



## Department of Health & Social Care

**Helen Whately MP**  
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Parliamentary Under-Secretary of State for Children  
and Families

30 April 2020

### **To all children and young people with special educational needs and disabilities (SEND), their parents/carers and families, and others who support them**

As Ministers responsible for children and young people with SEND and their health needs, we wanted to write to let you know that we are committed to doing everything possible to support you during this difficult time.

None of us have faced a challenge like this in our lifetimes. Our response to the pandemic has different impacts on different people, but we know that these have been particularly hard for those children and young people with complex health needs, learning disabilities, autism and behaviour that challenges, and their families.

Supporting the most vulnerable children, young people and adults is a priority for us at this time. We want to ensure that children and young people with SEND are supported as well as possible in these difficult circumstances and want to update you on some changes to the law and other actions we are taking in order to enable this.

#### **Changes to the law**

We are temporarily changing the law regarding Education, Health and Care (EHC) plans in two key ways. Firstly, we have issued a notice under the Coronavirus Act 2020 confirming that local authorities and health commissioning bodies (e.g. Clinical Commissioning Groups) must now use their reasonable endeavours to secure the provision set out within a child or young person's EHC plan. This means that local authorities and health bodies must consider, for each child and young person with an EHC plan, what they need to provide during the period of the notice. This may result in a child or young person's provision being different from that which is set out in their EHC plan, but local authorities and health services will still seek to support the needs of the child or young person in the new circumstances we find ourselves in. For example, they may offer support virtually rather than face to face. This legal change will be in force from 1<sup>st</sup> to 31<sup>st</sup> May 2020 and may be extended.

Secondly, where a reason relating to the incidence or transmission of coronavirus applies, the usual timescales in regulations for various EHC processes will be replaced by requirements on local authorities, health care professionals and others to act as soon as reasonably practicable (or in line with any other timing

requirement in the regulations being amended). These changes will be in force from 1<sup>st</sup> May to 25<sup>th</sup> September 2020 and we will be keeping this under review.

We have published detailed guidance alongside these temporary changes. A link to this guidance can be found at:

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>.

We know that as parents and others involved in the care of this vulnerable group, your primary concern is their health and wellbeing. As the Ministers for SEND and Care, we share those concerns and want to reassure you that these changes are temporary and all other requirements of the EHC process remain unchanged. The changes are designed to balance the needs of children and young people with the ability of local authorities and health services to respond to the outbreak.

Our aim is that, as far as practicable during this difficult period, EHC processes continue so that children and young people still get help and support whilst accepting that this may have to be done differently. We expect commissioning bodies – and the services they commission – to maintain education, health and care provision for vulnerable children, and also to extend extra support, where possible, to families in most need – recognising that home isolation is extremely hard for many children and young people with SEND and their families.

In addition, we want to emphasise that co-production, partnership and communication remain critical.

### **Keeping children and young people with EHC plans in education**

For those with EHC plans, we are asking local authorities and educational providers to work with families and the child or young person to carry out an individual risk assessment to judge whether the child or young person's needs can be more safely met at home or at their educational setting. We recognise that some children and young people may be better off with the greater continuity and structure that education brings and that some of those with the most complex needs may need access to support that cannot be provided at home.

We have provided new guidance to help with that risk assessment process:

<https://www.gov.uk/government/publications/coronavirus-covid-19-send-risk-assessment-guidance/coronavirus-covid-19-send-risk-assessment-guidance>.

For parents whose children are not in school, the Department for Education has published the guidance and an initial list of resources to support access to high quality remote education during school closures:

<https://www.gov.uk/government/publications/coronavirus-covid-19-online-education-resources/coronavirus-covid-19-list-of-online-education-resources-for-home-education>.

### **Funding**

Local authorities across England will receive a further £1.6 billion to help them to deal with the immediate impacts of coronavirus (COVID-19). This takes the total funding to support councils to respond to the pandemic to over £3.2 billion. Local authorities are best placed to decide how to meet service pressures in their local

area, including within SEND and children's social care.

