

Phase Transfer Annual Review of an EHC Plan

When children and young people move between phases of education parents, carers or young people often have to think about what school or college should be named in their education, health and care (EHC) plan. There must always be an annual review of the EHC plan before a transfer to a new phase of education.

What is a new phase of education?

This is defined in regulation 2 of The Special Educational Needs and Disability Regulations 2014 (the SEND Regulations 2014) as a transfer from:

- early years education to school
- infant school to junior school
- primary school to middle school
- primary school to secondary school
- middle school to secondary school, or
- secondary school to a post-16 institution.

Very often this process is called a “phase transfer” and we will use that expression here.

Time frames for a Phase Transfer Review

SEND Reg 18 sets out when the ‘transfer’ reviews need to take place:

- In the case of a transfer from school to a post-16 institution an EHC plan must have been reviewed and amended, where necessary, by 31 March in the year the transfer is taking place.
- For all other transfers, the plan must have been reviewed and amended by 15 February in the year of the child or young person’s transfer.
- Where it is proposed that a young person transfers from one post-16 institution to another post-16 institution at any other time, the local authority must review and amend, where necessary, the young person's EHC plan at least five months before that transfer takes place so that it names the post-16 institution that the young person will attend following the transfer.

The SEND Reg’s require the EHC plan to be reviewed and amended by the above dates.

Why are these deadlines set at these dates?

The reason for these deadlines is so that parents or young people have time to exercise their right of appeal about the school or other setting named in advance of the next academic year. Delays in conducting the transfer review can lead to children being left without a placement when the next academic year begins. Conducting these reviews relatively early in the final year of one phase also helps with any transition planning for the next phase, to ensure the right support is in place and give children or young people who are anxious about change and new environments plenty of time to prepare.

Useful documents

A timetable for the annual review process from the Council for Disabled Children (CDC) can be found [here](#).

An annual review checklist from the Independent Provider of Special Education Advice (IPSEA) can be found [here](#).

A leaflet outlining how to share a child or young person's views for their annual review from the CDC can be found [here](#).

If you feel that the Local Authority (LA) has or will breach the deadline for reviewing and amending the EHC Plan ahead of the phase transfer, then IPSEA have a model letter that you can use to work from. This can be found [here](#).

