



## COVID-19 – SEN Service

### Frequently Asked Questions

Information and advice from the Isle of Wight Council for families, education providers and support services about children with special educational needs, education health and care assessments and education health and care plans.

This information and advice is current as at 1200hrs Monday 30 March 2020. As the government’s response to the Covid 19 outbreak develops, the Council will review and update this information and advice.

#### EHC assessments

<p><b>I want to request an EHC assessment.</b></p>	<p>As a result of the Covid 19 public health emergency schools are closed and open only for the children of lone key worker households or joint key worker households and vulnerable children. School staff, Educational Psychologists and Local Authority staff are engaged with organising and providing essential services for these children.</p> <p>The Government has ordered everyone to stay at home unless they absolutely must go out and even then, only for some essential activities.</p> <p>The Education, Health and Care Assessment process involves school staff, Local Authority officers and Educational Psychologists. Many elements of the process require direct contact between professionals, families and children and young.</p> <p>Under the current government arrangements, it will be very difficult for the Local Authority to progress any requests for assessment beyond the initial administration. This inevitably means that the Local Authority will not be able to complete EHC assessments under the normal timescales.</p> <p>If at all possible, we would ask parents and professionals to wait until schools have returned to business as usual before requesting an Education, Health and Care assessment.</p>
<p><b>My child needs an EHC plan to be able to continue going to school during the Covid 19</b></p>	<p>An Education, Health and Care plan is not a guarantee that a child can attend school during the Covid 19 public health emergency as children with EHC plans will only be attending school if their needs cannot be safely met at home.</p> <p>Therefore, having an Education, Health and Care plan is unlikely be helpful in enabling your child to continue to attend school.</p>

<p><b>public health emergency.</b></p>	<p>The latest government guidance is available at:  <a href="https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people">https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people</a></p> <p>It should be noted that Education, Health and Care assessments usually take 20 weeks from request to making a final plan. With the emergency measures now in place, Education, Health and Care assessments are likely to take much longer than this, therefore applying for an Education, Health and Care assessment will not help your child access school during this emergency period.</p> <p>The government’s guidance on vulnerable children has confirmed that children undergoing an Education, Health and Care assessment are <u>not</u> defined as vulnerable.</p> <p>You should follow the government restrictions about school closure, staying at home, social distancing, self-isolation and eligibility to continue attending school for children in one key worker households or joint key worker households and vulnerable children.</p>
<p><b>My child’s EHC assessment is already underway – when will it be complete?</b></p>	<p>The Local Authority will do all that it can to progress Education, Health and Care assessments already started, but it is likely to be significantly delayed because schools are closed and the other professionals usually involved in the process will not be able to undertake assessment activity.</p> <p>Where professionals such as the Local Authority’s Educational Psychologists have already assessed children, they are working to complete their advice and provide it to the Local Authority. Some professionals may need to complete assessments already started but in different ways, such as by telephone.</p> <p>Where at all possible the Local Authority will use all recent reports (up-to 12 months old) including those that were not part of the Education, Health and Care assessment process if you and the Local Authority agree that they are suitable to complete the assessment.</p> <p>Any draft Education, Health and Care plans completed in this way will be shared on the express understanding that they are not based on full assessment information, and families will be able to elect whether to accept the draft EHC plan or defer the completion of a final Education, Health and Care plan until schools and other services return to business as usual, and a full Education, Health and Care assessment can be completed.</p> <p>Where families elect to accept a final EHC plan built on this basis, an early Annual Review will need to be called.</p>
<p><b>My child with an EHC plan is due to change phase of education /</b></p>	<p>If your child with an Education, Health and Care plan is changing phase of education (from primary to secondary school), the Local Authority has by now secured their next school place for September 2020.</p> <p>If you have not yet received confirmation of your child’s next school place, the Local Authority will continue to consult with your preferred school and other</p>

