

Update to SEN information report in light of COVID-19.

The situation in which we find ourselves is fast-moving; as such, please note that this report is based on information available on 15.4.2020 and is subject to change.

What are the entitlements of children and young people with SEN 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.

What does this mean for my child who has an EHC plan?

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.*

On 24 March 2020, the Minister for Children and Families, Vicky Ford, wrote an open letter to children and young people with SEN, their parents/carers and families, and all others who support them. In this letter, the Minister makes clear that:

- *"[...] nurseries, schools, special schools, colleges and other training providers should undertake a risk assessment to establish the individual needs of each child or young person with an Education, Health and Care (EHC) plan. This assessment should incorporate the views of the child or young person and their parents. This will inform the decision about whether they should continue in school or college, or whether their needs can be met at home safely.*
- *If needs are best met at schools or colleges, we will support their school or college to meet their needs, wherever possible. For those on SEN support, schools, colleges and local authorities have discretion to use the same risk judgement to decide whether home or school is the safest setting for these children. It is, however, important that as many children as possible remain at home during this time in order to help reduce transmission rates."*

My child has an EHC plan - do I have to send them in to school?

Despite schools staying open for some children, the guidance is quite clear: ***'If it is at all possible for children to be at home, then they should be.'***

Under the Coronavirus Act, the criminal penalty for parents failing to send their children to school will be temporarily dis-applied. (N.B. At the time of writing, the Secretary of State has not yet officially made the order under the Coronavirus Act ordering schools to close and thereby dis-applying the criminal penalty, but we anticipate this will happen very soon.)

My child has an EHC plan - does the local authority still have a legal duty to deliver provision?

From a legal perspective this remains the case. However, given the likely significant disruption to staffing, it may be very difficult for schools or local authorities to deliver the precise provision in the EHC plan over the next few weeks. The Government has just passed the Coronavirus Act 2020 which contains two key amendments to the law:

- The absolute duty to make the provision in an EHC plan (section 42 of the Children and Families Act 2014) has been temporarily amended to a lesser duty to use 'reasonable endeavours'. This means that during the specified period the LA needs to do whatever it reasonably can to put provision in place, but if they cannot do so, they would not necessarily be breaching the law.
- The duty on schools to admit a child where the EHC plan names that school (section 43 of the Children and Families Act 2014) can be temporarily dis- applied.

As a school, we will continue to keep in touch with you. In the meantime, please contact us if you have any enquiries about the provision for your child, including how we can help with any therapy plans for your child. The contact details for our school SENDCO are as follows:

Aimee Turrell (SENDCO) – aimee.turrell@gorseybank.org.uk

Again, if there could be a risk to your child or young person's health, wellbeing or safety if they do not receive a particular provision or intervention, please raise this with us without delay.

My child has an EHC plan and was due to have an annual review. What will happen now?

Under the Coronavirus Act, the requirement to carry out annual reviews can also be temporarily disapplied where this is considered to be "*appropriate and proportionate*". (The order bringing this into effect has not yet been made but we expect it to happen imminently.)

However, currently schools will continue to hold annual reviews if at all possible. This will of course need to be carried out remotely and we will speak to you first about how this will be managed to ensure that the contribution of parents and children continue to be at the heart of the process.

A request for statutory assessment has been sent in for my child - do the LA still need to carry out EHC needs assessments?

Although the Minister's open letter suggests that the government will be seeking to amend regulations on the timescales for EHC plan processes where this is appropriate because of COVID-19 as yet, no order has been passed to this effect.

Cheshire East will continue to carry out any EHC needs assessments. On a practical basis, the LA's ability to comply with deadlines may be occasionally hampered by staff absence and the way EHC needs assessments are conducted may be affected by the availability of staff and restrictions on face to face contact and working from home. However, Cheshire East LA will endeavour to continue to fulfil statutory duties; we can obtain information and advice and conduct virtual meetings; as such decisions about whether or not to assess will continue to be made as far as is reasonably possible.

My child has an EHC plan and is still attending school - how will my child's learning be supported at school?

It is important to note the school will not be providing a full curriculum; they will be providing care for the children and incorporating education provision and a range of activities, but this will NOT be fully in line with a child's EHC provision.

How can I support my child's learning at home?

If your child has an identified SEN (EHCP or SEN Support), the class teacher will take account of their needs when planning for and providing work to be completed at home. This may include:

- suggesting different ways in which children can present their work;
- giving more detailed instructions;
- providing parents with suggestions to make tasks more practical in nature;
- providing alternative work which is targeted at their level of need where they may not ordinarily access curriculum subjects at age expected levels.

In addition to this, the SEND Team will provide bespoke packages of work to support the needs of individual children.

If you are concerned about any of the above, please contact the school SENDCO using the email address outlined above so that they can assist.

How can I help my child cope with the changes?

We understand that this is a significant change for many families. Please give yourself time to adjust to this new routine and above all, do not place too much pressure on yourself or your child to complete schoolwork. Maintaining positive mental health and emotional wellbeing is very important.

How long are schools likely be closed?

At this stage no-one is able to say exactly how long schools will stay closed, though it seems clear it's more likely to be a matter of months rather than weeks, depending on how the pandemic progresses. Mr Williamson told MPs he would be "*guided by scientific and medical advice*" on reopening.

What plans will be made for re-integration and transition to new classes/schools?

We know that any transitions, especially for many of our children with SEN, 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 you as parents/carers to help prepare your child/children and guide them through these transitions carefully. The Local Authority are currently planning guidelines and processes which we will then adapt for our school and to meet the needs of your child. Once these guidelines are agreed, we will be in touch with all parents/carers, including discussing any bespoke planning for individuals. For students with SEN transitioning from Year 6 to Year 7, the school SEND Team will be working closely with local secondary schools to develop bespoke transition packages and will keep parents involved with this over the coming weeks/months.

Who can I contact?

We realise that these are difficult times for everyone. If you have any concerns or queries please contact Aimee Turrell using email aimee.turrell@gorseysbank.org.uk

Help for Families

The 'COVID-19 Cheshire East Helpline' Can be accessed via:

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/coronavirus/coronavirus-covid-19 or call 0300 123 5034

VISON: a mental health service available in Cheshire East: <https://www.visyon.org.uk/>

Cheshire East Local Offer: <https://www.cheshireeast.gov.uk/livewell/local-offer-for-children-with-sen-and-disabilities/what-is-the-local-offer/local-offer-quick-links.aspx>

Further useful information

The Council for Disabled Children (CDC) has launched two new email inboxes aimed to answer questions, collate resources and share information on Coronavirus and the impact on children and young people with Special Educational Needs and Disabilities (SEND). They are designed to be used by professionals, practitioners, parent carers and families of children and young people with SEND.

The new 'CDC questions' inbox, CDCquestions@ncb.org.uk, provides the opportunity to ask questions about how coronavirus will impact on children and young people with SEND as well as other questions relating to the impact on families; the education, health, social care sectors; and the voluntary and community sector. The CDC will collate Frequently Asked Questions (FAQs) and share them with the Department for Education and Ministers as appropriate, in order to publish an FAQs newsflash each Friday.

The 'CDC resources' inbox, CDCresources@ncb.org.uk, is designed to enable parent carers, sector professionals and practitioners to share resources, to support families of children and young people with SEND and practitioners across the disabled children's sector. The CDC will add these resources to their COVID-19 Support and Guidance

webpage: <https://councilfordisabledchildren.org.uk/news-opinion/news/covid-19-support-and-guidance>