

Parent/Carer of East Sussex
Children with SEND

Date: 6 May 2020

Dear Parent/Carer

Re: Changes in the Law to EHCP Processes

Firstly, I hope you and your family are safe and healthy as you read this letter. I would like to acknowledge the many challenges facing families during this exceptionally difficult period and offer our thanks to our SEND parents and carers for the immense work you are doing in caring for your children in such unprecedented circumstances.

You may have heard in the news last week that the government has made some temporary changes to the law in relation to the Local Authority's (LA's) duties regarding Education Health and Care Needs Assessments and meeting the needs of children who have EHCPs. Most of the law and regulations are unaffected, in particular the expectation that the views and wishes of children, young people and parents will continue to be central to the process. However, I wanted to write to you to inform you of the position in East Sussex and what this means for you and your child.

Firstly, I want to reassure you that, since the lockdown began, East Sussex has been prioritising our work in supporting children with SEND. We have transferred most of our processes online and our staff have been operating business as usual from day one. Where services have been able to see children in schools or their homes, this has continued; where this is not possible, we have been undertaking work virtually with children and families. Due to the contingency measures we have in place, East Sussex County Council does not envisage the need to use the changes to the legislation as a matter of course.

There are two significant changes to the law, which I have set out below:

1. Arranging and Making Provision Set Out in Education Health and Care Plans

As of 1 May, Local Authorities must use their 'reasonable endeavours' to secure or arrange provision set out in EHC plans – this means that Local Authorities must decide what can be reasonably met under the current circumstances.

Most children and young people with EHCPs in East Sussex have their specified needs met through schools/colleges and they are already identified on the list of 'vulnerable children'

by the DfE who should be prioritised for educational provision. However, there are some children who are not accessing either part time or full-time schooling.

We have been in regular contact with schools and colleges to ensure that all children who we know need provision do have an offer. Schools have been looking for innovative ways of making provision, including how individual needs can be met, where it is not possible to do this in school. ISEND services have also provided a range of resources that schools can access for children with specific needs to differentiate or enhance their offer, to better meet the specific additional needs of some children. The ISEND Front Door remains operational and schools can continue to refer for support for individual children, if this is required.

If you have any concerns about the education that is being provided for your child, either in a school/college setting or the support you are receiving to provide some learning at home, we encourage you to contact the school/college in the first instance and discuss what support can be provided. This includes discussing any additional emotional/mental health support your child might need. If you are unable to resolve your concerns this way, please get in touch with us through our customer services contacts 0345 60 80 192 (10am-3pm) cs.customerrelations@eastsussex.gov.uk or through your Assessment and Planning Officer and we will follow up directly with your school or college.

2. Statutory Timescales

Where it is not possible to meet a deadline due to the impact of COVID-19, LAs are able under the new arrangements to deviate from the normally prescribed timescales. LAs must, however, try to meet these timescales as soon as it is practicable to do so. This applies for Education, Health and Care Needs Assessments and Annual Reviews.

As East Sussex is currently running business as usual for statutory processes, with all decision-making processes running virtually, we do not envisage the need to apply this aspect of the legislation. We have advised schools that Annual Reviews should still be held and, where it is not possible to do this face-to-face, that they should be held virtually.

If we do need to apply an exception due to the impact of COVID-19, we will let you know directly and outline our reasons for doing this.

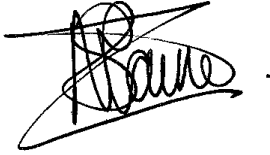
Both legal changes detailed above are temporary: the first will be in force from 1 to 31 May 2020 initially but may then be extended. The second will be in force from 1 May to 25 September 2020 and will be kept under review. ISEND will work with the East Sussex Parent Carer Forum (ESPCF) to keep a record of the impact of these changes.

I am hopeful that the above provides you with some reassurance that the council will do everything we can to minimise the disruption to your child's EHCP provision during these uncertain times.

Finally, we are aware that some parents, children and young people are understandably concerned about what the arrangements will be for returning to school. Although we are not aware of details of the plans at this time, we are already making preparations for this so that we are in the best place to respond when any announcement is made by the government. We do recognise that some children with SEND will need a differentiated approach to returning to school and we will be working with schools to ensure that these are in place once a return date is announced.

It is of utmost importance to us that children with SEND get the best possible support during these unprecedented times and we will continue to do everything within our powers to ensure that their needs are met. Enclosed with this letter is a flyer that outlines the important contacts that you can call should you have any queries about any aspect of your child's provision.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Nathan Caine', with a large, sweeping flourish underneath.

Nathan Caine
Head of ISEND