

Information regarding Education, Health and Care Plans and Needs Assessments in response to COVID-19

This document outlines Southend on Sea Borough Council's response to COVID-19 in relation to SEND processes. It is based on guidance issued by the Government and will continue to be reviewed and updated regularly in line with changes in guidance and Law. Further detailed information is available in the [full guidance document](#).

Delivering provision within an EHCP

The Government have now passed the [Coronavirus Bill](#). The Coronavirus Act 2020 allows the Secretary of State, where appropriate, to temporarily lift the statutory duty on Local Authorities to maintain the precise provision in EHC plans; with Local Authorities needing instead to apply 'reasonable endeavours' to support these children and their families. As such, where the Secretary of State has issued a temporary notice and a Local Authority is unable to secure the full range of provision stated in a plan, as long as they use their 'reasonable endeavours' to do this, they won't be penalised for failing to meet the existing duty in section 42 of the Children and Families Act 2014. Any changes made to a child or young person's provision in their EHC plan would only remain in place temporarily. The full range of provision would be reinstated once the temporary notice expires.

The guidance issued by the Government states that they are proposing to further amend regulations to provide flexibility over matters such as the timescales in EHC needs assessments, and the reviews, re-assessments and amendments processes where particular cases are affected by the COVID-19 situation. In the interim the Southend on Sea SEND Service have adopted the following approach:

Requests for EHC Needs Assessments:

The SEND Code of Practice 2015 requires Local Authorities to respond to requests for an EHC Needs Assessment and to undertake those assessments within statutory timescales. The whole process of EHC needs assessment and EHC plan development, from the point when an assessment is requested (or a child or young person is brought to the Local Authority's attention) until the final EHC plan is issued, must take no more than 20 weeks, subject to certain exemptions.

Paragraph 9.42 of the Code of Practice states "Where there are exceptional circumstances, it may not be reasonable to expect Local Authorities and other partners to comply with the time limits above. The Special Educational Needs and Disability Regulations 2014 set out specific exemptions. These include where:

- appointments with people from whom the local authority has requested information are missed by the child or young person (this only applies to the duty on partners to comply with a request under the EHC needs assessment process within six weeks)
- the child or young person is absent from the area for a period of at least 4 weeks
- exceptional personal circumstances affect the child or his/her parent, or the young person, and
- the educational institution is closed for at least 4 weeks, which may delay the submission of information from the school or other institution (this does not apply to the duty on partners to comply with a request under the EHC needs assessment process within six weeks)"

Under the current circumstances one or more of these exceptions could apply to all Children and Young People. Many of the professionals that contribute to an EHC Needs Assessment, including teachers, Health Care Professionals and Social Workers, are currently redeployed in order to prioritise the needs of the most vulnerable. These exceptional circumstances may have a significant impact on the quality of an EHC Needs Assessment and may result in an assessment that does not accurately reflect the needs of that Child or Young Person. As a result the Southend SEND Service has introduced the following interim actions.

Stage of assessment	What will happen now
Making a new request for an EHCNA	The LA is requesting that wherever possible all parents, educational settings and other professionals refrain from submitting any new requests until 1 st May 2020. EHCNA should be a thorough and meaningful assessment of a child's needs and this may not currently be possible.
Requests for EHCNA already received	The LA will use their best endeavours to continue to process these in the usual way. However it is anticipated that many contributors may not be able to respond to the 6 week early warning letters within the timescale.
EHC Needs Assessments agreed prior to 23 rd March 2020	The LA will contact all parents and educational settings and advise there may be a delay with the completion of the assessment. This will depend on the stage of the assessment and what parental and professional involvement is still required in order to complete the assessment.
Assessments agreed after 23 rd March	Individual discussions will establish what statutory advice is required and how and when this could best be sought.

Consultations for school places

The LA will continue to consult with schools and other educational settings to request placements for Children and Young People. However, we recognise that settings are working under very difficult situations currently and may not be able to meet the usual timescales. If a setting is unable to respond within 15 days then a member of the SEND Service will contact that setting before taking any further action.

Annual Review's of Education, Health and Care Plans

Whilst awaiting further guidance from the Department for Education (DFE) Southend Borough Council asks that all educational settings use their best endeavours to prepare for and hold Annual Review meetings where possible. This may include:

- Writing to the professionals involved to request their contribution to the review process;
- Requesting parental views;
- Requesting pupil views, through the parents if appropriate;
- Drafting the annual review paperwork, including any additional information received from external professionals;
- Circulate copies of the draft paperwork to parents and carers;
- Holding the Annual Review meeting via video conference or teleconference if parents/carers are in agreement and all attendees are able to participate in this way

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The Southend SEND Service acknowledges that for some pupils a multiagency review may not be possible during this period of school closure and that some reviews may need to be postponed until the setting is fully open again and/or the relevant professionals are able to contribute to the review process.

Contact and useful information

Although the Civic Centre is closed SEND Team members continue to work remotely with safeguarding the vulnerable as our highest priority. If you have any questions about SEND processes please contact the SEND Service at SENteam@Southend.gov.uk

Further information can be accessed from the following websites:

[Southend on Sea Local Offer](#)

[Southend Educational Psychology Service](#)

[Southend Borough Council website](#)

[Southend SENDIASS](#)