



**Special Education Needs**  
**Policy**  
**and SEN Information Report**  
**Addendum March 2020**

**St James' CE Academy**

**Statement of Policy**

This policy will be reviewed in response to Government guidance and Local Authority advice in respect of COVID-19 . This guidance will be updated as required and in response to new guidance announced. Any reviews will take into consideration all aspects of applicable legislation and advice at the time.

This policy should be read in conjunction with the 'COVID 19 Child Protection Annex' which outlines revised safeguarding procedures in response to COVID 19.

## Legislation and guidance

The original policy and information report is based on the statutory Special Educational Needs and Disability (SEND) Code of Practice and the following legislation:

Part 3 of the Children and Families Act 2014, which sets out schools' responsibilities for pupils with SEN and disabilities

The Special Educational Needs and Disability Regulations 2014, which set out schools' responsibilities for education, health and care (EHC) plans, SEN co-ordinators (SENCOs) and the SEN information report

It is understood that the Secretary of State (SoS), may at any time use his temporary powers to issue notices to disapply section 43 of the Children and Families Act (CFA) and section 44 of the CFA. These measures do not apply automatically and until such time, all statutory duties in respect of SEND and EHC plans remain.

Whilst the published open letter from Anna Ford MP advises that a parliamentary bill is being progressed to enable specific amendments to the Children & Families Act 2014, these have, to date, not been formalised in law. However, based on Anna Ford's open letter it is understood that the amendments will not result in a pause to the statutory SEND duties, but instead will be advising that local authorities should make 'reasonable endeavours' to facilitate their statutory duties with minimal delay.

## Introduction

In response to COVID-19, all schools, including St James' CE Academy, have been ordered to effectively close, retaining a skeleton staff to provide education for the children of key workers, and 'vulnerable children.'

Those deemed to be 'vulnerable' as per the The Department for Education's (DfE's) definition of 'vulnerable children' includes those who:

- Have a social worker
- Have a child protection plan
- Assessed as being in need
- Looked after by the Local Authority
- Have an Education, Health and Care (EHC) plan

The majority of children with SEN, who receive SEN Support at school but do not have an EHC plan, would be expected to stay home unless they have a social worker or a parent/carer who is a key worker. All placements at the school are subject to a risk assessment conducted by the school.

Government advice states:

Those with an EHC plan should be **risk-assessed by their school or college** in consultation with the local authority (LA) and parents. The risk assessment will inform whether a child needs to be offered a school place, or whether they can safely have their needs met at home. **Many children and young people with EHC plans can safely remain at home.**

### **Guidance on Vulnerable Children and Young People with an EHC Plan**

The offer of a school placement during the COVID-19 closure will be on an invitation basis only, placements will only be offered to those pupils deemed as 'vulnerable' or children of key workers.

When considering inviting the child or young person to school, school staff should incorporate the views of the young person and their parents/carers (and where relevant the allocated social worker). This will inform the decision about whether or not they should be offered a school placement, or whether their needs can be met safely at home.

In the completion of a child's risk assessment, the individual needs of each child needs to be considered. The risks across home and school contexts need to be balanced with the protective factors of supporting a child to remain at home. The risk assessment should be focused around the best interests of the child, with the primary focus being on their safety at this time.

The risk assessment should take into account:

- Potential physical/emotional health risks to the individual/family from COVID-19, bearing in mind any underlying health conditions. This must be on an individual basis with advice from an appropriate health professional where required.
- the risk to the individual if some or all elements of their EHC plan cannot be delivered at all, and the risk if they cannot be delivered in the normal manner or in the usual setting
- the ability of the individual's parents or home to ensure their health and care needs can be met safely
- Potential impact to the individual's wellbeing of changes to routine or the way in which provision is delivered.
- Potential risks in travelling to/from school, including the safety of other CYP and adults.
- Risks to the setting, including the safety of other CYP and adults.

Despite schools remaining open for some children, the guidance is quite clear:

***'If it is at all possible for children to be at home, then they should be.'***

The general principle being is that children, including those with EHCPs, should be at home if it is safe for them to do so.

