

Tuesday 19 May 2020

Dear Parents and Carers,

The COVID-19 pandemic means we are living in unprecedented times. Nearly every aspect of our ordinary lives is being affected and we are all doing our best to find ways to manage and adapt to a very different world. The challenge for all families is great at the moment, but for families with children with SEND, there are more complications each day, and we hope that you are finding ways to look after yourself, as well as your children.

You may have heard on the news that the Government has temporarily changed some aspects of the law around Education, Health and Care plans. We are writing to share with you what this means for your child and explain some of the changes that will take place during this period of time. We have included a Key Messages and a Fact Sheet with this letter which we hope will help you to understand the details. The changes are in place from 1st May 2020.

Firstly, it is important to say that the law has not been ‘turned off’ or stopped. The duties in the law have been modified, and this is only for the time that we are living through the pandemic.

Secondly, there are only two areas of the law that have been modified:

1. Usually there is an ‘absolute duty’ on Local Authorities and Health Commissioning Groups to provide what is written in an EHC plan. This has been changed as the Government recognises that with most children and young people at home, and many services working in different ways, it may not be possible to deliver what is written in an EHC plan. This means that your child’s provision may differ *temporarily* from what is set out in their EHC plan. The change to this ‘absolute duty’ is effective for one month and then is reviewed to decide whether it needs to continue. When the COVID-19 crisis comes to an end, the modifications to the law will end and once again there will be an ‘absolute duty’ to provide what is written in your child’s EHC plan.
2. The second change is to timescales in processes such as EHC Needs Assessments and EHC plans. The NHS is under considerable pressure and the workforce is being redeployed to care for both COVID-19 patients and the most vulnerable. Social Care teams are supporting the people in our communities who most need their support and are supporting families through this crisis. It may not be possible, given these

circumstances, to receive advice or replies from teams in the usual timescales and there may be delays. We understand the frustration that this may cause and if there is a delay we will make sure that we keep you informed at every step so that you understand why there has been a delay.

So what will happen now? We want to have a discussion with you about how to support your child at this time and how we can work together to make a temporary plan. This is called a Reasonable Endeavours Plan. In the first instance, the discussion will be between you, your child or young person and your child's educational setting. Our SEND teams (Educational Psychologists, Inclusion Partners, Engagement Facilitators and SEND Operations partners) will be part of the discussions and will support all Early Years settings, schools and colleges to make sure every young person and family is supported to make a plan. Attached is a sheet that explains what will happen and also how you can get in touch with us to tell us about your conversation and experience.

We realise that this is a lot of information and you may want to have a conversation with someone to ask questions. We would always encourage you to speak to the SENCo or Headteacher of your child's school or college in the first instance. Other independent options include:

SENDIASS

The local SENDIASS (SEND Information, Advice and Support Services) is available to offer support.

Helpline: 0333 013 8913; email: send.iass@essex.gov.uk; Text: 07860 003010

Essex Family Forum

Parent carer forums have a very important role to help us understand what we need to do support families across Essex when the normal ways of working are under such strain. Please contact Essex Family Forum via Facebook or email corona@essexfamilyforum.org. The website for Essex Family Forum is www.essexfamilyforum.org

We will continue to liaise with the Essex Family Forum during this period and will collate any feedback through our networks,

Best wishes,



Clare Kershaw
Director for Education