Dear Colleague,

I hope that you all continue to stay safe and well.

As you will be aware, the government brought out new legislation around EHCPs last week and the following information identifies the changes and how you can meet the expectations/responsibilities.

**Changes to the law on education, health and care needs assessments and plans due to coronavirus**

For details in full please see [www.gov.uk/government/puclications/changes-to-the-law-on-education-health-and-care-needs-assessments-and-plans-due-to-coronavirus](http://www.gov.uk/government/puclications/changes-to-the-law-on-education-health-and-care-needs-assessments-and-plans-due-to-coronavirus)

In some aspects of the EHC needs assessments the law has been **modified** – not disapplied. These changes affect/modifies 2 key aspects:

1. the duty to secure special educational provision, healthcare provision and social care provision
2. the timescales for EHC needs assessments and plans

**Special Education Provision**

Where the full provision in a Plan cannot be delivered, the relevant agencies (Education, Health and Social Care) must use “reasonable endeavours” to discharge the duty. This applies between **1-31 May** although it may be extended.

* Therefore, the school should confirm in writing to the parents or young person (after having discussed this with the parent/young person in the spirit of co-production) what it has decided to do and explain why the provision for the time being differs from that in the Plan. (A template Provision Proforma is attached with guidance notes for support) The school needs to keep a record of provision offered to safeguard against any future challenges.
* The school should keep under review whether the provision it is securing or arranging means that it is still complying with the *reasonable endeavours* duty

**Adjustments to timescales for EHC needs assessments and plans**

These modifications apply from **1st May – 25th September 2020 and are only related to the 20 week timeframe.** The law is **only** changed where, in a particular case, it is not reasonable or practicable for a local authority, health commissioning body or other body to discharge its duties for a reason related to coronavirus.

Therefore, the local authority or any other body to whom the deadline applies will have to complete the process as soon as reasonably practicable.

The changes in the law provide for an additional exception where a delay is because of coronavirus. There is still the expectation that the advices from other Services (eg. Educational Psychology Service/Health) can still be obtained by other means, such as phone /video calls, instead of face-to-face contact.

* All other requirements of the process and Plans remain in place
* The LA continues to consider requests for an EHC needs assessment/re-assessment
* It is expected that all settings make arrangements that enable them to **respond to consultations** on future admissions
* Where a setting is temporarily closed it **must** still admit. If a school is named on a Plan, the child or young person must be placed on roll and treated the same as any other student
* Providers, schools and colleges still have **15** days to respond to a proposal to name their setting in an EHCP.
* There is no change to the First Tier Tribunal – this service continues remotely

I trust this is helpful and wish you continued good health.

Kindest regards,

