Changes to the law on education, health and care needs assessments and plans due to coronavirus – update from the LA 18.5.20

As you will be aware, the government brought out new legislation around EHCPs last week and this has made some changes to the normal situation. For full details see [here](http://www.gov.uk/government/puclications/changes-to-the-law-on-education-health-and-care-needs-assessments-and-plans-due-to-coronavirus).

Our Voice have been having regular weekly meetings with the Local Authority to make sure that we are up to date with developments and are able to pass on your views and concerns. We asked Gillian Douglas, Head of SEN and Curriculum Inclusion, to update us on the impact of legal changes affecting EHCPs.

The first change is in relation to the provision in your child’s Plan which may not be able to be delivered at this time because of the impact of the COVID 19 outbreak and children not attending school. Schools are doing their very best to keep the children occupied and involved at home but not everything on the EHCP can be delivered away from school.

The new guidance from the government says that schools, health partners and social care should make “reasonable endeavours”. This means that they should do their best to offer the provision, but it is accepted that not everything laid out in the Plan can be provided over this period of time. For example, if your child has a particular therapy on their Plan, instead of this therapy being provided at school, it may be that you will get some support from a therapist over the telephone. However, remember that therapists are Health staff and could be working in hospitals instead so it will depend on the number of staff available and how many children they can contact. You will be contacted by them if this is going to happen.

Schools have been asked by the Local Authority to confirm with you what they are offering your child at this time. This may be on-line contact, activities, work packs, reading, on-line resources, videos and music, for example – it will depend on what is appropriate for your child.

The **second change** is in relation to the 20-week timeframe which is the normal time for an Education Health Care Plan to be produced from the Local Authority (LA). If there is a reason that this cannot happen because of coronavirus, then this is understood to be a valid reason and the LA must instead finish the Plan as soon as they can.

During this time, the information needed to write a Plan can be gathered by professionals over the phone or video-call – instead of face-to-face contact - where you will be involved and consulted.

Other information:

* The LA is still considering requests for a needs assessment
* We are still expecting both schools and parents to reply to any consultations within the 15 days that the law allows. However, some schools are closed and sometimes this is proving difficult
* Even if a school is closed temporarily, if it is named in the Plan, the school must still put the child on roll
* Schools are conducting Annual Reviews over the telephone or video-call so that this process continues
* The First-Tier Tribunal is also operating remotely

This is a very challenging time especially when we are thinking about children and young people going back into education. Please be reassured that the LA is working very hard to help support the schools in planning transitions back into school or to a new setting. A guidance document is being written and your concerns and those of the children and young people are being considered.