

St Joseph's Catholic Primary School, Worcester

'Following Jesus in all we do'



2020-2021 SEND Policy

COVID-19 Addendum and any Incidence of Unprecedented School Closure

Contact Details

Head Teacher Mrs Louise Bury

St Joseph's Catholic Primary School,

Chedworth Drive,

Warndon, Worcester

WR4 9PG

Telephone: 01905 452772

Email: office@st-josephs-pri.worcs.sch.uk

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 school's Child Protection and Safeguarding:COVID 19 Addendum and any incidence of unprecedented School Closure 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.

Legislation and guidance during COVID-19

On the 24th March 2020 ,in an open letter to children and young people with SEND, their parents/cares and families, from the Parliamentary Under-Secretary of State for Children and Families, Vicky Ford MP. stated that the Government's aim for SEND, through the Coronavirus Bill and further proposed changes, is to balance the needs of this vulnerable group to receive the support they need with managing the demands on local authorities and health bodies to respond to this outbreak.

They have included in the Bill temporary emergency powers to enable them to modify the legal requirements on local authorities in fulfilling their duties in relation to EHC plans. This will mean that where a local authority is, because of the outbreak, unable, to put in place stated provision, they **will need to use their 'reasonable endeavours' to do this**, but won't be penalised for failing to meet their duty as set out in the Children and Families Act

2014. These emergency powers will only be in place for the shortest period, where necessary and will be regularly reviewed and the Government will also be seeking to amend regulations on the timescales for EHC plan processes where this is appropriate because of COVID-19.

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From 1 May to 25 September 2020 (inclusive)

The Regulations which provide most of the statutory timescales for the EHC needs assessments and plans processes will be modified. This means that timescales in relation to processes for EHC assessments and plans are amended so that where it has not been reasonable practicable to meet a time limit, due to the circumstances arising because of COVID-19, the process can instead be completed 'as soon as is practicable thereafter'. These temporary changes to the law only affect various statutory timescales for processes, all of the other requirements of the EHC needs assessments and plan processes remain unchanged.

Introduction

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

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 St Joseph's Catholic Primary School's 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 will be considered. The risks across home and school need to be balanced with the protective factors of supporting a child to remain at home. The risk assessment will 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:

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

Risk Assessment Guidance

The DfE has issued guidance advising local authorities to conduct risk assessments and makes suggestions and recommendations for how that might be done in collaboration with educational settings and parents. It has been put together with help from special educational needs and disability (SEND) sector organisations and outlines pragmatic approaches that local authorities, educational settings, and parents or carers may wish to take.

This guidance document relates particularly to children and young people whose need for hands-on care or whose behaviours mean that there are more risks to be managed than for the majority of children and young people with EHC plans. Most of these children and young people attend special schools, specialist colleges and other specialist settings, but this guidance also applies to any mainstream educational setting caring for such children and young people.

Risk assessments should consider which children and young people with EHC plans may benefit more from remaining at school or college than at home.

This is most likely to be the case where:

- A child or young person is receiving personal care or healthcare at their school or college which cannot be replicated at home (for example, many pupils and students in residential settings); or
- It is not sustainable for parents or carers to meet their child's needs full-time for an extended period (for example, those attending day settings whose parents meet their personal care, mobility or other needs in evenings and weekends, but where this would not be sustainable full-time); or
- The child or young person would face other risks out of school or college (for example, if it is more feasible for them to follow social distancing and good hygiene practices within the routine and familiarity of their school or college day, or where their behaviour would put them at other risks out of school or college); or
- Children and young people whose condition prevents or inhibits self-regulation and whose behaviours cannot be supported or managed by parents or carers at home; or where this would place a risk to other siblings or family members
- In these or similar circumstances, the risk assessment might determine that the benefits to the child or young person from continuing to attend their educational setting are greater than being at home.

The guidance states that the DfE recognises that some local authorities and educational settings will have already undertaken risk assessments for many vulnerable children and young people and taken decisions on appropriate provision. **There is no need to re-do these because this guidance has been issued.**

The Local Authority (Worcestershire) have requested risk assessments for all pupils with an EHC plan and may request these assessments to be revisited or ask school to check whether the decisions made initially will remain suitable over time.

Advice for schools provided by the Local Authority (Worcestershire)

New Education, Education, Health and Care plans (EHCPs)

As previously advised The SEND Service are attempting to continue with business as normal as far as possible however, where it is not reasonably practicable to comply with the timescales for a reason relating to the incidence or transmission of coronavirus we shall extend the timescales and attempt to complete any process soon as reasonably practicable.

The time scales involved include the below:

- 6 week - time frame to make a decision to conduct an Education, Health and Care Assessment
- 16 week - time frame to make a decision in regard to if we issue a draft plan and to issue a draft plan if applicable
- 20 week - time frame to issue a final Education, Health and Care Plan

Where we have applied an exception to the usual timeframes, we will advise parents and settings of this decision and will keep all the professionals involved in the assessment updated.

The service will also continue to process new requests for EHC needs assessments however, the decision-making panel will be sitting virtually through online conference facilities. However, settings are encouraged to consider the timings of their requests for assessment due to the current circumstances with Coronavirus (COVID-19).

