

# What you need to know about the SEND Amendments

## Why have these changes happened?

It's all about balance! The Government want to make sure

- the needs of children and young people (CYP) with SEND are protected and
- help manage the demands on local authorities (LAs) and health bodies to respond to the outbreak.

## What does 'reasonable endeavours' mean?

The LA and health bodies must make reasonable endeavours to:

- Secure and arrange the provision in the EHCP it may be the same or some of it may be different.
- Consider each CYP with a EHCP and what they need

The LA and health bodies will:

- Consider local circumstances, like workforce, school closures and transmission of COVID-19.
- The needs of the CYP and the specific circumstances
- The views of the CYP and their parents.

## When did this happen and how long is it for?

It started from 1<sup>st</sup> May 2020 and the timescale amendments are in place until September 2020.

The changes to the Children's and Families Act will be renewed monthly if necessary.

## What has changed?

There are two key changes to the SEND Legislation:

- Provision arrangements and changes to statutory timelines.
- There's been changes to Section 42 of the Children and Families Act 2014 and The SEND Amendment Regulations 2020 detail the full amendments.

## Who needs to know?

- Parents, carers, young people
- Advice services
- Local authorities, schools and other education settings
- All the people who contribute to EHCP's and the assessments like Education Psychologists.
- Mediation advisers.

## What else does the LA have to do?

- We may need to make alternative arrangements for the CYP with an EHCP but this will be decided on an individual basis and we will use a framework to guide us.
- We will plan some alternative arrangements with help from other agencies and health bodies.
- We will keep records of the provision arrangements and any changes to them. We will communicate to these you.
- We will keep this under review.
- We will follow the SEND Code of Practice (CoP)
- Schools and other education settings must still admit a CYP to the setting as stated in section 43 of the SEND CoP
- We will continue to adhere to the current complaints procedure.

### Emphasis on:

- Only some aspects of the law on EHC needs assessment have changed temporarily.
- There is an ongoing importance of working together – ‘co-production’
- Because of COVID-19, the provision might need to change temporarily.
- Stronger need for effective communication with all involved.

### Annual Reviews

- These requirements remain in place.
- A review meeting should be held but may take a different form.
- Timescales for amendments may be adjusted by the LA if it is not reasonably practicable or impractical to meet them.
- The meetings must still hold the CYP at the centre.
- The LA will identify priorities for review.

### Timescales for EHC needs assessments and plans

- The law is changed only when it is not reasonably practicable, or it is impractical for us or other bodies to complete our duties due to COVID-19.
- It's only a change to the timescale not to the actual process.

Some of the timescales affected are:

- Requests for statutory assessment
- Decisions whether to issue a plan
- The preparation and issue of plans
- Annual reviews of plans
- Processes relating to mediation
- The process of reviewing the making and use of a personal budget as part of an EHCP
- The timings of actions the LA must make following a first-tier tribunal

**The Local Authority has a duty that even though processes maybe delayed due to Covid-19, they must be completed as soon as they are possible.**

### Guidance Documents and contacts

- [EHC needs assessments and plans: guidance on temporary legislative changes relating to coronavirus \(COVID-19\)](#)
- [Coronavirus \(COVID-19\): guidance on vulnerable children and young people](#)
- [Coronavirus \(COVID-19\): SEND risk assessment guidance](#)
- [Coronavirus \(COVID-19\): guidance on isolation for residential educational settings](#)
- [COVID-19 guidance for educational settings](#)
- [Coronavirus \(COVID 19\): list of online education resources for home education](#)
- [Coronavirus \(COVID-19\): guidance for children's social care services](#)

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