



**Five
Rivers®**

**FIVE RIVERS
CHILD CARE LTD**

Special
Education
Needs Policy &
Procedure –
The Spires

Covid -19 EHCP
Addendum

'Five Rivers is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment'

Policy Owner	Headteacher
Authoriser	Education Advisor to the Board
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1. Special Education Needs Policy

1.1 Policy Statement

1.1.1 The SEND Policy has been written in accordance with:

- The Special Educational Needs and Disability Code 0 – 25 years code of practice 2015
- The Equality Act (2010)
- The Children and Families Act (2014).

1.1.2 This Code of Practice provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations and applies to England. It relates to children and young people with special educational needs (SEN) and disabled children and young people. A 'young person' in this context is a person over compulsory school age and under 25.

1.1.3 This policy details the provision for young people with special educational needs that we provide that is 'additional to' or 'different from' the provision made for all young people in state education. Our central aim is to reduce the barriers to effective learning for young people with special educational needs.

1.2 Terms and Definitions

1.2.1 The below table sets out a number of terms and definitions used within this document:

Term	Definition
SEND	Special Educational Needs and Disabilities
EHCP	Educational Health Care Plan
SEN	Special Educational Needs
LA	Local Authority
PEP	Personal Education Plan
CIN	Child In Need
CLA	Child Looked After

1.3 Data Protection

1.3.1 Five Rivers Child Care supports the objectives of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and other legislation relating to Data Processing, including the Human Rights Act 1998, Regulation of Investigatory Powers Act 2000 and the Freedom of Information Act 2000. Five Rivers Child Care has a statutory obligation to process personal data in accordance with the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

- 1.3.2 Every member of Five Rivers Child Care has an obligation to ensure that the information they process (use) is collected, maintained and disclosed in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and the Five Rivers Child Care Data Protection Policy.

1.4 Disclosure of Information

- 1.4.1 Any use or disclosure of information held within Five Rivers Child Care, without there being a legitimate purpose or legal basis, will be classed as unauthorised and is a criminal offence under Section 55 of the Act Right of Access (Subject Access Requests).

2. Special Education Needs Procedure addendum for Covid 19

On 1 May 2020 some aspects of the law on education, health and care (EHC) needs assessments and plans changed temporarily to give local authorities, health commissioning bodies, education settings and other bodies who contribute to these processes more flexibility in responding to the demands placed on them by coronavirus (COVID-19).

2.1 Objectives

2.1.1 The objectives of this addendum are:

- 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'
- Act on the ongoing importance of co-production with children and young people with SEND and their parents
- Recognise the impact of coronavirus (COVID-19) may mean that the processes and provision in place previously may for the time being needed to change
- Meeting EHCP objectives if not attending when not attending school
- Monitoring attendance of the students with EHCP's
- Identify the best way forward and giving the families clarity about what is happening, for 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.

2.2 The Headteacher will:

- Oversee the day-to-day operation of the time limited amendment to SEN Policy
- Co-ordinate provision for young people with special educational needs
- Liaise with and advise other members of staff
- Oversee the records of all young people with special educational needs
- Liaise with care staff and social workers of young people with special educational needs
- Manage all correspondence relating to special educational needs
- Contribute to the in-service training of staff
- Liaise with external agencies including the educational psychologists, LA support services and health and social services and voluntary bodies.

2.3 Arrangements for Young People with Special Education Needs During Covid 19

2.3.1 The importance of co-production

- At this challenging time, it is even more important that local authorities, health services, education settings and all those involved in the processes relating to EHC needs assessments and plans work with families to identify appropriate ways forward. It is a fundamental principle of the SEND system that children and young people with SEND and their parents need to be fully involved in decisions about their support. Co-production and effective communication remain key, both at the strategic level and in relation to individual cases.
- Parent /carers forums have an important role, working with local authorities and health commissioning bodies, to gather and feed in parents' views on what can realistically be provided to children and young people in their area when the usual ways of working are under such strain. Each child will have an EHCP needs meeting to discuss and record the plan put in place to reasonably meet their EHCP needs
- Local authorities, health services and the other bodies involved in the processes relating to EHC needs assessments and plans should communicate regularly with the families of those children and young people with EHC plans, who are being assessed for plans or who apply for an EHC needs assessment. Where the changes in the law affect what families experience, they need clarity as to:
 - *what provision will be secured for each child and young person and the reason for any difference from the special educational and health provision specified in the EHC plan*
 - *when decisions will be made as part of the various processes relating to EHC needs assessments and plans.*
- It is also crucial that local authorities ensure that children, young people and parents are provided with the information, advice and support necessary to enable them to participate effectively in discussions and decisions about their support.

