

SEND

Newsletter

**SPECIAL
EDUCATIONAL
NEEDS AND
DISABILITY
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KNOWSLEY**

ISSUE 13 MAY 2020

The day after the last newsletter (issue 12) was issued, the Government amended the law in relation to SEND. Whilst the published guidance is detailed, we wanted to offer assurances that as a department we continue to try our best to continue to meet the law in relation to SEND. The aim of the changes is aimed at striking the right balance during the outbreak of Coronavirus (COVID-19) between:

- the needs of children and young people with SEND to be protected and receive the right support in a timely way; and
- managing the demands on local authorities (LAs) and health bodies to respond to the outbreak.

Two changes to the legislation occurred:-

1. The “duty” to secure special educational provision and health care provision in accordance with an EHCP is temporarily modified to a duty to use ‘reasonable endeavours’ to do so.
2. Where it is not reasonably practicable, or is impractical, to meet that timeframes associated with the EHCP process (for a reason relating to the incidence or transmission of Coronavirus) the specific time limit will not apply, however the process must be completed as soon as reasonably practicable. This includes the timeframes relating to annual reviews also.

The changes have been in force since 1 May and will be reviewed regularly by the Department for Education.

The Council's Inclusion Department is committed to continue as much as possible with business as usual. However there are cases where delays or issues securing provision may occur and we continue to communicate with parents affected by this. The current crisis only serves to highlight how co-production with parents as well as communication with parents, schools and colleagues such as those in the Clinical Commissioning Group or health agencies such as North West Boroughs is vital.

There have been no changes to wider SEND legislation and for further information the full government guidance can be found at:-

<https://www.gov.uk/government/publications/changes-to-the-law-on-education-health-and-care-needs-assessments-and-plans-due-to-coronavirus>