A child’s risk assessment is not fixed; it is inevitably impacted by any changes in circumstances, such as staffing or environment and so will require ongoing consideration. Risk assessments will be reviewed on a weekly basis in response to a child’s need. A RAG rating system should be employed, adopting the following system:

Red- High risk identified	Amber- Medium risk identified	Green- Low risk identified
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**Collaborative risk assessment for School and Parents**

The following list of risk and protective factors should be used to help complete the risk assessment. This list is for illustrative purposes and is not exhaustive. Completion of the risk assessment should be based on the information available from the child/ young person’s Education, Health & Care Plan as well as further advice from school and external professionals.

Area of need	Risk Factor	Protective Factor

<p><b>Familial</b></p>	<ul style="list-style-type: none"> <li>• Pupils/family members that present with symptoms of COVID 19.</li> <li>• Child Looked After</li> <li>• Known domestic abuse in the home.</li> <li>• Parent/ carer keyworker</li> <li>• CYP has history or risk of harm towards other adults or children.</li> <li>• Multiple CYP with identified SEND in the home.</li> <li>• CYP is a young carer</li> <li>• Previously Looked After/ Adopted/Special Guardianship.</li> <li>• Family at risk of breaking down.</li> </ul>	<ul style="list-style-type: none"> <li>• In line with WHO advice, pupils are to self isolate for a period of 14 days from the first day of illness.</li> <li>• Advise pupils and families to exercise social distancing in line with Government guidance to minimize the risk of infection to others.</li> <li>• Social care risk assessment complete and welfare checks in place.</li> <li>• School to maintain regular contact made with parent/ carer and child.</li> <li>• Other parent/ carer at home, including adult siblings.</li> <li>• Safe space available in the home.</li> <li>• CYP is with familiar people at an unsettling time.</li> <li>• Familiar settings and possessions can support with emotional regulation.</li> </ul>
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<p><b>Educatio n</b></p>	<ul style="list-style-type: none"> <li>• Intensive or severe EHCP banding</li> <li>• SEMH at risk of Child Criminal Exploitation/ Child Sexual Exploitation.</li> <li>• Risk of harm towards others/self.</li> <li>• Need of specialist equipment more readily provided in school.</li> <li>• Need of specialist safe spaces.</li> <li>• Need of specialist staff more readily provided in school.</li> <li>• Number of fixed term exclusions.</li> <li>• Previous permanent exclusion.</li> <li>• Potential impact to the individual's wellbeing of changes to routine or the way in which provision is delivered</li> <li>• Health risk of catching virus, given close proximity to large group of adults and other CYP, some of whom are children of frontline key workers.</li> <li>• Staffing capacity may mean the setting cannot safely meet CYP's needs.</li> <li>• School routine is significantly different, which is likely to cause confusion and distress for CYP with SEND.</li> <li>• Absence of adults who have a relationship with the CYP, potentially increasing distress and reducing effectiveness of care.</li> <li>• Setting may have reduced capacity and/or knowledge to positively manage complex SEND including behaviours of concern putting other CYP and adults at risk</li> </ul>	<ul style="list-style-type: none"> <li>• Differentiated learning materials can be provided by the school.</li> <li>• Remote advice and support available from staff.</li> <li>• Relevant equipment/ resources to be delivered to home.</li> <li>• Personalised strategies and support materials issued by the school.</li> <li>• Parents/carers provided support/advice in supporting home learning experiences.</li> <li>• School to maintain regular contact with parent/carer and child.</li> </ul>
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Area of need	Risk Factor	Protective Factor
Health and social needs	<ul style="list-style-type: none"> <li>• Feeding requirements.</li> <li>• Underlying health condition of the CYP or a member of the household.</li> </ul>	<ul style="list-style-type: none"> <li>• ASDA vouchers issued during the initial period of school closure to pupils identified as FSM(from 1<sup>st</sup> May this will be replaced by Edenred school vouchers).</li> <li>• Those with underlying health conditions are advised to self isolate for a period of 12 weeks.</li> </ul>

### Advice for schools provided by the Local Authority (Hull City Council)

#### New EHC Needs Assessment Requests

Requests for the assessment of children and young people's education, health and care needs can be submitted via the usual routes. Decision making for whether to proceed to an EHC plan needs assessment and whether to issue an EHC plan will continue. The EHC Moderating Group members are continuing to consider requests and completed assessments remotely. Whilst face-to-face meetings cannot take place, individual members are reviewing information and recording their decisions and reasons, and forwarding to the SEND Assessment and Review Team Manager. In instances where no clear agreement is reached, the SEND Assessment and Review Team Manager will make a decision on behalf of the Local Authority.