2.4 Co-operation between local authorities and early years providers, schools, colleges and other education settings

- The duty on early years providers, schools and colleges to co-operate with the local authority in the performance of its SEND duties remains in place. Close working and communication between all parties is a central element in ensuring that children and young people do receive appropriate provision. The Spires will continue to work closely with all authorities through out and will use virtual means to ensure all communication continues.

2.5 The time-limited duty to use 'reasonable endeavors' to secure or arrange provision in an EHC plan

- The Coronavirus Act 2020 provides for various emergency powers for the Secretary of State for Education. One is that where it is appropriate and proportionate in all the circumstances relating to the incidence or transmission of coronavirus (COVID-19), he may by notice temporarily modify any duty imposed on a person by section 42 of the 2014 Act (duty to secure special educational provision and health care provision in accordance with EHC plan). This duty would then be treated as discharged if the person has used 'reasonable endeavours' to discharge the duty. The Secretary of State has issued such a notice, to be in force from 1 June to 30 June 2020 (inclusive), his having previously also issued one for the month of May. The Secretary of State can issue a further notice if need be.
- The notice does not absolve local authorities (for special educational provision) or health commissioning bodies (for health care provision) of their responsibilities under section 42 of the 2014 Act: rather they must use their 'reasonable endeavours' to secure or arrange the provision. This means that local authorities and health commissioning bodies must consider for each child and young person with an EHC plan what they can reasonably provide in the circumstances during the notice period.
- For some individuals, this will mean that the provision specified in their plan can continue to be delivered; but for others (because of the impact of coronavirus (COVID-19) on local authorities or health commissioning bodies) the provision may need temporarily to be different to that which is set out in sections F and G of their EHC plan.
- Once the notice expires or is cancelled, local authorities and health commissioning bodies would in all cases need to secure or arrange the full range of provision, as specified in the EHC plan.

2.5.1 Meeting EHCP objectives when not attending school

The Spires will make reasonable endeavours to ensure that the EHC objectives are met when students are assessed safer or as safe at working at home during Covid 19.

- Each child's objectives will be logged on a home learning Risk assessment.
- Following a meeting with the home and social care the methods by which objectives can be safely met will be discussed and a plan put in place.
- The means by which they will be met will be outlined in the Home learning Risk assessment. Some of the methods used are outlined in 2.6 below.

2.5.2 Monitoring attendance and objectives of students with EHCP's.

All contact with the student by remote, virtual or face to face attendance will be

- recorded in the school's daily log

- In the child's individual Home learning risk assessment
- on the Department of education Covid 19 attendance record sheet

This attendance will then be sent to each commissioning county.

Actions and work meeting EHC objectives will be recorded in all or some of the following methods:

- Recorded on the schools 'daily log
- Recorded on the individuals home learning risk assessment
- Recorded reports to each county
- Reports during PEP, CIN and CLA reviews
- Virtual records using Teams, email, screen shots or photographs
- Hard copies of work completed.

2.6 Examples of alternative arrangements

- The types of arrangements that might be reasonable for local authorities and health commissioning bodies, working with education providers and other partners, to put in place will be dependent on the needs of the child or young person, the provision that is specified in a plan, and the specific local circumstances. Delivery is dependent on a range of factors, for example, the capacity of specialist staff to deliver particular interventions, the extent of the arrangement's schools can make to provide home learning programmes and the availability of suitable IT equipment in the home.
- To make remote education and social care accessible for all children and young people whilst lock down measures are in place, the government has announced a package of support for online learning. The programme will provide free laptops and internet connectivity to vulnerable and disadvantaged children who do not already have access to a device and the internet. The offer is available for children and young people who are preparing for exams (in year 10); receive support from a social worker; or are a care leaver. For those in 16 to 19 education, providers including schools can already use their 16 to 19 Bursary Fund allocation to provide devices and connectivity for disadvantaged and vulnerable young people, where this is identified as a barrier to a student participating in education. The Spires will supply Lap-tops to those children who are awaiting government aid or are not eligible for it.

