

SENDIASS Richmond and Kingston. Preparing for returning to schools – Frequently asked questions

The government has announced that all children should be returning to school in September. What are your rights in relation to this change? What should you expect from schools in helping this to happen and giving you confidence that your children's needs will be met when at school?

What can my child expect school to look like?

Many schools will already have written to you to give an idea of what to expect when children return to school. There is lots of planning around:

- staying in class or year groups
- reduced movement around the school sites ; unless in "bubbles"
- Staggered arrival/ leaving and break times.
- Shorter days in some schools and colleges.
- Reduction of access by parents to schools.

Some of these could be very challenging for children with SEND so it might be sensible to speak to your school SENCO/ Head teacher in advance of the return bearing in mind the information contained above.

This conversation should explore what "reasonable adjustments" can your school can put in place to meet the needs of your child and avoid "less favourable treatment" due to their additional needs. (Note the phrases in quotes here relate to schools' duties under the Equality Act 2010).

Some examples of things you may want to discuss could include.

- My child needs movement breaks how is this going to be possible?
- My child sometimes needs to move to a quiet space to relax or calm down how will this happen?
- My child has support from a classroom assistant, will this have to be offered in a different way due to social distancing?
- My child reacts impulsively/ is too young/ doesn't understand social distancing how will this be managed by school?
- My child is very stressed and anxious and may feel overwhelmed What support will be available for them?

What if I don't feel my child will be safe at school?

Government removed the duty to send children into school during the early part of the COVID 19 outbreak allowing families of Key worker children, those with EHCP's and a few other categories to attend.

The Government expect all children return to school in September, so you will need to discuss the worries with the school and see if they can provide support.

If there is a medical reason why children cannot attend (In most cases the shielding requirement has been removed) the discussion with school should include how a child unable to attend will receive an education and may include the continuation of some of the support offered during the summer term.

What are the consequences of not sending them to school?

If a child remains on role at school it is most likely that their absence will be recorded as unauthorized so it is sensible to have early discussions with school, especially if this is likely to be a long term issue and result in attendance levels dropping to a point when the school would need to involve the Educational Welfare Service.

While the local authority ultimately has the ability to fine families for non-attendance, this is unlikely to be the first step and the School/ Education Welfare team should work with you to try and address the reason for non-attendance.

Can I choose to home educate?

Parents of children who don't have an Education Health and Care Plan are able to write to a school and ask that their child is removed from a school role. The child then becomes Electively Home Educated and the parent/ carer needs to ensure that the child or young person receives an Education, the Local Authority remains responsible for ensuring that the child is receiving an Education They will check in with the family to ensure that this is happening. The LA can, if they are concerned a child is missing education, take action to ensure something is provided.

If your child has an Education Health and Care Plan you need to speak to your SEN case officer before seeking to remove a child from school and this may lead to an Early Annual Review. The aim of this would be to try to ensure that the child/ young person's needs are met and they progress towards the outcomes listed in the plan. It may be difficult for support written into a plan to be delivered if the child does not attend school but this would be discussed at the review.

What if school ask me to take my child home/ attend for reduced hours compared to peers?

Once children return to school all of those over the age of 5 are entitled to attend school 'Full Time' although the exact hours that constitute this differ slightly according to age and school. Any reduction in hours for individuals is not something schools should be asking families to do and can be seen to constitute an exclusion and therefore needs to be formally recorded as such. IPSEA offer advice on this here:

<https://www.ipsea.org.uk/pages/category/exclusion-from-school>

What if my child has an Education Health and Care Plan (EHCP)?

The Emergency COVID 19 legislation gave the Department for Education the ability to require LA's and Schools to only take "reasonable endeavors" to deliver the provision named in section F of an EHCP plan. For this to apply the minister had to issue a monthly "notice" which was done in June and July which allowed schools to 'not deliver' all of the provision

named in section F of the EHCP. You should have been involved in a risk assessment that outlines any provision that will be provided during June and July.

The minister did not issue a notice for August and has stated it is not their intention to do so from September. If this does not happen the duty to deliver all provision listed in section F will return to “best endeavors” duty.

This means you should expect the school to be delivering everything listed in the plan. If they are not, have an initial discussion with the school but you may need to involve the Local Authority in this, as the duty to ensure that the provision listed in the plan is delivered is the authorities and not the schools.

Where do I seek extra help if I’m worried or have a dispute with a school?

SENDIASS

Richmond and Kingston contact Kids via RichmondKingston@kids.org.uk or 020 3793 9596

For other local authorities see this web site for local services.

<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/find-your-local-ias-service>

Local Charities (Richmond and Kingston)

Ruils SEND Advice <https://www.ruils.co.uk/services/send-advice/>

Skylarks Charity <https://www.skylarks.charity/activity/249/send-advice/4617>

National Charities

Contact Helpline: <https://contact.org.uk/advice-and-support/our-helpline/>

IPSEA Website and Helpline <https://www.ipsea.org.uk/>

SOS SEN <https://sossen.org.uk/>