Decisions will continue to be communicated to parents, young people and schools through telephone calls and formal decision letters. Letters to parents will be sent through our secure email system, or can be sent from the council's central post room if necessary.

#### EHC needs assessments

The current systems in place for information gathering for any new EHC needs assessments will continue at this time. However, there may be potential delays in obtaining statutory advice from professionals, in particular advice givers who are working differently and being deployed to more frontline roles. Where it is understood that there is likely to be an impact on complying with EHC needs assessment statutory timescales, the SEND Assessment and Review Team will contact the young person, families and schools directly to discuss.

#### Educational Psychology advice

In line with statutory requirements, the Hull City Psychological Service (HCPS) will continue to be asked to provide educational psychologist (EP) advice for all new EHC needs assessments agreed and progressed by Hull City Council. Given the government's social distancing guidance, it is recognised that HCPS staff will need

to make alternative arrangements for completing assessments and gathering information. Furthermore the partial closure of schools means that for the foreseeable future EP staff will not be able to observe children and young people in their typical educational environment. When gathering information to inform an EHC needs assessment EP staff will look to make a professional judgement based on information made available to them, with a caveat that Educational Psychology advice has been based on information gathered and provided to them via telephone calls and information held on file only.

### EHC plans

EHC plans that have already been agreed are being progressed by SEND caseworkers in the SEND Assessment and Review Team. Due to current government COVID-19 restrictions, team members will not be facilitating face-to-face meetings with young people, parents or carers. Instead, regular contact will be maintained by telephone or email. Team members are, and will continue, to work with SENDIASS staff who are in communication with parents they are supporting.

It is recognised that given the government's social distancing restrictions announced on 16<sup>th</sup> March, any EHC needs assessment agreed two weeks prior to this date and after may result in draft EHC plans that are not of a quality that we aspire to, due to the restrictions on gathering assessment information to inform the EHC plan.

The SEND Assessment and Review Team are working with our health, social care colleagues and parent carer forum to make sure we can give clear messages and manage expectations.

### EHC Annual Reviews

Without a clear parliamentary directive supported by amendments to the Children and Families Act 2014, there currently remains a requirement for the local authority and key partners to use their 'reasonable endeavours' to progress SEND statutory duties, with minimal delay, including those in respect of EHC plan annual reviews.

Decisions regarding Annual Review meetings held prior to COVID-19 school closures, and any subsequent requested amendments, are being determined by the SEND Assessment and Review Team. Letters detailing decisions are to be sent via secure email to schools, parents, carers and young people, where appropriate. Where changes are agreed, SEND Caseworkers are preparing a Notice of Amendment (NOA), to the EHC plan and will send to schools, settings and parents via secure email. Once changes are agreed SEND Caseworkers will issue an amended Final EHC plan and similarly send this via secure email.

Whilst the SEND case workers are working remotely at home and do not have access to work telephone facilities, they are unable to make personal telephone calls to young people, parents and carers to advise on the proposed Notice of Amendment

We are anticipating that schools and settings may not be required to hold Annual Review meetings during the school closures and we hope to have further



information and advice from the DfE shortly and will provide updates once guidance is issued.

### **EHC Review meetings due in the forthcoming school term**

It is recognised that with current social distancing restrictions and partial school closures remaining in place, there is a need for schools, academies, early year's settings and colleges to facilitate forthcoming EHC meetings reviews differently. The Local Authority has sought the comment and views of the parent carer forum on how educational settings may best facilitate EHC Review meetings with parent and young people's engagement, in view of the restrictions. Below are options for consideration, however, it is suggested that wherever possible parents and young people are offered the choice of how they would prefer the EHC review to be managed. By doing so, they choose the method by which they feel most comfortable and are able to participate.

