

# SEND NEWS SPLASH

ISSUE THIRTY  
MAY 15TH 2020

## CHANGES TO THE LAW ON EDUCATION, HEALTH AND CARE NEEDS ASSESSMENTS AND PLANS DUE TO CORONAVIRUS

To see Guidance on temporary changes to education, health and care legislation during the coronavirus (COVID-19) outbreak, published on April 30th, [please click here](#).



Below is an FAQ that we've added.

You can find more Coronavirus related information including FAQ's and useful home schooling resources on the Swindon Local Offer by [clicking here](#).



### **Q: Who is able to apply for a coronavirus test and how do I do this?**

A: For up to date information on accessing coronavirus testing please visit the gov.uk website - <https://www.gov.uk/apply-coronavirus-test>



## A STATEMENT FROM SWINDON BOROUGH COUNCIL

The government issued some changes to the law around SEND that came into force from Friday 1st May 2020. The DfE has made it clear that this is just a temporary change while the situation around COVID-19 is happening. There are two fundamental changes that have been introduced with the aim of keeping things going at this point in time:

1. Provision: The duties in relation to the delivery of the EHC Plan have changed which means that providers must make "reasonable endeavours" to deliver provision. 'Reasonable endeavours' means that settings must work with children, young people and their families to see what they can reasonably put in place given the circumstances. This may mean some aspects of provision listed in Section F can continue to be delivered or be temporarily different to that which is set out in a child's EHC plan. These changes should be temporary and linked to the challenges faced by the current COVID-19 situation.

2. Statutory Timescales (relating to EHC needs assessment and plans): There is no change to statutory timescales, but an allowance for there to be flexibility in delivering on timescales linked to COVID-19. Any timescales will not be stopped as a result of the current situation, but might change if it is difficult to gather information required. All consultation deadlines remain in places as before the current situation. These are the timescales which the LA must adhere to for the statutory consultation tasks within the EHC needs assessment process: seeking the parents/young person's preference for an educational institution and consulting with the head teacher and governors of the preferred educational institution before naming them in the EHC plan.

The DfE has been clear that these changes are to be reviewed on an individual child level and there will be no "blanket policy" applied. For example, we cannot remove provision as a result of COVID-19, but we must review "how provision can be delivered in a different way".

Annual reviews are still a statutory requirement and must continue. However, many schools and Local Areas have found new technology is assisting with holding reviews.

There is no change to the 'duty for schools to admit' during this temporary situation linked to COVID-19. This means that when a school/setting has been named in Section I of an EHCP, they must place the child on roll. The school/setting will continue to be responsible for making sure your child gets the support set out in their EHCP.

If parents are concerned that this guidance is not being followed appropriately by their child's school/setting then they should follow the usual complaints processes (i.e. through the school or SEND Service as appropriate).