**Coronavirus - support with education for children and young people with SEND**

The revised guidance from the Government states *Now that we have made progress in reducing the transmission of coronavirus we are encouraging all eligible children to attend - it is no longer necessary for parents of eligible children to keep them at home if they can.*

**Attending or returning to school**

**Reopening timetable**

The government is planning for a gradual reopening of all schools in England from June 1, beginning with nursery classes, Reception, Year 1 and Year 6.  This is in addition to existing arrangements to offer some children with EHCPs and others a place in school (see ‘who can attend school?’ below). Schools and local authorities have been told that this reopening will only happen if and when the government’s five key tests justify the changes, including a reduction in the rate of infection. Some parents (and indeed schools and teachers) have expressed concern about whether it is safe and feasible to have so many children back in school. We are working with partners in Public Health to consider how this will work locally and how schools will support children with SEND to cope with this transition back to school. In Tameside, having considered all regional factors, we have identified 22nd June as a more appropriate date to commence the gradual re-opening of schools.

Note that if you decide not to send your child back you will not be penalised. The current timetable is:

From 22 June, if the rate of infection has decreased enough, mainstream primary schools may start to open for children in Nursery, Reception, Year 1 and Year 6 only.  Mainstream secondary schools and colleges may provide some face to face support for students in year 10 and year 12. Childcare providers can care for children again.

At this stage Government guidance indicates that additional year groups will begin to return from September, if the Covid risk continues to decrease.

Alternative provision settings such as Pupil Referral Units should prioritise the same year groups as mainstream schools.

It’s important to note that currently there are no firm dates for schools to fully reopen in England, and plans will be kept under review as the Covid-19 risk continues to be monitored. There are no plans to reopen secondary schools or colleges for the majority of pupils until September.

**Special schools**

The government has issued an update on the return to school and college for children and young people with SEND.  From 8th June special schools and hospital schools in Tameside will be working towards a phased return of children and young people, based on individual risk assessment but without a focus on particular year groups. From 22  June specialist post-16 providers will also use this approach for young people, again without a focus on particular year groups. Read more about children with EHCPs and risk assessments below.

**Phased returns for children with EHCPs**

Educational settings should be contacting young people over 16 with EHCPs and parent carers of children with EHCPs to plan and support with the return to school or college. As modifications to section 42 of the Children and Families Act 2014 are still in place, “what can reasonably be provided” will be under discussion with families. Children and young people in mainstream settings should experience the same return as their peers in the same year groups. However, some children and young people may need longer transition periods (e.g. those who will need access to social stories for each stage) for their return and schools are encouraged to consider this approach for all children and young people with SEND.

The Local Authority will need to reinstate safe home to school transport.

As children and young people are phased back into education, all those already offered places during lockdown, following a risk assessment, will continue to be offered places.

Educational settings *may* decrease the use of risk assessments for young people who have returned to class but will need to keep them updated for young people remaining at home or only partially accessing the educational setting. When updating risk assessments consideration must be given to the level of care that parent carers have been giving over a long period and how sustainable this is. Read more about risk assessments below and read the government’s full guidance here: <https://www.gov.uk/government/publications/coronavirus-covid-19-send-risk-assessment-guidance/coronavirus-covid-19-send-risk-assessment-guidance>

**How risk assessments work**

If your child has an EHCP, your child’s school or education setting should have contacted you to do a risk assessment by now. If they have not done this, or if the assessment for your child was done early and you feel that circumstances have changed significantly, you should contact your child’s school. If you do not get a response you could contact your Casework Officer in the SEN Team.

The risk assessment should have included getting your views and your child’s if appropriate. It should have considered the potential health risks to the individual from coronavirus. It should have checked how being out of school is affecting your child, for example the risk to them if some or all elements of their EHC plan cannot be delivered for the time being and the impact of not having their usual routine, and explored your ability to ensure their health and care needs can be met safely 24/7 for multiple weeks. The school should use all this information to decide whether to offer your child time in school. If the school offer a place, it is your choice whether or not to take this up. If you have not been offered a place in school and feel that this is wrong and your child would be safer going to school for at least part of each week, contact your school in the first instance. If you cannot reach an agreement contact your Casework Officer in the SEN Team.

