

Changes to the Law on Education Health and Care Plans

Information for parents and carers of children and young people

The government has introduced temporary changes to the law on Education Health and Care assessments and plans. These changes came into effect on the 1st of May and are in response to the additional pressures placed on local authorities due to the Coronavirus.

The information, below, is for parents and carers of children and young people who already have a plan. It will outline what local authorities are being asked to do to make sure children's educational and health needs are being met.

The changes to the law are about:

- Protecting the needs and rights of individual children and young people with an EHCP
- Allowing local authorities to respond flexibly and creatively to the demands they are facing in relation to Coronavirus

For your child or young person this means that the provision provided may look different to that outlined in their plan.

A copy of the full guidance issued from the government is available at <https://www.gov.uk/government/publications/changes-to-the-law-on-education-health-and-care-needs-assessments-and-plans-due-to-coronavirus>

Key points regarding provision:

- Changes to the law about provision are temporary and will be reviewed by government after a month.
- The education and health provision outlined in your child's plan may need to change for the time being
- Your views, and those of your child, should be sought about what provision is suitable and how and where this will be delivered



- Local authorities are expected to make 'reasonable endeavours' to arrange provision
- Local authorities are expected to keep a record of any decisions taken and to keep parents and carers informed about the reasons for any differences to that outlined in the EHCP

What does 'reasonable endeavours' mean?

This means that the local authority and health commissioning body have a duty to consider what can reasonably be provided for all individual children and young people with an EHC plan in the current circumstances. It is acknowledged that these circumstances will differ between local authorities, for instance in relation to staffing and/or school closures. Initially the focus is on what can be delivered for the period of May and this will be reviewed by government.

The government guidance suggests that for some children it may be possible to continue to deliver the provision outlined in their plan. However, it is expected that for the majority of children and young people the provision may, on a temporary basis, need to be different to that set out in their plan. This may relate to:

- What is delivered
- How provision is delivered
- Where provision is delivered and by whom

The guidance outlines the expectation that provision will be kept under review.

What changes will be made to what my child is already doing in school or at home?

In the majority of circumstances the provision your child is receiving through on-line learning, differentiated activities set by the school or ongoing home education is likely to be appropriate and meeting their needs. In these circumstances, and if the provision is working for your child, no changes will be necessary. However, if there are gaps in your child's education or health provision, as outlined in their plan, the local authority must use reasonable endeavours to explore what might reasonably be provided during this time.



What about Annual Reviews?

The government guidance states that annual reviews should still be held although there is increased flexibility over the type and timing. Schools, colleges and settings will contact parents and carers to arrange a meeting for children whose review is due. As always there is a requirement for the views of parents and carers, children and young people to be central to the review process.

Consideration should be given to how the meeting is held, for instance the use of a virtual meeting platform, or whether it should be shorter than usual. There is an expectation that key professionals will still be invited to the meeting. Separate guidance related to annual reviews has been sent to schools, colleges and settings.

How is Derbyshire responding to these temporary changes?

Derbyshire has established an education key worker system to monitor the situation for every child or young person with an EHCP. This is in addition to the SEND officer and contact that families will be having with their child's school, college or setting. It is anticipated that parents and carers will receive a weekly telephone call from their child's education key worker to discuss the provision currently being made available to the child.

Many families will have already received an initial call. Whenever possible education key workers have been allocated according to the child's needs or previous involvement with the family. Key workers are also liaising with schools to ensure that discussions about provision are coordinated and joined up. Should parents want to discuss any concerns, or find out more about the key worker role, they can do this through contact with their SEND officer.

