

# Key Legislative Changes for Special Educational Needs & Disabilities

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# Reminder of Community Services SEND Context



CYP 0-25

- CYP with an education health and care plan in place or going through assessment for one. (354,995 Nationally)
- Whilst CCG has the statutory duty for arranging or securing health provision they usually use the providers to meet the provision

Key  
Professionals/Services  
involved in provision

- Professionals - SALT/OT/Physio/Community Childrens Nursing/Special Schools Nurses and /HV/SN Community Paediatricians
- Services- Dietetics/Wheelchair/Orthotics/Audiology

## **We have worked with government departments to provide further clarity on SEND in NHS terms and align statutory**

- Further guidance on SEND in the revised community services prioritisation framework- Continue services
- Further guidance on SEND in the revised SOP – Appendix 2b
- Should be read along with specific SEND Government Guidance. [Guidance on Vulnerable CYP](#) and [SEND Risk Assessments](#)
- Joint DHSC and DfE Ministerial letter published 29<sup>th</sup> April – shared with our networks
- [Education, Health and Care needs assessments and plans: guidance on temporary legislative changes relating to coronavirus \(COVID-19\)](#) and [Modification notice: EHC plans legislation changes](#)



# Key Legislative Changes

## Legislative Changes from 1<sup>st</sup> May 2020

### Education, Health and Care needs assessments and plans: guidance on temporary legislative changes relating to coronavirus (COVID-19)

These changes are temporary, and all other requirements of the EHC process remain unchanged

- 2 key legislative changes (Provision and EHCP timeliness) <http://www.legislation.gov.uk/ukxi/2020/471/contents/made>
- **Normal Times** - For health we have a duty to provide advice in 6 weeks and a final plan is 20 weeks .
- **Now-** There have been changes to EHCP timescales are temporary, and will expire on **25 September**, unless specifically extended. They will be kept under review. **Where there is a reason relating to the incidence or transmission of coronavirus applies**, there will be flexibility over the specific timescales for various EHC needs assessment and plan processes. Local authorities, **health care professionals and others will instead have to meet modified duties, such as to act “as soon as reasonably practicable”**.
- **Normal Times** – Health provision goes into health section of plan and therapies provision goes into the in education section of the plan.
- **Now-** for the **period 1-31 May** local authorities and commissioning health bodies (e.g. Clinical Commissioning Groups) must now use their **“reasonable endeavours”** to **secure the provision specified in an EHC plan**.
- LAs and commissioning **health bodies must consider what they can reasonably provide during this period for each child and young person with an EHC plan**, based on their individual needs. This means that for some, or all, of this time, the child or young person’s provision may be different to that which is set out in their EHC plan.



## Themes from the Guidance

- **it is only some aspects of the law on EHC needs assessments and plans that have changed temporarily**; and where this has happened, the law has been modified, not disapplied. The duties in law over EHC needs assessments and plans have not been 'turned off'
- The **duties in law over EHC needs assessments and plans have not been 'turned off'**
- The **ongoing importance of co-production** with children and young people with SEND and their parents
- That the impact of coronavirus (COVID-19) may mean that the process and provision in place previously may for the time being need to change and how important it is, in **identifying the best way forward and giving the families clarity about what is happening**, for there to be effective and timely communication between:
  - **There to be effective and timely communication between:**
    - ✓ local authorities (SEND and social care services) and health commissioning bodies
    - ✓ families of those with SEND
    - ✓ all those others involved in the processes for EHC needs assessments and plans, such as education settings and other health professionals

## Top Tips

- Work with your local **CCG Designated Clinical and or Medical officer** for SEND
- **Support teams** who are all ready involved in SEND to have **capacity to deliver** **Don't use blanket statements** as individual assessments are needed.
- Work with **CCG and keep records** of decisions and communicate with parents – framework available for use in guidance
- Work with **local authority and schools/college leaders.**
- Keep **creating solutions** working with local regional and national SEND networks

# Learning so far- How can we share more ?



## High level Local Examples

- speech and language therapist delivering sessions via video link
- physiotherapist video linking to a child's home and modelling exercises that the parents could do with their child
- occupational therapists providing webinars for school staff on topics such as sensory strategies or pre-writing skills, or a teletherapy service
- a health visitor or school nurse providing health advice or developmental reviews via teleconferencing
- Community paediatricians supporting advice and assessments virtually
- Health professionals attending: annual review virtually
- Annual review, EHCP panel and Tribunal virtually

## Use Existing Networks

- DfE Regional SEND networks across education health and care
- NHSE/I regional SEND Lead meetings
- National online networks working with council for disabled children