<p><b>change school.</b></p>	<p>suitable schools to secure a place for September 2020, and let you know as soon as it can that the next school place has been secured.</p> <p>If your child with an Education, Health and Care plan has finished school and is moving to college, sixth-form or an apprenticeship, the Local Authority will continue to consult with your preferred and other suitable settings to secure a place for September 2020 and let you know as soon as it can that the next placement has been secured.</p>
<p><b>Children starting Year R in September, thought to have SEN but not currently under EHC assessment and without an EHC plan.</b></p>	<p>Parents of these children should already have applied for their school place through the Local Authority's Admissions Service. The Admissions Service will allocate places in mainstream schools according to the published admissions criteria.</p> <p>All state-funded mainstream schools have their own and access to significant resources to meet all children's special educational needs. Schools must use their 'best endeavours' – a legal term meaning they must do everything reasonable – to meet all children's needs, including those with special educational needs.</p> <p>If after starting mainstream school, and when schools and other services have returned to business as usual, it is thought that the child requires an Education, Health and Care assessment, the school or parents can request one.</p>

## Annual Reviews

<p><b>My child's Annual Review is overdue / due now / due in the near future.</b></p>	<p>Schools may think it more appropriate to postpone any scheduled Annual Reviews of Education, Health and Care plans during the Covid 19 public health emergency, depending on their capacity to attend to other priorities.</p> <p>Professionals contributing their views to Annual Reviews, such as Educational Psychologists or Speech &amp; Language Therapists may not be able to prioritise their work on your child's case, or they may not be able to comprehensively carry-out work associated with the Annual Review because of the government's restrictions due to the Covid 19 public health emergency.</p> <p>If Annual Reviews do go ahead, they may be conducted by video conference if the family, school and involved professionals are available, have access to secure video conferencing facilities and agree with that approach. There is no requirement for the school to provide these facilities to families – many free to use applications are available.</p> <p>Even though vulnerable children with Education, Health and Care plans may be able to attend school, they may receive childcare rather than education and are therefore unlikely to receive all the provision (including therapies) in their Education, Health and Care plan during the Covid 19 public health emergency.</p> <p>The Government has changed legislation to allow this to be the case.</p> <p>Families should speak with their Special Educational Needs Coordinator at their school about the school's offer in light of the Covid 19 public health emergency.</p>
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## Therapy Provision

<p><b>My child needs to continue receiving the therapy in their EHC plan.</b></p>	<p>Following government guidance the Therapists currently need to practice social distancing. This is in the best interests of you and your child.</p> <p>Due to the very high demand on the NHS only therapy for High Priority needs is being provided in the community. This means that they therapy service are only able to do things which if not done could be a risk to you or your child. This might be because of swallowing difficulties, or your child needs you to help them move or your child has specialist equipment to help them be comfortable and safe.</p> <p>Contacts from the Therapy service will be by telephone or video conferencing rather than in-person unless you or your child needs to have the therapist with you to do a particular thing such as listen to a swallow or adjust a piece of equipment. This would be discussed with you before the visit and be in agreement with you and only where you and your child are well and are not self isolating.</p> <p>Occupational Therapists, Speech and Language Therapists and Physiotherapists will continue to work to advice and guidance from the Government, NHS England , their professional bodies and the Health and Care Professions Council (HCPC) which is under regular review during this time.</p> <p>For NHS : If you have an urgent concern or are worried about your child please contact the Isle of Wight NHS Trust. Telephone Advice Line: 01983-822099 They are available Monday to Friday 8 am- 5pm.</p>

## Education Provision during the Covid 19 public health emergency

<p><b>Who are 'vulnerable children'?</b></p>	<p>Essentially, these are children with a Social Worker or children who are in lone key worker households or joint key-worker households or with Education, Health and Care plans who are not able to make other suitable childcare arrangements. A full list of vulnerable children and their entitlement to continuing support during the Covid 19 public health emergency is available at: <a href="https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people">https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people</a></p>
<p><b>My child has an EHC plan and is entitled to full-time education including their 1:1 support.</b></p>	<p>It is unlikely that children with an Education, Health and Care plan will be able to receive all the provision, including therapies, in their Education, Health and Care plan during the Covid 19 public health emergency.</p> <p>Schools are providing childcare for children in lone key worker households, joint key worker households and vulnerable children. They are operating with</p>