Consultations with schools and settings

The legislation has not altered the duty for settings to respond within 15 days. However, where we have consulted with a setting for a placement and we have not received a response within 15 days we will not be naming the setting in the EHCP without their representations. We would encourage settings to respond where they can to consultations for placements, but we acknowledge that it may not be reasonably practicable, or practicable, to respond due to a reason relating to the incidence or transmission of coronavirus.

We will revisit the amendment of these EHCPs at a later date and give guidance to settings as appropriate.

EHC Annual Reviews

EHCP plans must be reviewed as a minimum every 12 months. The plan must be reviewed 12 months of any previous review.

The Coronavirus Act 2020 (Modification to the Children and Families Act 2014) recognises that where this is not possible, the Review should be held as soon as reasonably practicable.

The primary purpose of the Annual Review process remains:

- To monitor progress towards achieving the outcomes specified in the Plan Section E
- To consider whether these outcomes and supporting targets remain appropriate

The main principle underpinning all annual reviews is to ensure that most accurate, reliable and comprehensive information is gathered and collated, given the constraints in place.

Information about a student's progress should be easily accessible via setting-based tracking data which you should have available.

Information from those professionals supporting the child should be available through their most recent report or via direct contact (although we note that it may not be possible for actual face to face contact to be made in school). It may be possible for professionals to base their reports on their ongoing contact with children through various online platforms and telephone liaison with parents.

Obtaining parent, children and young people's views should continue to be sought in advance of the Annual Review meeting. It may again be possible for contributions to be obtained via online platforms, telephone contact or support to record the views over a telephone discussion.

EHC Review meetings due in the forthcoming school term

We recommend that, where possible, virtual platforms are used to hold annual review meetings eg WebEx, Zoom, Skype for business, WhatsApp etc.

WebEx, Zoom and Skype for business can typically be accessed using a Smart Phone, Tablet or Computer whilst WhatsApp is typically a Smart Phone only medium.

- If a virtual meeting is not possible we would suggest that invitees phone into a meeting.
- We recommend that where possible Review Meetings are conducted within an hour to ensure active participation and effective time management.
- We suggest that when considering changes to the EHCP only significant changes are proposed.

Recommendations following the Annual Review meeting.

Settings should use their best endeavours to ensure that Annual Review reports are completed in partnership with parents/carers and professionals as part of the meeting.

Sending Reports to SEND Service

Annual Review Reports can be sent in the normal way via the CHS portal if you have access to it. If not, they can be e-mailed via sen@worcschildrenfirst.org.uk – we suggest that you password protect the documents and notify your caseworker separately of the password. If neither of these options are possible they can be sent in via post but please be aware that the County Hall post room is only currently open for 2 days a week and the service is therefore restricted.

Mediations

Mediations will continue as far as possible in line with current government advice about social distancing.

We are currently working with our mediation providers to ensure that the best service possible can be provided to service users. For advice about individual cases please contact the SEND Service directly.

However, several timescales have been replaced with the “as soon as practicable” duty where the timescales cannot be complied with for a reason relating to the incidence or transmission of coronavirus. Where there are implications for settings, we will communicate this on a case by case basis.

Appeals

The SEND Tribunal has produced specific guidance for how it is responding to the current situation with regards to the Coronavirus (COVID-19) situation:

Website: **[Supporting vulnerable children and young people during the coronavirus \(COVID-19\) outbreak from GOV.UK \(opens in a new window\)](#)**

The amendments in legislation mean that where it is not reasonably practicable to comply with the timescales following a Tribunal appeal for a reason relating to the incidence or transmission of coronavirus, we may extend the timescales and attempt to complete any process soon as reasonably practicable. We will ensure that all relevant information is communicated with settings where this is the case.

Communication

The SEND Service remains operational and staff are contactable via email, portal or by telephone. However, please note due to the current restrictions resulting from Coronavirus (COVID-19) the County Hall Post Room will only be open on Tuesdays and Thursdays.

Help and advice

School Website

<http://stjosephsworcester.co.uk>

SENDIASS Worcestershire Parental Support

<http://www.worcestershire.gov.uk/sendlocaloffer>

IPSEA Legal Support and Advice for Parents

<https://www.ipsea.org.uk/news/ipsea-update-on-covid-19-school-closures-and-sen-provision>

Parent Led Information SEND Website: <https://www.specialneedsjungle.com/>

Speech and Language Support NHS Worcestershire:

<https://www.hacw.nhs.uk/childrens-speech-and-language-resources/>

School Policies

SEND Information report 2020-2021

Accessibility Plan 2020-2021

Disability and Equality Policy 2020-2021

SEND Policy 2020-2021

Child Protection and Safeguarding:

COVID 19 Addendum and any incidence of unprecedented school closures 2020-2021

Mental Health and Wellbeing Policy 2020-2021

Contact Information:

Head Teacher: Mrs Louise Bury

St Joseph's Catholic Primary School. Telephone:01905 452772

Email: office@st-josephs-pri.worcs.sch.uk

SENDCO : Mrs Joanne McDonagh

St Joseph's Catholic Primary School. Telephone: 01905 452772

Email:jcm38@st-josephs-pri.worcs.sch.uk

Deputy SENDCO: Miss Dean

St Joseph's Catholic Primary School. Telephone: 01905 452772

Email:LDean@st-josephs-pri.worcs.sch.uk

SEND Governor: Mr Taylor

St Joseph's Catholic Primary School. Telephone:01905 452772

Email: office@st-josephs-pri.worcs.sch.uk

