

Tuesday 9 June 2020

Dear Parents and Carers,

The COVID-19 pandemic means we are living in unprecedented times. Nearly every aspect of our ordinary lives is being affected and we are all doing our best to find ways to manage and adapt to a very different world. The challenge for all families is great at the moment, but for families with children with SEND, there are more complications each day, and we hope that you are finding ways to look after yourself, as well as your children.

You may have heard on the news that the Government has temporarily changed some aspects of the law around Education, Health and Care plans. We are writing to share with you what this means for your child. We have included a Key Messages and a Fact Sheet with this letter which we hope will help you to understand the details. The changes began on the 1<sup>st</sup> May 2020 and will be reviewed at the end of June 2020.

Firstly, it is important to say that the law has not been ‘turned off’ or stopped. The duties in the law have been modified, and this is only for the time that we are living through the pandemic.

Secondly, there are only two areas of the law that have been modified:

1. Usually there is an ‘absolute duty’ on Local Authorities and Health Commissioning Groups to provide what is written in an EHC plan. This has been changed as the Government recognises that with most children and young people at home, and many services working in different ways, it may not be possible to deliver what is written in an EHC plan. This means that your child’s provision may differ *temporarily* from what is set out in their EHC plan. When the COVID-19 crisis comes to an end, the modifications to the law will end and once again there will be an ‘absolute duty’ to provide what is written in your child’s EHC plan.
2. The second change is to timescales in processes such as EHC Needs Assessments and EHC plans. The NHS is under considerable pressure and the workforce is being redeployed to care for both COVID-19 patients and the most vulnerable. Social Care teams are supporting the people in our communities who most need their support and are supporting families through this crisis. It may not be possible, given these circumstances, to receive advice or replies from teams in the usual timescales and there may be delays. We understand the frustration that this may cause and if there is a delay

we will make sure that we keep you informed at every step so that you understand why there has been a delay.

As a Local Authority we are committed to working with you and your child's school to ensure that we are using reasonable endeavours to provide the right support to your child at this time. Your child's school will continue to have regular conversations with you to discuss your child's wellbeing and learning. Please use these conversations to think together about what support is reasonable and possible for your child.

We would also like to hear from you directly about your experiences. We have heard many good news stories about schools that are using highly creative and novel ways of working and we would like to be able to thank schools for their dedication. Equally, if you feel that the support you are receiving is not enough, we are keen to hear from you so that we can work with the school, our health partners or Social Care to find ways forward.

We have an online family survey for you to share your experiences with us. The link to this survey will be sent to you by your child's school in the coming weeks.

We realise that this is a lot of information and you may want to have a conversation with someone to ask questions. We would always encourage you to speak to your child's class teacher or Headteacher of your child's school or college in the first instance. Other independent options include:

### **SENDIASS**

The local SENDIASS (SEND Information, Advice and Support Services) is available to offer support.

Helpline: 0333 013 8913; email: [send.iass@essex.gov.uk](mailto:send.iass@essex.gov.uk); Text: 07860 003010

### **Essex Family Forum**

Parent carer forums have a very important role to help us understand what we need to do support families across Essex when the normal ways of working are under such strain.

Please contact Essex Family Forum via Facebook or email [corona@essexfamilyforum.org](mailto:corona@essexfamilyforum.org).

The website for Essex Family Forum is [www.essexfamilyforum.org](http://www.essexfamilyforum.org)

We will continue to liaise with the Essex Family Forum during this period and will collate any feedback through our networks,

Best wishes,

*Clare Kershaw*

**Clare Kershaw**  
**Director for Education**