	<p>significantly reduced staffing numbers and are required to practice social distancing at work.</p> <p><b>Families should speak with their Special Educational Needs Coordinator about their school's offer and arrangements during the Covid 19 public health emergency.</b></p>
<p><b>The government has said that Local Authorities will 'risk assess' the continuing education arrangements for children with EHC Plans</b></p>	<p>The Isle of Wight Council will risk assess the continuing education arrangements for children with Education, Health and Care plans who receive education other than at school (EOTAS) – see the FAQ section called Education Other Than At School.</p> <p>Where children are attending school, schools will be undertaking their own risk assessments in conjunction with parents.</p> <p>Otherwise, the Isle of Wight's Council's continuing education arrangements for vulnerable children including those with Education, Health and Care plans is answered in other sections of this FAQ.</p>

### State-funded Special Schools

<p><b>My child is due to be transferring to another school in September 2020. What will happen?</b></p>	<p>If your child with an Education, Health and Care plan is changing phase of education (from primary to secondary school), the Local Authority has by now secured their next school place.</p> <p>Currently the expectation is that schools will continue to work together to plan for the transition of children into new schools ready for September 2020. Should the advice and timeline for children to return to school mean that this is not possible, the Local Authority will update its advice and you will be contacted by your schools or the SEN Service.</p>
<p><b>My child is due to change schools in September, but a school placement has not yet been identified. What will happen?</b></p>	<p>If you have not yet received confirmation of your child's next school place, and they have an Education, Health and Care plan, the Local Authority will continue to consult with your preferred and other suitable schools to secure a place for September 2020. However, should contact with schools begin to reduce due to lack of availability of staff, the Local Authority will need to review this process and will contact you.</p>
<p><b>My child is supposed to be starting a new school now. What will happen?</b></p>	<p>Schools are currently working very hard to provide sufficient staffing levels for the most vulnerable children already attending that school. The provision that schools are making during the Covid 19 public health emergency is for childcare. While some elements of daily education will continue, it will not be an ordinary school day.</p> <p>Attempting transition of children with Education, Health and Care plans into a new school with reduced staff, unpredictability and a different structure may not be appropriate. Each case will be considered by the Local Authority in discussion</p>

	with the Headteacher(s) and decisions made on the individual needs of the child and the circumstances of the school.
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### Independent Special School Closures

<p><b>What happens if my child's independent special school closes?</b></p>	<p>Independent special schools are not automatically required to continue an education offer for children with EHC plans during the Covid 19 public health emergency, but some schools are.</p> <p>Independent special schools will be facing the same staffing and public health concerns as state-funded special schools.</p> <p>If your child attends an independent special school that closes and you are in a lone key worker or joint key worker household and you cannot make any other arrangements to supervise your child with an Education, Health and Care plan at home, the Local Authority may be able to temporarily arrange for them to attend a state-funded special school. Phone the SEN Helpline: 01983 823470 between 9.30am and 4.30pm (4.15pm on Friday).</p> <p>The SEN Case Worker for the area in which you live will know which state-funded special school(s) may be most suitable and if there is capacity. It will be the decision of the Headteacher of that special school to confirm to the Local Authority that it can make a temporary arrangement for your child.</p> <p>If a temporary arrangement is offered, it is unlikely that the school will be able to deliver all the provision in the EHC plan, including therapies.</p> <p><b>The provider and families need to risk assess their individual circumstances.</b></p>
<p><b>I would like to be paid the equivalent of the costs of the independent special school placement and arrange it myself.</b></p>	<p>This is not possible.</p> <p>Payments to education providers have usually already been made or guaranteed in advance; the Local Authority has contractual obligations to these providers, just as those employers do to their employees. If a 'personal budget' was not already agreed between you and the Local Authority, the current arrangements cannot now be changed.</p>