Additionally, the regional Humber and Yorkshire SENDIASS/Kids service have offered to extend their support to families and young people to access EHC Annual review meetings that may be offered virtually.

### **Considerations and options for facilitating an EHC Review Meeting**

#### **A) Telephone/conference calls**

If facilitating an EHC review as a conference call, documentation should be forwarded to the young person/parent and other involved parties, prior to the date of the scheduled meeting for comment and consideration.

The offer of guidance and support from SENDIASS/Kids should also be made (*please see contact details below*).

#### **B) Video conference/meeting**

As above.

**Note of caution** - Whilst web based media platforms such as Zoom, Skype, WhatsApp Facebook messenger are user friendly, and familiar with parents/carers and young people their privacy and security systems and settings in respect of personal data are not necessarily as well 'protected' as we would hope. Whilst it is understood that many of the providers of these web based platforms are currently reviewing and updating their security systems to ensure improved protection of personal and sensitive data, their use during the restrictions of COVID-19 should be managed with caution.

It is advised that if video conferencing is to be managed through a web based platform that is more familiar and accessible to parents and young people, precautions should be applied and the possible risks explained to all parties, with the possible requirement of a disclaimer being considered. Schools are further advised to consider the individual in all cases and whether facilitating virtual meetings via web based apps such as Zoom, Skype and WhatsApp may result in any safeguarding risks.

### **C) Remotely with no virtual/telephone meeting**

Some families may not have access to appropriate technology and/or may feel uncomfortable or intimidated by the possibility of either a telephone or video meeting. In these circumstances we advise that a date is agreed together for the review to take place and that paperwork is forwarded to the parent/young person prior to this date for comment and consideration.

In instances where it is anticipated the young person/family may not respond or may have difficulties in completing paperwork the offer of involving SENDIASS/Kids for guidance and support should be made.

It is recognised that with current government restrictions, advanced planning of an EHC review is crucial to its success, and that this will require schools, academies, early year's settings and colleges to allocate more time to the planning. It is recognised that due to current restrictions delay in some cases may be inevitable

### **Appeals**

Parent's and young people's rights to register an appeal remain, and currently both Mediations and First Tier SEND tribunals are continuing to be heard and considered through either paper hearings, telephone or video technology.

### **Communication**

The SEND Assessment and Review Team will continue to need information about EHC annual reviews and therefore ask that schools, academies, early years settings and colleges provide the SEND Assessment and Review Team with an update on EHC review meetings that were due to take place in the coming school term but have been cancelled, with the view to re-scheduling when schools re-open and Covid-19 restrictions lifted. *Please refer to EHC Annual Review meeting data form (Appendix I)*

Additionally it is important that the team are provided with information on how EHC Reviews that do proceed have been managed and would ask that the *EHC Annual Review Front Sheet form (appendix II)* is populated and returned to SEND Assessment and Review Team with all other EHC paperwork.

### **Contact information**

Should the academy require advice or guidance please contact the SEND Assessment and Review team by emailing [SEND@hullcc.gov.uk](mailto:SEND@hullcc.gov.uk)

A member of the SEND Assessment & Review Team will make contact with you by email or telephone within two working days.

### **Advice to Parent/Carers**

**What are the entitlements of children and young people with SEN when the Academy is closed due to Coronavirus?**

All schools have been ordered to effectively close, retaining a skeleton staff to provide education for the children of key workers, and 'vulnerable children.'

Vulnerable children include those who have a social worker and those with an Education Health Care Plan (EHC plan). The majority of children with SEN, who receive SEN Support at school but do not have an EHC plan, would be expected to stay home unless they have a social worker or a parent/carer who is a key worker.

### **Do I have to send my child to school?**

Despite schools staying open for some children, the guidance is quite clear:

*‘If it is at all possible for children to be at home, then they should be.’*

If you feel it would be too high risk to send your child to school because they, or someone else in your family, is at particularly high risk, there is of course no requirement to send your child in.

Under the Coronavirus Act, the criminal penalty for parents failing to send their children to school is to be temporarily disapplied.

