



Education, Health and Care Plans (EHCP) and Needs Assessments in response to COVID-19 – 7th April 2020

Information and guidance for parent/carers & educational settings

This document outlines Peterborough and Cambridgeshire Council's response to COVID-19 in relation to SEND statutory processes.

It is important to note that this is based on guidance issued by the Government up to 7th April 2020 and will continue to be reviewed and updated regularly in line with changes in guidance and Law. Further detailed information is available in the [full guidance document](#).

Delivering provision within an EHCP

The Government has now passed the [Coronavirus Bill](#). The Coronavirus Act 2020 allows the Secretary of State, where appropriate, to temporarily lift the statutory duty on Local Authorities to maintain the precise provision in EHC plans; with Local Authorities needing instead to apply 'reasonable endeavours' to support children, young people and their families.

What does this mean?

Where the Secretary of State has issued a temporary notice and a Local Authority is unable to secure the full range of provision stated in a plan, as long as they use their 'reasonable endeavours' to do this, they won't be penalised for failing to meet the existing duty in section 42 of the Children and Families Act 2014. Please click [HERE](#) for the link to the open letter from the Minister for Children & Families, Vicky Ford.

Any changes made to a child or young person's provision in their EHC plan would only remain in place temporarily. The full range of provision would be reinstated once the temporary notice expires. Changes can only be introduced for up to a month at a time and then reviewed by the Secretary of State.

The guidance issued by the Government states that they are proposing to further amend regulations to provide flexibility over the statutory process relating to EHC Plans this would include timescales in:

- EHC needs assessments
- Annual reviews
- Re-assessments
- Amendments following reviews

where particular cases are affected by the COVID-19 situation.

In Cambridgeshire & Peterborough we will continue to carry out processes as far as we are able. The information below sets out how it will work:

Requests for EHC Needs Assessments:

We will continue to respond to requests for Education Health & Care Needs Assessments.

These exceptional circumstances may have a significant impact on the quality of an EHC Needs Assessment and may result in an assessment that does not accurately reflect the needs of that Child or Young Person.

Please note, many of the professionals that contribute to an EHC Needs Assessment, including teachers, Health Care Professionals and Social Workers are currently redeployed in order to prioritise the needs of the most vulnerable.

As a result the Peterborough and Cambridgeshire Services have introduced the following interim actions:

Stage of Assessment	What will happen now
If you are considering making a new request for an Educational Health and Care Needs Assessment	<p>You can still make a request for an EHC needs assessment. The Needs Assessment should be a thorough and meaningful assessment of a child/young person's needs, however please be aware that currently Health and Social Care colleagues are having to re prioritise their responses and therefore may not be able to fully participate in the assessment during this time. This could impact decision making and/or gathering a full picture of the child/young person's needs.</p> <p>How does this affect timescales?</p> <p>Under normal circumstances a decision as to whether or not an assessment is going ahead is communicated by week 6, whilst the Local Authority will use reasonable endeavours to achieve this, it may not be possible.</p>
If you have already made a request for Educational Health and Care Needs Assessment (this is where the assessment has been received but is still within the first 6 weeks of the Statutory Process and therefore not been to Panel)	<p>The Local Authority will use their reasonable endeavours to continue to process these in the usual way. However it is anticipated that many contributors may not be able to respond (as above) to the notification letters within the timescale.</p>

<p>If an EHC Needs Assessment is agreed/has already been agreed (this is where an assessment has been agreed but before a Draft Plan/Written Feedback Notes have been issued – weeks 7-16)</p>	<p>The Local Authority will use reasonable endeavours to complete an assessment as fully as possible. This will depend on the stage of the assessment and what parental and professional involvement is still required. Timescales are likely to be impacted but your SAM Officer/SEN Caseworker will speak to you regarding this. It may not be possible to go ahead with a planning meeting, although this could be offered virtually (i.e. via video or telephone) - your SAM Officer/SEN Caseworker* will discuss this with you on an individual basis.</p> <p><i>*Statutory Assessment & Monitoring (SAM) Officer – Peterborough or SEN Caseworker - Cambridgeshire</i></p>
<p>Draft Plan (usually around week 16)</p>	<p>The Local Authority typically issues a Draft Plan (if appropriate) following assessment at or around week 16 of the process. Whilst we will use reasonable endeavours to do this, any earlier delays within the process will impact issuing within this timeframe.</p>
<p>Right of appeal</p>	<p>Parent/carers will still have the right of appeal. You can find out more about your right of appeal by visiting the Local Offer - the link to this is available at the end of this document.</p>
<p>Consultations for school places</p>	<p>Please be assured that the Local Authority will continue to consult with schools and other educational settings to request placements for Children and Young People. However, settings are working under very difficult situations currently and may not always be able to meet the usual timescales.</p> <p>We understand that making decisions about a particular educational setting might be difficult in the present circumstances, but we will do our best to help you.</p>

Annual Reviews of Education, Health and Care Plans (EHCP's)

Whilst awaiting further guidance from the Department for Education (DfE) Peterborough and Cambridgeshire Local Authorities ask that all educational settings use their best endeavours to prepare for and hold Annual Review meetings where possible. These could take place via telephone or video.

We are aware that our Health & Social Care colleagues may find it difficult to contribute and/or provide updated advice to inform a review. Where it is considered that there are significant updates required from health and social care, settings and parent/carers should have a discussion as to whether it is appropriate for the annual review meeting to go ahead during this time. It may be more appropriate for some reviews to be postponed until the setting is fully open again and/or the relevant professionals are able to contribute to the review process – this will need to be agreed by the parent/carer/young person.

Contacts and useful information

SEND Services across both authorities continue to work remotely using their best endeavours to continue with the statutory processes relating to Education Health & Care Plans.

If you have any questions relating to the statutory process, please contact the service via the links below:

Peterborough

- Statutory Assessment and Monitoring Service Email:

SENteam@peterborough.gov.uk

- SEN and Inclusion Services COVID-19 Peterborough Local Offer page, which includes information about our new hotlines in response to COVID-19, click [HERE](#)
- Peterborough SEND Partnership Service, click [HERE](#)
- Family Voice Peterborough (FVP), click [HERE](#)

Cambridgeshire

- **Statutory Assessment Team Email:**

Statutoryassessmentandresourcesteam@cambridgeshire.gov.uk

- Covid-19 Local Offer page, click [HERE](#)
- Cambridgeshire SENDIASS, click [HERE](#)
- Pinpoint Cambridgeshire, click [HERE](#)