Covid19 Update for SEND Policy

Thurrock Local Authority Update  April 2020

Coronavirus (COVID-19) – special education needs

We have updated our advice on education, health and care (EHC) needs assessments during the coronavirus (COVID-19) outbreak.

We are continuing our legal duty to provide education, health and care (EHC) needs assessments, when requested or needed.

By law, the process should take up to 20 weeks but this can change in exceptional circumstances, such as the current coronavirus (COVID-19) outbreak.

Current government rules on school closures, staying at home and staying away from others (‘social distancing’) make it very difficult to assess the full needs of each child or young person.

As a result, they have updated their assessment advice for parents, carers and schools as follows:

<table>
<thead>
<tr>
<th>Stage of assessment</th>
<th>What will happen now</th>
</tr>
</thead>
<tbody>
<tr>
<td>New requests</td>
<td>We ask for the understanding of parents, educational settings and other professionals that, whilst new submitted requests will be considered, we may experience real difficulties in collating the information required due to difficulties holding meetings and getting reports from professionals.</td>
</tr>
<tr>
<td>Requests received before 23 March 2020</td>
<td>We will continue to process these in the usual way but we anticipate many contributors won’t be able to respond to 6-week early warning letters within the timescale due to the current restrictions.</td>
</tr>
<tr>
<td>Assessments between 23 March 2020 and 1 June 2020</td>
<td>We try our best to progress these but we anticipate significant difficulties at this time, and in meeting statutory timescales. We will contact parents, carers and schools if there is likely to be a delay. Individual discussions will establish what statutory advice is required and how and when this could be sought.</td>
</tr>
<tr>
<td>Assessments already underway</td>
<td>If there is likely to be a delay with the completion of the assessment, we will contact the parents and educational settings to advise. This will depend on the stage of the assessment and what parental and professional involvement is still needed.</td>
</tr>
</tbody>
</table>

We will continue updating this advice in line with government rules and guidance.

Contact our helpdesk

We have set-up a Coronavirus Outbreak Special Educational Needs Team Helpdesk to support you through the stages above.

If you would like to discuss the education part of a young person’s EHC plan, either as their parent, carer or education provider, you can contact the team’s helpdesk by email.

sen@thurrock.gov.uk

Government Guidance during lockdown for Covid19

What are the entitlements of children and young people with SEND when schools are closed due to Coronavirus?
All schools have been ordered to effectively close, retaining a skeleton staff to provide education for the children of key workers, and ‘vulnerable children.’

‘Vulnerable children’ include those who have a social worker and those with an Education Health Care Plan (EHC plan). The majority of children with SEN, who receive SEN Support at school but do not have an EHC plan, would be expected to stay home, if it is safe to do so, unless they have a social worker or a parent/carer who is a key worker.

Government guidance published on 22nd March states: We expect most children and young people with EHC plans will fall into the following categories:

- Children and young people who would be at significant risk if their education, health and care provision and placement did not continue, namely those who could not safely be supported at home. This may include those with profound and multiple learning difficulties, and those receiving significant levels of personal care support.

- Children and young people whose needs can be met at home, namely those who are not receiving personal care from their educational setting, or whose limited need for personal care can be met in their family home.

**School guidance during lockdown for Covid19**

**Plans for re-integration and transition to new classes/schools?**

We know that any transitions, especially for many of our children with SEND, can be stressful and needs to be well planned, in advance, and should not be introduced abruptly. We understand that re-integration back in to school and/or transition to a new class or school is going to be made even more challenging following the current situation. Furthermore, we know that children’s reactions to returning to school will vary greatly and some children will need much more additional support.

As such, our aim is to plan carefully for transition and reintegration and work closely with parents/carers to help prepare their child/children and guide them through these transitions carefully. As year groups return to school, we will adapt our approach to meet the differing needs of our children with SEND.

The SENCo, the SEND Team and school staff will remain in contact with the families and children with SEND and will ensure that the home learning is adapted according to their needs.

**Thurrock Local Authority Update June 2020**

Some aspects of the law on Education, Health and Care (EHC) assessments and plans have changed temporarily to give local authorities, commissioning health bodies and other bodies who contribute to the EHC process more flexibility in responding to the demands placed on them by COVID-19. The new legislation came into place on May 1st and a plan is now in place to carry out our duties.

It is only some aspects of the law on EHC assessments and plans that have been changed temporarily:

1. Usually there is an ‘absolute duty’ on Local Authorities and Health Commissioning Groups to provide what is written in an EHC plan. This duty on local authorities or commissioning health bodies to secure [or arrange] the provision is temporarily replaced by a duty to use ‘reasonable endeavours’ to do so. This modification must be renewed monthly, where the Secretary of State decides it is still appropriate and proportionate.
2. The second change is to timescales in processes such as EHC Needs Assessments and EHC plans. Where it has not been reasonably practicable to meet a *time limit* for a reason relating to the incidence or transmission of COVID-19, the local authority or other body to whom that deadline applies will instead have to complete the process in line with the requirement specified in the 2020 Regulations (such as 'as soon as is reasonably practicable thereafter'). The timescale amendments are in place until 25 September 2020.

The full guidance can be found here. [Coronavirus Changes to the Law](#)

**CHILDREN AND YOUNG PEOPLE WITH EHCPs**

In practice, this means that LAs and health bodies, working with Early Years settings, schools and colleges must consider for each child and young person with an EHC plan what is reasonable and possible to provide during the notice period. For some, this will mean that the provision specified in their plan can continue to be delivered. For others, this may result in a child or young person's provision being different to that which is set out in their EHC plan, for some, or all, of the time that the notice is in force.

The decision making process and the plan for each child will be different depending on the current needs of the child or young person, the provision that is in their plan and the specific local circumstance.

The guidance emphasises the need for coproduction and for involving every family and young person in decision making about their support.