We have confirmed that schools and colleges will continue to receive their usual funding, including from the high needs block, to support them through this period of disruption: <https://www.gov.uk/government/publications/coronavirus-covid-19-financial-support-for-education-early-years-and-childrens-social-care>.

We are also providing financial support to schools to meet additional costs arising from Covid-19: <https://www.gov.uk/government/publications/coronavirus-covid-19-financial-support-for-schools>.

We hope that this letter has been helpful in setting out what we are doing at this time to support children with SEND. At the end of this letter, there are some key resources that may be helpful. Right now, our focus, like yours, is on the current situation and keeping you and your children safe and supported. We know that by working together, we can ensure that children and young people with SEND receive the support they need during this difficult time.

Yours faithfully,



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**Minister of State for Care**



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**State for Children and Families**

## Annex - Further key resources

On the GOV.UK website there is a comprehensive set of guidance on coronavirus (COVID-19): <https://www.gov.uk/coronavirus>.

The following links will be of particular interest for the families of children with SEND:

- The Department for Education has a Coronavirus helpline for education and children's social care related queries, which is available to anyone working in the sector, as well as parents. Their number is 0800 046 8687, there are advisers responding to questions between 8am-6pm Monday-Friday, and 10am-4pm on Saturday and Sunday.
- There are a number of frequently asked questions for different educational settings and for local authorities at this link: <https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people>.
- Guidance on shielding and protecting people defined on medical grounds as extremely vulnerable can be found here: <https://www.gov.uk/government/publications/coronavirus-covid-19-implementing-social-distancing-in-education-and-childcare-settings/coronavirus-covid-19-implementing-social-distancing-in-education-and-childcare-settings> and here is the link for special schools: <https://www.gov.uk/government/publications/coronavirus-covid-19-send-risk-assessment-guidance/coronavirus-covid-19-send-risk-assessment-guidance>.
- Frequently asked questions about coronavirus (COVID-19) can be found here: <https://www.gov.uk/government/publications/coronavirus-outbreak-faqs-what-you-can-and-cant-do/coronavirus-outbreak-faqs-what-you-can-and-cant-do>.
- Public Health England (PHE) has published easy-read guidance on how to keep yourself safe during the pandemic. A copy of their guidance can be found here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/874281/COVID-19\\_easy\\_read.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/874281/COVID-19_easy_read.pdf).
- Also, there is an easy-read version of the shielding guidance for people whose physical health conditions mean they are at the greatest risk from coronavirus. The easy read version of this guidance can be found here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/874281/COVID-19\\_easy\\_read.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/874281/COVID-19_easy_read.pdf).
- Books Beyond Words have published resources about coronavirus that can be used to support those who find pictures easier to understand than words which can be found here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/874281/COVID-19\\_easy\\_read.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/874281/COVID-19_easy_read.pdf).

Other support includes:

- The charity Contact provide information and advice for families of disabled children, with support available via their Freephone Helpline (0800 808 3555) and website: <https://contact.org.uk/covid-19>.
- CDC have been asked to pull together resources and to respond to frequently asked questions, the link is here: <https://councilfordisabledchildren.org.uk/help-resources/resources/covid-19-support-and-guidance>.
- The Information Advice and Support Services Network can provide further help: <https://cyp.iassnetwork.org.uk/getting-help/>.
- The Royal College of Paediatrics and Child Health have provided an overview of when to seek medical advice on coronavirus (COVID-19). For information regarding 111 and what to do if your child is unwell, see: [https://www.rcpch.ac.uk/sites/default/files/2020-04/covid19\\_advice\\_for\\_parents\\_when\\_child\\_unwell\\_or\\_injured\\_poster.pdf](https://www.rcpch.ac.uk/sites/default/files/2020-04/covid19_advice_for_parents_when_child_unwell_or_injured_poster.pdf).