

**FAO Headteachers
Children with Education, Health and Care
Plans- temporary changes to legislation.**

Date 11th May 2020
Ref TCCM26
Phone 0116 232 3232

Dear Headteacher,

Summary:

This letter:

- outlines temporary changes to legislation relating to children with EHC Plans.
- explains the steps that the Local Authority are taking to comply with these changes.
- sets out the cooperation that we are seeking from all education establishments.
- highlights the expectation that all education providers should liaise with parents/carers of children with an EHC Plan regarding on-going risk assessments.
- risk assessments should be dynamic, should consider education, health and care needs and reflect any changing circumstances within the home environment.
- Risk assessment summaries should be forwarded to the Local Authority on a periodic basis, (every fortnight). If there are any significant changes or concerns within this period, an update must be sent to the Local Authority.

Temporary changes to legislation: The Government are temporarily changing the law regarding Education, Health and Care (EHC) plans.

They are doing this in two key ways:

Firstly, the Coronavirus Act 2020 provided for emergency powers for the Secretary of State for Education, that where it is appropriate and proportionate in all the circumstances relating to the incidence or transmission of coronavirus, he may by notice temporarily modify any duty imposed on a person the duty to secure special educational provision and health care provision in accordance with EHC plan. This duty would then be treated as discharged if the person has used 'reasonable endeavours' to discharge the duty. The Secretary of State issued such a notice on 1 May 2020, in force until 31 May 2020 and maybe renewed there after.

This means that local authorities and health bodies must consider, for each child and young person with an EHC Plan, what they can reasonably provide in the circumstances during the period of the notice.

Secondly, where a reason relating to the incidence or transmission of coronavirus applies, the usual timescales in regulations for various EHC processes will be replaced by requirements on local authorities, health care professionals and others to act as soon as reasonably practicable (or in line with any other timing requirement in the regulations being amended).

A link to this guidance can be found at:

<https://www.gov.uk/government/publications/changes-to-the-law-on-education-health-and-care-needs-assessments-and-plans-due-to-coronavirus/education-health-and-care-needs-assessments-and-plans-guidance-on-temporary-legislative-changes-relating-to-coronavirus-covid-19>

Steps the Local Authority are taking to comply with the temporary legislation:

1) We are writing to all parents/carers of children with EHC Plans to advise them that:

Schools and other providers are required by the DfE to complete risk assessments for all children with an EHCP to consider the factors detailed in the guidance

<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people>

- Schools and other providers have been asked to notify the Local Authority of the outcome of assessments
- that the family of any child identified as being at risk of not being able to access education or other support in their plan will be contacted by their SEN Officer
- If parents/carers have concerns about the support available from school/college to support learning, to contact the school or college directly in the first instance.
- If parents/carers have concerns about their child's health or wellbeing to contact the relevant health professional or social care worker.
- If parents/carers continue to have concerns and wish to discuss what further 'reasonable endeavours' might be made by the Local Authority to contact their SENA Caseworker
- If after taking these steps parents you remain dissatisfied with the Local Authority's response then the Council's complaints procedure can be followed, although we will make every effort to find a solution without the need for this.

2) We have provided list of telephone contacts for SEND and Health Services and the Parent Carer Forum

3) Within SENA we are aiming to complete all statutory work within timescales but if our capacity to do this is compromised due to Covid-19 issues we will liaise with all parties on a case by case basis.

4) Where a child has a social worker or Child and Family Wellbeing Worker (early help) they have undertaken a risk assessment of the home situation and will liaise with education providers where needed to ensure a coordinated support to safeguarding and other concerns.

The above steps will lead to a record on each child's file, detailing whether their EHCP needs are largely being met within school, at home or elsewhere, together with other feedback provided through the school summary returns or information from discussions with parents.

The cooperation that we are seeking from all education establishments:

Following discussions with schools' and FE College cell group, I can confirm that we are seeking your cooperation in the following ways:

- All education providers to keep in regular contact with families of children with an EHCP, e.g. through weekly phone calls.
- Records to be kept by schools/ other providers of these discussions, including any concerns raised and actions taken.
- Where possible deliver the provision specified in the EHC Plan
- Where is not possible to deliver the provision specified in the plan to continue discussions to help identify what can be done deliver provision differently

- Continued compliance with wider SEND legislation, for example, convening annual reviews and admitting children with EHCPs on to roll.
- Continued communication with Health and other professionals to secure better outcomes for children.
- Daily returns regarding attendance of vulnerable children.
- Any safeguarding concerns to be considered in the context of the current lockdown situation – recognising that many children are now less visible to professionals and therefore at potential increased risk – and to use all available methods to actively engage with families. Referrals to First Response in line with current procedures.
- **EHCP Risk Assessments to be dynamic** and updated as family circumstances change and to reflect Government Guidance <https://www.gov.uk/government/publications/changes-to-the-law-on-education-health-and-care-needs-assessments-and-plans-due-to-coronavirus/education-health-and-care-needs-assessments-and-plans-guidance-on-temporary-legislative-changes-relating-to-coronavirus-covid-19>

and to inform a solution focussed approach to enabling the child to learn and receive the broad support identified in their plan.

- **EHCP Risk Assessment summary templates** to be completed and returned on a rolling fortnightly cycle. We would appreciate it if schools could now submit the EHCP risk assessments summary on a fortnightly basis. Thank you for your latest return that was due on 8 May..