### Education other than at school (EOTAS)

<p><b>My child has EOTAS arrangements. Are these continuing?</b></p>	<p>Special Needs Officers and Case Workers are contacting families of children with an Education, Health and Care plan who receive a package of education other than at school (EOTAS), and are not currently attending a nursery, school or college.</p> <p>Some families may already be self-isolating due to illness or because there are vulnerable people in the family. Other families may choose to temporarily discontinue packages, given the Covid 19 public health emergency.</p>
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	<p>Where it is agreed that continuation of the EOTAS package is appropriate, Special Needs Officers and Case Workers will work with families and providers to risk-assess the maintenance of the package of support where possible, for example considering if the way that the provider and their staff delivers the package is in-line with the government advice.</p> <p>Providers may need to limit or adapt their delivery to comply with the law and ensure the safety of all involved. They might provide on-line tutoring, video conferencing through fee to use apps, phoning or text messaging.</p> <p>Should more providers' staff need to self-isolate, continued provision may not be possible. In that case, the Local Authority will discuss if another provider or service could be offered to support the family.</p>
<b>I would like to be paid the equivalent of the costs of the EOTAS package and arrange it myself.</b>	<p>This is not possible.</p> <p>Payments to education providers have usually already been made or guaranteed in advance; the Local Authority has contractual obligations to these providers, just as those employers do to their employees. If a 'personal budget' was not already agreed between you and the Local Authority, the current arrangements cannot now be changed.</p>

#### School transport

<b>My child is eligible to school transport. Will this continue?</b>	<p>The Local Authority will continue to make home to school transport available to those children who were already eligible to receive it and who continue to be eligible to attend school – that is children in lone key work or joint key worker households and who are deemed to be vulnerable. If eligible children need to temporarily attend a different school, this may require some changes to be made which may take a little time to arrange.</p>
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#### Key Workers

<b>Am I a Key Worker?</b>	<p>Check the up to date list provided by the government: <a href="http://www.gov.uk">www.gov.uk</a></p> <p>Some schools may offer further flexibility. If you consider that you are in a lone key worker or joint key worker household but not defined as such on the government's list and you cannot make other suitable arrangements for your child(ren), contact your school(s).</p>
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#### Mediations

<b>I would like to have a mediation with the Local Authority. Can</b>	<p>You can continue to request a mediation from the mediation provider, Global Mediation</p> <p><a href="https://www.iow.gov.uk/localoffer/View/Local-Offer-Appeals/The-difference-between-dispute-resolution-and">https://www.iow.gov.uk/localoffer/View/Local-Offer-Appeals/The-difference-between-dispute-resolution-and</a></p>
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<b>I still have one?</b>	
<b>My mediation is already scheduled. Is this continuing?</b>	<p>The mediation provider will contact you if anything has changed with your current arrangements.</p> <p>Mediations will be delivered differently during the Covid 19 public health emergency, due to the government's restrictions on people's movement. This is likely to be by telephone or video conference.</p> <p>If you cannot or feel unable to participate by telephone or video conference, it is likely that the mediation cannot go ahead. In that case, you have the option to request a mediation certificate.</p> <p>The mediation providers' staffing capacity may also limit their availability to deliver mediations.</p>

