

## Appendix A

### **SEN INFORMATION REPORT – in light of COVID-19, school closures and SEND provision**

*\*Please note that this note is based on information available 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 unless they have a social worker or a parent/carer who is a key worker.

#### **Do I have to send my child 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.'**

If you feel it would be too high risk to send your child to school because they, or someone else in your family, is at particularly high risk, there is of course no requirement to send your child in.

Under the Coronavirus Act, the criminal penalty for parents failing to send their children to school is to be temporarily disapplied.

#### **If my child has an EHC plan, doesn't the local authority 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 precisely the provision in the EHC plan, particularly over the next few weeks.

The Government have just passed the Coronavirus Act 2020 which gives temporary emergency powers to the Government to issue a notice (a month at a time) that would modify the legal requirements on Local Authorities in relation to Education, Health and Care Plans. If this notice is issued it would be in relation to two key areas:

*The absolute duty to make the provision in an EHC plan (section 42 of the Children and Families Act 2014) is to be temporarily amended to a 'reasonable endeavours' duty. 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.*

## **What is the advice from the Secretary of State for Children?**

On 24th March 2020, the Secretary of State for Children, Vicky Ford, issued 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 was due to have an annual review. What will happen now?**

Under the Coronavirus Act, the requirement to carry out annual reviews may be temporarily disapplied where this is considered to be 'appropriate and proportionate.' 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/young people are at the heart of the process.

If you feel there is an urgent need to amend the provision or placement in the child or young person's EHC plan, speak to the school and the Local Authority about this to see what review mechanisms could be put in place.

Should the Government issue a notice to change legislation on Annual Reviews, we will continue to prioritise Annual Reviews for children transitioning from early years settings to schools, infant to junior school, junior and primary school to secondary school, secondary school to post-16 education or training, or between post-16 education and training.

The exceptions will be children and young people who will be subject to transfer of educational setting in September 2020 or September 2021.

September 2020: These cases will be prioritised to ensure that all children and young people have an identified onward setting for the following September where this is not already confirmed. In most cases, these annual reviews and amendments to EHC plans will already be underway or completed.

September 2021: These cases require an Annual Review in the summer term to ensure that their EHCP is updated in preparation for their next stage of education. These meetings can be undertaken virtually

and should ensure that the EHCP is thoroughly reviewed and updated with advice from all relevant professionals.

### **My child 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 their EHC provision.

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

If a 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;
- 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.

### **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 a 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. The mental health charity MIND have provided some initial information which we are happy to share.

[Coronavirus and your wellbeing](#)

[How can I cope with changes to school / college?](#)

### **Who can I contact?**

We realise that these are difficult times for everyone. If you have any concerns or queries, please contact:

Miss A McLellan – [amclellan89rx@nsix.org.uk](mailto:amclellan89rx@nsix.org.uk)