

Information regarding children with EHCPs during the Coronavirus school closures – 23rd March 2020

Please read the following in addition to:

1. **Guidance for schools, colleges and local authorities on maintaining educational provision** Published 19 March 2020 and **Guidance on vulnerable children and young people** published 22nd March 2020
2. Further to the advice given by government and the changes in legislation and advice in the Coronavirus Bill NYCC will be taking the following actions in relation to statutory SEND process and EHCPs.
3. As a country, we all need to do what we can to reduce the spread of the COVID-19 virus. That is why the government has given clear guidance on self-isolation, household isolation and social distancing.
4. The following is taken from the guidance for schools, colleges and LAs relation to the closure for schools:
 - The most recent scientific advice on how to further limit the spread of COVID-19 is clear. **If children can stay safely at home, they should, to limit the chance of the virus spreading.**
 - That is why **the government has asked parents to keep their children at home, wherever possible**, and asked schools to remain open only for those children who absolutely need to attend.
 - Schools are, therefore, being asked to **provide care** for a limited number of children - children who are vulnerable and children whose parents are critical to the Covid-19 response and cannot be safely cared for at home.
5. The 22nd March guidance for vulnerable groups clarifies the need for children with EHCPs to be in school as follows:
 - Those with an EHC plan should be risk-assessed by their school or college in consultation with the local authority (LA) and parents, to decide whether they need to continue to be offered a school or college place in order to meet their needs, or whether they can safely have their needs met at home. This could include, if necessary, carers therapists or clinicians visiting the home to provide any essential services. Many children and young people with EHC plans can safely remain at home.
 - Schools, colleges, other training providers and local authorities will need to consider the needs of all children and young people with an EHC plan, alongside the views of their parents, and make a risk assessment for each child or young person.
 - They will need to consider a number of different risks to each individual, including:
 - the potential health risks to the individual from COVID-19, bearing in mind any underlying health conditions. This must be on an individual basis with advice from an appropriate health professional where required

- the risk to the individual if some or all elements of their EHC plan cannot be delivered at all, and the risk if they cannot be delivered in the normal manner or in the usual setting
 - the ability of the individual's parents or home to ensure their health and care needs can be met safely
 - the potential impact to the individual's wellbeing of changes to routine or the way in which provision is delivered
- We expect most children 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. Local authorities will need to work with the individual's educational setting – especially residential special schools and colleges – as well as local health partners, to ensure they are able to remain open wherever possible. This may mean deploying staff from other schools, to keep staffing ratios safe
 - 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. As part of the government's emergency powers, we will modify the statutory duties on local authorities to maintain the precise provision in EHC plans and will expect educational settings and local authorities to use their reasonable endeavours to support these children and their families
- 6 Any planned new starters into special schools will be put on hold at the current time. With reduced staffing and higher staff / pupil ratios, we will not be able to transition children into new provision successfully and we also want to reduce the number of children moving between sites. New start dates will be given when schools officially re-open
 - 7 Children that are under statutory assessment or who have a draft EHCP are NOT covered by the "EHCP" grouping of still being able to access school for care. They may be classed as "vulnerable" due to social care involvement or they may require access to school due to parents being key workers but they would not be able to access school under the "EHCP" classification.
 - 8 Whilst we will of course continue to accept requests for statutory assessment, given the prioritisation given to urgent health and care support related to Coronavirus, we are very unlikely to receive advice and information in a timely way to complete the statutory assessment within the 20 weeks.
 - 9 It's important to emphasise that schools are closed as of 20th March except for access for key groups. Normal "education" service is suspended until they reopen. **Schools are open to provide care as identified above.** The main purpose of access to school is around safeguarding and around enabling key workers to continue in employment. The relaxation around ratios and also the consideration that staff themselves will be absent due to illness and self-isolation means that we cannot guarantee to provide all elements of support detailed in the EHCP and we will not be able to cover all absences for example of 1:1s.

- 10 Health staff have clear new duties outlined in the Coronavirus bill and they have to prioritise urgent care. Staff may be redeployed to urgent and life-saving care and routine or non-urgent work will be reduced. This may include support as part of an EHCP. They will not be able to cover for any absence or reduction in provision in this case.
- 11 If the school is able to undertake a scheduled annual review, they of course may do so but there is no expectation that this will happen. Guidance around social distancing should be followed and it may be more appropriate to undertake a review remotely or to delay to when schools are open again.
- 12 Where a placement is named in section I but children are being clustered into neighbouring schools and are not able to attend at the named school, this is completely appropriate. Once schools re-open, the named school in section I will be maintained and children will attend the named school going forward. To be clear, schools are currently closed except for attendance by the identified groups of children and young people in an education or day-care setting. This does not have to be the setting they usually attend or that is named in their EHCP.

Inclusion Service

North Yorkshire County Council