### **If my child has an EHC plan, doesn't the Local Authority have a legal duty to deliver provision?**

From a legal perspective this remains the case. However, given the likely significant disruption to staffing, it may be very difficult for schools or Local Authorities to deliver precisely the provision in the EHC plan, particularly over the next few weeks.

The Government have passed the Coronavirus Act 2020 which gives temporary emergency powers to the Government to issue a notice (a month at a time) that would modify the legal requirements on Local Authorities in relation to Education, Health and Care Plans. If this notice is issued it would be in relation to two key areas:

*The absolute duty to make the provision in an EHC plan (section 42 of the Children and Families Act 2014) is to be temporarily amended to a ‘reasonable endeavours’ duty. This means that during the specified period the LA needs to do whatever it reasonably can to put provision in place, but if they cannot do so they would not necessarily be breaching the law.*

*Disapplying the duty to undertake annual reviews of EHC plans.*

Again, if there could be a risk to the child or young person's health, wellbeing or safety if they do not receive a particular provision or intervention, this is to be raised with the Academy and Local Authority without delay.

### **What is the advice from the Secretary of State for Children?**

On 24<sup>th</sup> March 2020, the Secretary of State for Children, Vicky Ford, issued an open letter to children and young people with SEND, their parents/carers and families, and all others who support them.

In this letter, the Minister makes clear that:

*'[...] nurseries, schools, special schools, colleges and other training providers should undertake a risk assessment to establish the individual needs of each child or young person with an Education, Health and Care (EHC) plan. This assessment should incorporate the views of the child or young person and their parents. This will inform the decision about whether they should continue in school or college, or whether their needs can be met at home safely.*

*If needs are best met at schools or colleges, we will support their school or college to meet their needs, wherever possible. For those on SEN support, schools, colleges and local authorities have discretion to use the same risk judgement to decide whether home or school is the safest setting for these children. It is, however, important that as many children as possible remain at home during this time in order to help reduce transmission rates.'*

### **My child was due to have an annual review. What will happen now?**

Under the Coronavirus Act, the requirement to carry out annual reviews may be temporarily disapplied where this is considered to be *'appropriate and proportionate.'* However, currently schools will continue to hold annual reviews if at all possible. This will of course need to be carried out remotely and your school should speak to you first about how this will be managed to ensure that the contribution of parents and children/young people are at the heart of the process.

If you feel there is an urgent need to amend the provision or placement in the child or young person's EHC plan, speak to the school and the Local Authority about this to see what review mechanisms could be put in place.

### **My child is still attending school. How will my child's learning be supported at school?**

It is important to note that the school will not be providing a full curriculum, they will be providing care for the children and incorporating education provision and a range of activities, but this will NOT be fully in line with their EHC provision.

### **How can I support my child's learning at home?**

If a child has an identified SEND (EHCP or SEN Support), the SENCo will take account of their needs when planning for, and providing, work to be completed at home. This may include:

- suggesting tasks or activities in line with your child's EHCP outcomes;
- giving more detailed instructions;
- providing parents with suggestions to make tasks more practical in nature;
- providing alternative work which is targeted at their level of need where they may not ordinarily access curriculum subjects at age expected levels.
- providing individual support/advice to parent/carers.

### **How can I help my child cope with the changes?**

We understand that this is a significant change for many families. Please give yourself time to adjust to a new routine and above all, do not place too much pressure on yourself or your child to complete schoolwork. Maintaining positive

mental health and emotional wellbeing is very important. The mental health charity MIND have provided some initial information which is detailed below:

[Coronavirus and your wellbeing](#)

[How can I cope with changes to school / college?](#)

**Who can I contact?**

We realise that these are difficult times for everyone. If you have any concerns or queries please contact:

**St James' CE Academy SENCo**

Mrs C Moore [cmoore@stjameshull.co.uk](mailto:cmoore@stjameshull.co.uk)

**SENDIASS team**

The KIDS Hull offices are currently closed but contact can be made by calling 01482 467540, Monday to Friday.

For direct advice from SENDIASS contact via the advice line on 07711 765903.

Email enquiries to [enquiries.yorkshire@kids.org.uk](mailto:enquiries.yorkshire@kids.org.uk)

**Other links:**

[Open letter from Secretary of State for Children 24.03.2020](#)

<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people>