Dates for your diary to prompt you to confirm with us whether there have been any changes to the Risk Assessment (Every 2 weeks):

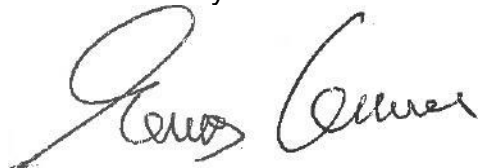
- 08/05/2020- Deadline for Risk Assessment
- 22/05/2020
- 05/06/2020
- 19/06/2020
- 03/07/2020
- 17/07/2020

And so, on and so forth- every fortnight for periods when schools are open.

On behalf of the Local Authority I would like to thank you for your cooperation in this matter. If you would like to discuss issues relating to an individual child please contact the relevant SEN Officer or SENA Service Managers. Any wider questions or concerns about these proposals please contact Paula Sumner (Assistant Director) or myself.

Examples of alternative arrangements are detailed below, as well as some key contact information and guidance.

Yours sincerely



Tom Common- Head of Service, SEND

Examples of alternative arrangements as outlined in Government Guidance may include:

- weekly phone or video contact from school staff to monitor home learning programmes, to provide feedback, and to make adjustments as necessary
- alterations to the frequency and timing of the delivery of provision in school, for example, moving to a part-time timetable
- a temporary placement in another school - mainstream or special. This will need to be with the agreement of the parent or young person and full account should be taken of the needs of the child or young person
- attendance at a local hub
- adjustments to home-to-school transport arrangements to support a modified school attendance timetable
- video class sessions for children to keep in touch with classmates and teaching staff
- a home learning reading programme, provided by a Special Educational Needs Co-Ordinator (SENCo) and reviewed weekly
- a school or college delivering direct education or support in the home where a young person is not able to attend school or college (subject to risk assessment and appropriate health protection measures)
- educational psychologists providing brief therapy interventions
- specialist SEN Teachers providing advice and support to parents in relation to autism, visual or hearing impairment or literacy programmes
- enlarged materials being provided in the home where a child or young person has a visual impairment.
- a speech and language therapist delivering sessions via video link
- a health visitor or school nurse providing health advice or developmental reviews via teleconferencing
- the parent and child travelling to receive the therapy at suitable premises, where this can be done in ways consistent with guidance on reducing the transmission of coronavirus (COVID-19)
- an occupational therapist or a physiotherapist video linking to a child's home and modelling exercises that the parents could do with their child
- occupational therapists providing webinars for school staff on topics such as sensory strategies or pre-writing skills, or a teletherapy service
- sending home accessible hard copy therapy programmes with additional phone support for parents and young persons to help them work through them
- where an EHC plan already includes a personal budget or a direct payment, widening its use to enable the purchase of equipment or other relevant material to support home learning
- exercise sessions by video
- provision of alternatives to short breaks by providing online resources and activities for young people
- loaning parents school equipment, such as specialist support equipment (seating equipment, IT equipment used at school etc.) to be used at home to support learning
- counselling, or cognitive behaviour therapy, delivered over the phone once a week for 6 weeks by a mental health worker

The local authority and health bodies must keep an accurate record of the provision it has secured and agreed with parents and carers, for children and young people if this is anything other than what is stated in the EHCP and this must also be confirmed with the parents and/or young people. The provision must be kept under review during this challenging period and circumstances may change over time.

Key Contacts and links to Government Guidance:

Guidance for schools, childcare providers, colleges and local authorities in England on maintaining educational provision:	https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision
EHCP Guidance:	https://www.gov.uk/government/publications/coronavirus-covid-19-send-risk-assessment-guidance/coronavirus-covid-19-send-risk-assessment-guidance
Guidance on vulnerable children and Young people:	https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people
Timescales around EHCP Needs Assessments and Annual Reviews:	https://www.gov.uk/government/publications/changes-to-the-law-on-education-health-and-care-needs-assessments-and-plans-due-to-coronavirus/education-health-and-care-needs-assessments-and-plans-guidance-on-temporary-legislative-changes-relating-to-coronavirus-covid-19

USEFUL PHONE NUMBERS/LINKS/CONTACT INFORMATION:

- Family Information Service - 0116 305 6545
- Children's Services 'First Response' Duty Team - 0116 305 0005
- SEN Assessment Service - 0116 305 6600
- SEN Disability Information and Advice Service (SENDIAS) - 0116 305 5614
- Leicestershire Educational Psychology Service: 0116 305 5100
- The Early Years SEND & Inclusion Team- 0116 305 7136 (9.00-12.00 daily)
- Education & Inclusion Team- 0116 305 2071
- Specialist Teaching Service on 0116 305 9400
- Fleet Helpline (Transport), 0116 305 7573. General Enquiries-0116 305 0002
- Complaints:

<https://www.leicestershire.gov.uk/have-your-say/complaints-and-comments>

- **Parent/Carer Forum:** info@leicestershirepcf.org.uk
- **Health Services:**

Paula Vyze, Designated Clinical Officer. Tel: 0116 295 6779

Email: paula.vyze@leicestercityccg.nhs.uk

Secure email: paula.vyze@nhs.net

Dawn Kimberley- Leicestershire Partnership Trust,

Key Information to Support Communication and Liaison

All LPT clinical services contact details can be found on our website via the Service

Finder tool <https://www.leicspart.nhs.uk/services/>

Urgent mental health support can be accessed via the Central Access Point (CAP) on 0116 295 3060

Local Offer Website:

<https://www.leicestershire.gov.uk/education-and-children/special-educational-needs-and-disability>

Children and Family Services

Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RF

Telephone: 0116 232 3232 Fax: 0116 305 6310 Email: childrenservices@leics.gov.uk

Jane Moore, Director, Children and Family Services

www.leics.gov.uk