2.6.1 Examples of alternative arrangements at The Spires

- Alterations to the frequency and timing of the delivery of provision in school, for example, moving to a part-time timetable (where agreed with parents or the young person)
- Adjustments to home-to-school transport arrangements to support a modified school attendance timetable
- video class sessions for children to keep in touch with teaching staff
- A home learning reading programme, reviewed weekly
- Provision of printed exercises or worksheets

- Daily/ weekly phone or video contact from school staff to monitor home learning programmes, to provide feedback, and to make adjustments as necessary
- A school or college delivering direct education or support in the home where a young person is not able to attend school or college (subject to risk assessment and appropriate health protection measures)
- Teachers providing advice and support to parents in relation to autism, visual or hearing impairment or literacy programmes
- Enlarged materials being provided in the home where a child or young person has a visual impairment
- A speech and language therapist delivering sessions via video link
- The parent and child travelling to receive the therapy at suitable premises, where this can be done in ways consistent with guidance on reducing the transmission of coronavirus (COVID-19)
- Sending home accessible hard copy therapy programmes, with additional phone support for parents and young persons to help them work through them
- Video conferencing therapy support
- Where an EHC plan already includes a personal budget or a direct payment, widening its use to enable the purchase of equipment or other relevant material to support home learning
- Exercise sessions by video
- Provision of alternatives to short breaks named in section F of the plan, by providing online resources and activities for young people
- Loaning parents school equipment, such as specialist support equipment (seating equipment, IT equipment used at school etc) to be used at home to support learning.

2.7 Annual reviews of EHC plans

- There is a power under the Coronavirus Act 2020 for the Secretary of State for Education by notice temporarily to disapply the duty to conduct annual reviews. However, he has not issued a notice under this power, so the annual review requirements remain in place.
- However, the government has legislated to provide extra flexibility for local authorities over the timing of these reviews if they do not relate to transfers between phases of education (see below). Where it is impractical for a local authority to complete an annual review of a plan within the prescribed timescales for a reason relating to the incidence or transmission of coronavirus (COVID-19), then (except with transfers between phases of education) the local authority must complete it as soon as reasonably practicable.
- Annual reviews may, in the current circumstances, need to take a different form. However, it is important that they continue to ensure that the child or young person is at the centre of the process and can engage with the process in a meaningful way. A review meeting, even if by necessity briefer than usual, can be reassuring for parents, children and young people, through ensuring that their EHC plan is up-to-date so that they can receive appropriate provision.
- Many local authorities have been working on improvements to the timeliness and quality of annual reviews and will want to continue to build on this work to manage

reviews effectively during the outbreak. For example, it may be appropriate to use a simpler format to gather information electronically and to hold the meeting by phone or as a virtual meeting. Professionals contributing to the review may need to base that on the information already available and discussion with the family as they may not be able to meet the child or young person. While meetings might take a different format, they should still involve all the key professionals wherever possible.

- Local authorities should identify priorities for review, which may include:
 - children and young people with significant changes of need or circumstances
 - looked after children
 - children and young people in residential provision
 - children and young people in out of area provision, especially independent and non-maintained provision
 - Local authorities must already have completed this year's required transfer reviews for a child or young person moving between key phases of education (transfers into or between schools, moves from secondary school to a post-16 institution or apprenticeship, or moving between post-16 institutions). There is no change to the statutory deadlines for these reviews. Where, exceptionally, completion has been delayed, these transfer reviews need to be finalised urgently.

2.7.1 Annual reviews of EHC plans at The Spires

- At The Spires all EHC reviews will take place by conference call prior to their due date as much as is reasonably practicable.
- Transfer reviews will all be complete by the end of April 2020.

2.8 The duty on education settings to admit (section 43 of the 2014 Act):

There is no change.

2.9 The timescale for education settings to respond to a proposal to name them in an EHC plan:

There is no change.

2.10 Complaints and rights of appeal of parents and young persons:

There is no change.