For full details go to  <https://www.gov.uk/government/publications/coronavirus-covid-19-send-risk-assessment-guidance/coronavirus-covid-19-send-risk-assessment-guidance>

**Who can attend school during coronavirus?**

In addition to the year groups included in the government’s proposed reopening of schools (nursery, Reception, Year 1 and Year 6) schools will still be offering places for three priority groups of children. Firstly, the **children of keyworkers** who would otherwise be unable to carry out essential work . Look here to see [who is identified as a keyworker](https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision).  Secondly, **vulnerable children** such as children with a child protection plan and children in care, and other children identified as vulnerable, some young carers for example. The third group is **children with** **EHCP**s. Having an EHCP does not necessarily mean your school will offer them a place in school, but it does mean your school should be considering them individually to identify if they need this. They should be deciding this by doing a risk assessment to identify any children with an EHC plan whose care needs or home situation mean that it is safer for them to attend school than not (more about these risk assessments above). The government also particularly asked that Alternative Provision e.g. PRUs stay open as pupils there are likely to be particularly vulnerable even if they do not yet an EHCP.

**Exclusions**

The guidance from the government does not mention exclusions. This means schools still have the legal power to exclude. Of course the usual rules around exclusions still apply so schools must have a lawful reason to exclude and any formal exclusion must be non-discriminatory, reasonable, fair and proportionate. In current circumstances it is hard to see how exclusion could be justified if the risk assessment process described above has identified that they are one of the few children that need to be in school.

**Support with learning for children with SEND**

*The school offer for children that do attend school*

Schools, colleges and local authorities have had to work out how to offer care/education for the children they identify as needing to still attend. Schools have faced challenges with staff being unavailable so what they are providing for children is not their normal provision. It can be with different teachers, in different classrooms or even at a different school and certainly not the normal timetable.

*The school offer for children not offered a place in school*

Parents need to be realistic about what schools can do at the moment, but your school or college should be offering some education for their pupils who are not coming in to school because they have not been offered time in school or because you have decided not to take up this offer. If your child is on **SEN Support** they should be making some attempt to differentiate the work they are sending home to all children. If your child has an **EHCP**they should be looking at how they can deliver some of the provision in their plan, even if this is in a very different way and is more limited than usual. See below for how the law has been changed temporarily to relax the obligation to deliver everything in an EHCP.

*Advice and support for schools and children*

**Tameside** educational psychologists, specialist education staff from the Pupil Support Service and the SEN Team are continuing to advise and support schools and their pupils with SEND or emotional and mental health issues. Their services are largely being provided remotely, by telephone or other platforms such as Skype and Zoom. We are also offering a Parent Helpline, for parents of all children with SEND. This is a telephone support service to offer advice and strategies for parents whose children remain at home.

*Alternative provision and children not in school before lockdown*

If your child attends a Pupil Referral Unit (PRU) or Alternative Provision, this setting may remain open to provide support for children in the ‘vulnerable’ category and/or children of key workers. If your child was not receiving any education, it is likely to be very difficult to enforce [the LA’s duty to provide education](https://www.ipsea.org.uk/children-who-do-not-have-a-school-place) while schools in general remain closed, simply because almost all children are now in the same situation.

*Exams and grades*

Exams have been cancelled for 2020 to give pupils, parents, and teachers certainty, and free up schools and colleges to focus on supporting vulnerable children and the children of key workers. You can find out more in this [government publication about exams in 2020](https://www.gov.uk/government/publications/coronavirus-covid-19-cancellation-of-gcses-as-and-a-levels-in-2020/coronavirus-covid-19-cancellation-of-gcses-as-and-a-levels-in-2020)

**EHCP processes during coronavirus**

Assessments for EHCPs

EHC needs assessments are still happening despite coronavirus. Your child’s school or you can still make a new request for assessment and if the EHCP process is already underway it should continue. On 30 April the government announced temporary regulations to relax the timescales that apply to EHC plan processes. If for a reason related to coronavirus it is not possible to meet one of the normal time limits, the local authority (or health or other body involved) will have to complete the process as soon as reasonably practicable instead. This change took effect on 1 May and lasts until 25 September. It is important to note that this change does not mean EHC plan processes are different from before. Nor does it mean that they are going to stop. All the usual elements of the process must happen, including involving you and your child. but at some stages things may take longer than usual. Tameside SEN Team have committed to stick to the normal time limits as closely as possible, will let you know when they can’t do so and will give you an idea of what the new timescale will be if it has changed.

If a different school is named in an EHC plan during the coronavirus period, that school must still admit your child by adding them to the school roll. They should then consider them in the same way as existing pupils and do a risk assessment to see if they should offer them a place in school now or support their education at home for the time-being.

The SEN Team

The **SEN Team at Tameside Council** are working from home and prioritising essential work including completing EHC needs assessments and producing EHC plans. They are having to work differently in these difficult times.

