is very important they are given the chance to give their views at the meeting.

If you are taking a friend, relative or independent parental supporter (IPS) to the meeting, discuss with them what they will do. Will they speak at the meeting or just take notes, for example? If they are to speak on your behalf, they will need to know about the points you want to make. Meet with them beforehand to get things clear.

## Step 9: at the meeting

Often the meeting will only involve you and teachers from the school. By law the headteacher must invite:

- you (or, for children in care, their social worker or foster parent)
- a relevant teacher – this could be the SENCO or class or form teacher
- someone from the LEA which looks after the statement
- anyone the LEA thinks should attend
- anyone the head thinks should attend.

Professionals often do not attend routine annual review meetings but will attend if there is a particular issue or problem.

There should be an interpreter if English is an additional language for your family or if someone helping you needs this. Interpreters to support children and families with communication difficulties should also be provided. It may help to ask for this type of help in advance.

Go through your list of points and questions with the school. Tick them off as they are dealt with. Begin with points which you think will be easily agreed. If you do not reach agreement on some points, it may be worth coming back to them at the end.

Make a note of anything decided. The review meeting should provide the school with a clear set of targets to work towards with your child in the coming year.

### Transition planning

The transition review is held when your child is in Year 9. The review looks ahead to when your child reaches 16+. In England a Connexions personal adviser will attend the review meeting. They may have already done some planning with your child. In Wales an adviser from Careers Wales may attend.

Options to consider with your child are:

- staying on at school
- moving to a college, including a specialised college for young disabled people
- moving into work-based training
- starting work.

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## Step 10: the report

The headteacher must make a report to the LEA. This may recommend changes. The report must say if the views of anyone at the meeting were not the same as the Head's views. The SEN Code says changes to the statement are likely to be recommended if:

- important new evidence has come out and this is not on the statement
- major difficulties described in the statement are no longer present
- different help is needed to meet your child's changing needs and new targets
- your child should change school.

You will receive a copy of the recommendations the headteacher makes to the LEA. The headteacher should tell the LEA if there were different views at the meeting. If you disagree with the recommendations or you want to add further information or views, you could write to the LEA giving full reasons for your views. You could also ask for an interim review to check the help being given if you are unsure about it. (See page 2.)

## Step 11: the LEA decides

The LEA will decide whether to make any changes to the statement after reading the head's report. The LEA can decide to:

- amend (change) the statement
- leave the statement unchanged
- cease to maintain (end) a statement.

If the LEA decides to change the statement they must send you a copy of that decision within one week of the end of the review.

You have the right of appeal if the LEA amends the statement and you disagree with any part of it (not only the amendments), or if the LEA decides to cease to maintain the statement. You cannot appeal if the LEA decides to make no changes. In that situation you may need to ask for a reassessment of your child's needs if you think your child's needs have changed. It might also be worth getting legal advice to see if the LEA's lack of action could be challenged in the courts if, for example everyone at the review meeting thought a change was needed.

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If the LEA decides to change the statement it must tell you of your right to put your point of view to the LEA officer either in writing or at a meeting. The LEA must explain the reasons for the planned change and make sure you have copies of any evidence that led to their decision. They must also send you a copy of your child's existing statement with the planned changes attached. This is called the Notice to Parents. A final statement must be issued within eight weeks or the Notice lapses.

You must be told of your right of appeal to the SEN and Disability Tribunal and that you have a right to say which state school you would like your child to go to. If the LEA wants to change the school named in Part 4 of the statement you can also make representations – that is put your case – for your child to go to an independent school or non-maintained special school. This is a complicated area so you should get advice if you are unsure about which school you would like your child to go to or your rights.

## **Step 12: the LEA plans to end the statement**

If the LEA decides to cease to maintain the statement it must inform you of this. The LEA must be sure that the school can make any help your child needs without all the professional advice, extra help and checks that a statement brings. They must provide you with a letter telling you that they are planning to end the statement, giving their reasons and providing copies of evidence that led to their decision.

The LEA may end the statement if:

- the objectives (aims) of the statement have been met
- your child's needs can be met by the school
- your child can access the National Curriculum
- your child no longer needs daily adult help or major changes to teaching materials to learn
- your child can cope with everyday social situations
- the school can adequately help your child with self help difficulties.

If you think that the LEA cannot show any of these then you can appeal against the decision to end the statement. If you appeal the LEA must continue with the statement until the appeal has been decided.

## Further help

### **From ACE**

Early Years Extra Help

Getting Extra Help

Asking for a Statutory Assessment

Reviewing a Statement

Disability Discrimination

Children with SEN: sources of help

ACE Special Education Handbook (guide to the law on assessment, statements and appeals)

**ACE advice line:** 0808 8005793

ACE advice booklets and information sheets can be downloaded from:

[www.ace-ed.org.uk](http://www.ace-ed.org.uk) or ordered from the address at the bottom of this page.

ACE is a charity and relies on donations and grants to provide free telephone advice. If our advice has helped, please consider making a donation via our website or to the address below.

### **From your Local Education Authority**

All LEAs have a Parent Partnership Service (PPS) which must do its best to provide parents of children with SEN with an Independent Parental Supporter if they want one.

Ask your LEA how to contact the PPS.

### **From the Department for Education and Skills**

Special Educational Needs – a guide for parents and carers

SEN Code of Practice

Free from 0845 602 2260 [www.dfes.gov.uk/sen](http://www.dfes.gov.uk/sen)

### **From the National Assembly for Wales**

SEN Code of Practice

Free from 029 2082 6078

### **From the SEN and Disability Tribunal**

SEN: How to appeal

SEN helpline: 0870 241 2555

SEN helpline (Wales): 0159 782 9800 [www.sendist.gov.uk](http://www.sendist.gov.uk)

### **Other useful websites and advice lines**

Independent Panel of Special Education Advice (IPSEA):

0800 018 4016 [www.ipsea.org.uk](http://www.ipsea.org.uk)

Contact a Family:



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