### Appeals to the First Tier Tribunal - SEND

<b>I would like to appeal to the First Tier Tribunal</b>	<p>If you have received a mediation certificate from the mediation provider, Releasing Potential, you may appeal to the First Tier Tribunal in the usual way.</p> <p>Currently, HM Courts &amp; Tribunals Service is continuing to receive appeals and conduct hearings but has confirmed that there will not be any hearings in person. How each appeal proceeds will be assessed on a case-by-case basis by the Tribunals Service, with input from the Local Authority.</p>
<b>I am currently involved in a First Tier Tribunal. Is this continuing?</b>	<p>Currently, the HM Courts &amp; Tribunals Service is continuing to receive appeals and conduct hearings but has confirmed that there will not be any hearings in person. How each appeal proceeds will be assessed on a case-by-case basis by the Tribunals Service, with input from the Local Authority.</p> <p>If you have been provided a date for a hearing which is imminent, it is likely that the way this will be conducted is altered. The Tribunal Service has confirmed that where possible hearings will go ahead on paper or by telephone (or where technology permits by video conferencing).</p> <p>The Tribunal Panel traditionally consists of two or three members. Under current arrangements you may have one Judge who may call upon advice from other non-legal colleagues.</p> <p>Details will be provided two days before the hearing and parties have been asked not to call the Tribunal Service until they receive this notification.</p> <p>If you are waiting for a date for a hearing, the Tribunal Service will continue to contact you in the usual way, with instructions.</p> <p>It is anticipated that further changes to the Tribunal Service will be published very soon.</p>

	Read more updates from HM Courts & Tribunals Service at their website: <a href="https://www.gov.uk/guidance/coronavirus-covid-19-courts-and-tribunals-planning-and-preparation">https://www.gov.uk/guidance/coronavirus-covid-19-courts-and-tribunals-planning-and-preparation</a>
<b>I am appealing for a different placement.</b>	<p>How each appeal proceeds will be assessed on a case-by-case basis by the Tribunals Service, with input from the Local Authority.</p> <p>As schools are currently operating with a significantly reduced staffing, they are not currently able to offer assessments or visits to aid school transfer arrangements.</p> <p>If your appeal involves section I of the Education, Health and Care Plan it is likely that the appeal will be adjourned or only part heard, to deal with other sections of your appeal first.</p>
<b>I want to commission assessments to inform my appeal.</b>	Currently professionals are not able to attend homes or schools for assessment purposes. Some have found alternative means of assessment for example via video conferencing, but it is highly likely that your appeal will experience some delays if assessments are required by either party.
<b>I have just been offered a new school placement through an appeal, will that go ahead?</b>	Some state-funded and independent schools are delaying school starts for new children due to the Covid-19 public health emergency. Schools will contact you to arrange or amend start dates. In the meantime, if your child is already attending a school the expectation is that the current arrangements are maintained until transfer arrangements are agreed and completed. If your child is not already registered with a school please contact your SEN Case Worker.

#### Latest advice

<b>What is the government's latest advice?</b>	<p><a href="http://www.gov.uk">www.gov.uk</a></p> <p>The government understands that these are uncertain times and that you will have a lot of questions and concerns. We encourage you to keep up-to-date by regularly checking <a href="http://www.gov.uk">www.gov.uk</a>; this is where the government will publish reliable updates and guidance.</p> <p>The government will endeavour to signpost new or updated guidance via newsflash emails. If you need any further advice, you can speak to an adviser on the DfE Coronavirus helpline. The number is 0800 046 8687 – lines are open 8am-6pm Monday – Friday, and 10am-4pm on Saturday and Sunday.</p>
<b>What is the Isle of Wight Council's latest advice?</b>	<a href="https://www.iow.gov.uk/">https://www.iow.gov.uk/</a>
<b>Isle of Wight Parent Carer Network</b>	<a href="http://www.parentsvoice-iw.co.uk/">http://www.parentsvoice-iw.co.uk/</a>
<b>SENDIASS</b>	<a href="http://iowsendiass.co.uk/">http://iowsendiass.co.uk/</a>
<b>Local Offer</b>	<a href="https://www.iow.gov.uk/localoffer">https://www.iow.gov.uk/localoffer</a>

## Contacting the SEN Service

<b>How can I contact the SEN Service?</b>	<p>The Isle of Wight's SEN Helpline will remain staffed and open for families: telephone 01983 823470 between 9.30am and 4.30pm (4.15pm on Friday)</p> <p>There may be times when we are unable to answer the telephone immediately as most staff are working remotely. You can therefore also email the SEN Service at <a href="mailto:SEN.General@IOW.GOV.UK">SEN.General@IOW.GOV.UK</a></p>
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