Reports by professionals will be done based on existing knowledge of a child and contact by phone and video conferencing e.g. Skype. Educational Psychologists will use a consultation approach, talking to parents, school and in some cases the child or young person. It will be noted that the reports were written during the coronavirus period and where necessary they may be amended later. The casework officer will prepare a draft plan based on all the advices which will then be sent to you, the school and professionals who wrote the advices. You will then get a call to talk it through and you will be able to comment and ask for changes as you would have done at a co-production meeting. You and your child should still be actively involved in the process.

The SEN Panel is till meeting with the usual multi-agency membership including a parent representative.

*Changes to educational provision for children with EHCPs during coronavirus*

The government passed the Coronavirus Act in response to the outbreak. This gave them the power to relax some of the law around EHCPs if they decided this was necessary. On 30 April they activated these powers. This temporarily relaxes the legal duty on local authorities or health commissioning bodies (CCGs) to secure or arrange the provision set out in an Education, Health and Care (EHC) Plan down to a duty to use ‘reasonable endeavours’ to do so. If they can’t maintain the usual provision despite these efforts, they will not be breaching their legal responsibilities. In simple terms this means you can’t insist on what it says in the EHC plan at the moment, but the school and LA should be trying to make sure your child gets some input, working together with you if they are at home. This reflects the reality of what has been happening already in practice. It is a temporary measure in force from 1st May, although it will be reviewed monthly and can be extended for another temporary period.

**Any changes to provision are only temporary.**The government guidance is clear that parents who consent to changes to, or reductions in, their child’s provision during this outbreak will not be considered to have agreed a permanent change to what their child needs in their EHC plan.

*Annual reviews of EHCPs*

The Coronavirus Emergency legislation has given LAs and schools some flexibility on the deadlines for annual reviews. Summer term annual reviews may be postponed, although some schools are using telephone and video conferencing to carry out some reviews.

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 LA about this to see what review mechanisms could be put in place.

*School transport*

Local authorities must continue to ensure children are supported to get to school safely, so your child should still get transport if they did so before. Of course you may prefer not to use transport to reduce the number of different people your child mixes with at this time. If you did not have transport before but your child has been moved to another school and this makes the journey more difficult, you should ask about transport.

*Private, independent, non-maintained schools, colleges or nurseries*

All nurseries, private schools, sixth forms and FE Colleges have all been asked to follow the same guidance for attendance of children including those with EHCPs, whether they are private or state-funded. There is a lot of detail for them to work through regarding which children and young people they need to provide for and how to implement an offer to these children in practice. The government has said they will provide financial support for these settings as required. But we have heard that some have closed to all children and young people regardless. Check with the setting your child attends. If they are not making a plan for your child and you think your child is one of those that needs to be getting provision in school rather than being safer at home, please contact your SEN Caseworker to ask for advice.

**Appeals and mediation**

*Appeals to the SEND Tribunal during coronavrius*

Mediation is continuing but face to face meetings are being replaced by video conferencing.. The law has been temporarily changed to relax the deadlines by which parents or young people must contact a mediation adviser, prior to bringing an appeal. Within 2 months after written notice of the local authority’s decision, the parent or young person should contact the mediation adviser to inform them they wish to appeal and whether they wish to pursue mediation. If this can’t be done because of a reason related to the incidence or transmission of coronavirus, then the parent or young person are required to give the written notice as soon as reasonably practicable.

Tribunals are going ahead during the coronavirus period. SEND Tribunal hearings are being carried out on paper (if all parties agree) or by telephone or video call. If you have a hearing coming up the tribunal service will contact you to make arrangements.  The Tribunal have asked parties not to call them until 2 days before hearings if they haven’t heard anything as, like every public service, they are affected by staff shortages as a result of COVID-19.

Since 30 March 2020, appeals and claims have been prioritised by the judiciary and consideration given to the use of additional approaches including triaging of cases to ensure that decisions are made proportionately.  With these measures, it is expected that there should be no need to adjourn hearings if the parties are ready to go ahead, even though they may not be able to take place in person.

For new appeals, timescales and priorities have changed in the light of the current emergency. Any new appeals are now going to be listed on a 20-week timetable, unless it is about a phase transfer, which will be 12-14 weeks.

IPSEA also have [helpful information and tips](https://www.ipsea.org.uk/news/send-tribunal-update-for-volunteers-parents-and-carers)

*The Local Government Ombudsman (LGO)*

The LGO are not taking any new cases for the time being.

*Admissions appeals*

Appeals about admissions are still possible, for example about the primary school or secondary school your child has been allocated for September this year. The rules have been changed temporarily so that these appeals don’t have to take place in person. They can be by telephone, video conference or through a paper-based appeal where all parties can make representations in writing. Deadlines have been made more flexible, but appeals must be heard as soon as reasonably practicable.