

# Coronavirus (COVID:19) Guidance on statutory assessments, Education, Health and Care Plans and Annual Reviews



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## Introduction

The DfE has published guidance for educational settings highlighting the expectation that all schools remain open where possible to provide places for key workers and **vulnerable children**, including where needed those students with EHCPs (<https://www.gov.uk/government/publications/covid-19-school-closures/guidance-for-schools-about-temporarily-closing> ).

Further guidance on 22<sup>nd</sup> March 2020 ( <https://www.gov.uk/government/publications/covid-19-school-closures/guidance-for-schools-about-temporarily-closing>), recommends that *'children and young people (CYP) **remain at home wherever possible**, and for schools to remain open only for those children who absolutely need to attend'*. Ealing SEN Assessment Service (SENAS) is seeking to ensure that our service continues to be delivered, particularly to our most vulnerable residents. The information below provides information about what you can expect in relation to EHC Assessment process.

## Requests for EHC needs assessments

Schools/colleges, parents/carers and young people will still be able to request an EHC needs assessment by emailing [ERSA@ealing.gov.uk](mailto:ERSA@ealing.gov.uk). It is likely that there will be enough evidence to support a full assessment of need if professionals are already involved with the child or young person and the education provider has been implementing their advice.

Given the national emergency and the constraints this is causing there may need to be some flexibility in terms of timing of the assessment in response to a request.

## Undergoing EHC needs assessments

When the request for EHC needs assessment has been agreed, a range of people across education, health and social care are approached for their advice. This will be more difficult because:

- health and care staff may be asked to work in front line services instead of their usual role given the level of health emergency
- some professionals may not be available due to sickness, needing to self-isolate or caring for children
- Educational Psychologists will not be able to see and assess children and young people in school/college in the usual way which forms a very important part of the assessment

The SENAS team will keep working to ensure that appropriate provision for children and young people is put in place and if there are unavoidable delays keep parents updated.

## **Finalising EHC Plans**

It will be harder to consult with schools/colleges to name in Section I of an EHC Plan at present. For completed assessments which are waiting on the final EHC Plan to be issued the current school/college will be named. This will mean that the child or young person will still be supported by that school/college during the COVID-19 crisis.

In cases where the CYP is not attending their preferred school, we will be asking the consulted schools to give a preliminary response based on the information available. If an observation is essential before confirming suitability of placement, the Local Authority (LA) will name the type of placement in Section I until an observation has taken place and the receiving school is able provide an official response. The CYP may need to remain in his/her current provision until the preferred placement is secured.

If the CYP is not attending education and is statutory school age the school either nearest, recommended by LA or parental preference may need to admit.

In cases where parental preference is for mainstream provision, the LA has a statutory duty to secure that placement unless incompatible with the efficient education of others; incompatible with efficient use of public resources; or incompatible with the child/young person's aptitude, age, SEN or ability. If a school is closed and unable to process consultation, the LA will name the school in line with parental preference.

In any of the above circumstances following admission, if concerns arise about progress, engagement or safety, the school will need to carry out an emergency annual review. If there is a safeguarding concern the school's procedures around seeking parental consent and making a referral should be followed at all times.

SENAS will work together with parents/ carers, young people and schools/colleges to make sure that children, young people and their families feel safe and supported.

## **Annual reviews**

While schools remain open, where possible, for children and young people with EHCPs this is likely to be in the context of reduced staffing. Therefore, despite best endeavour it is possible that not all the offer set out in the EHCP will be deliverable and it might not be helpful to hold an Annual Review.

The Local Authority recognise that there are some reviews scheduled in the coming months where it will not be practicable for the review to be held. The Local Authority understand that some Annual Reviews are very likely to be late and postponed and the SENAS will, therefore, not be chasing schools for these. We will also be communicating with parents to support postponing some reviews.

However, if schools already have a review scheduled and feel able to go ahead with it using virtual methods, then the Local Authority still have staff working to process these, so they can be sent to [EHCPReviews@ealing.gov.uk](mailto:EHCPReviews@ealing.gov.uk) as usual.

If you feel that there are circumstances which mean that it is essential that the review goes ahead, please discuss this with your school and EHC Coordinator to see if this is feasible. Please be aware that meetings that do go ahead are likely to be virtual.

If parents and schools agree to go ahead with a review, however, please be aware that:

- It is unlikely that health and care staff will be able to contribute as they have been redirected to those most vulnerable at this time.
- The SENAS coordinators are unlikely to be available to come into schools for these meetings in person but will take part via Skype whenever possible.

- EP availability is likely to be decreased due to self-isolation or illness, and this may affect any updates or assessments of children/young people.
- The response will be determined by the information and evidence provided.

SENAS will continue to operate but communication will be limited to phone, emails and other virtual methods such as Skype.

## **Delivering provision specified in EHCPs**

In Ealing, most schools and other educational settings will remain open for vulnerable children and for the children of key workers. It is expected that schools will open as per the normal operating hours and offer extended provision where possible for children of key workers. When possible learners with an EHCP should be receiving their educational entitlement in a similar way to learners able to access the virtual curriculum.

Provision in special schools, specialist provision and ARP should continue wherever it is practically possible and where this does not place pupils or staff at increased risk.

The Headteacher and chair of governors should be working together on communication to parents and carers regarding new arrangements. Communications should reflect what schools can accommodate and this may need to be regularly updated depending on future guidance and changing circumstances.

Some parents and carers have highlighted concerns about CYP not receiving all aspects of the provision which have been identified in their EHC Plans. In line with government advice however, it is important to note that provision should be focused on care for children and young people and some flexibility may need to be accepted.

With the above in mind, on 19 March, the Government introduced new legislation into Parliament, in the form of the Coronavirus Bill ('the Bill'), in response to the outbreak ( <https://services.parliament.uk/bills/2019-21/coronavirus.html>). This legislation states that:

*'where a local authority is, because of the outbreak, unable, for example, to put in place stated provision, they will need to use their reasonable endeavours to do this, but won't be penalised for failing to meet the existing duty as set out in the Children and Families Act 2014. These emergency powers will only be*

*exercised for the shortest period and where necessary and will be regularly reviewed. We will also be seeking to amend regulations on the timescales for EHC plan processes where this is appropriate because of COVID- 19. I want to reiterate that these decisions are not taken lightly but I believe strike the right balance in these difficult times’.*

Discussions between the school and parents/carers should take place in the first instance to ascertain the level of provision which can reasonably be delivered. The Local Authority will continue to liaise with schools to understand the impact of any reduced provision.

## **Queries, concerns**

SENAS will continue to operate to ensure that parents/carers and young people remain informed of any changes.

- Whenever possible, the EHC Coordinators will continue to attend meetings. Where face-face meetings are not viable, EHC Coordinators or the line manager will take part in virtual meetings via Skype.
- Electronic queries will continue to be address via email and calls. Please do not send queries, requests or documents by post as this may result in delay.
- In order to enable effective email communication, please ensure that SENAS is provided with a range of contacts at school who can be emailed, e.g. SENCO, inclusion leads, HT, administration accounts. With confidential information, emails will need to be encrypted using Egress. Please ensure that all the contacts above have created an account, which is free, and you only need to complete all details when you sign up.