

Temporary changes to the law on Education, Health and Care (EHC) Plans

On 30 April the Government temporarily changed the law on Education, Health and Care (EHC) plans under the Coronavirus Act 2020.

The changes mean local authorities and health commissioning bodies must do their best to provide support specified in an EHC Plan but they are not legally bound to deliver the support in the same way. The change has been made because it is not currently possible to always put provision in an EHC Plan in place. Timescales for EHC needs assessments and reviews have also been relaxed if they are affected by Coronavirus.

This note is for parents and carers. It describes:

- What the changes are
- How they might affect you
- What to do if you have any concerns
- Further information

The changes:

There are two temporary changes to the law on EHC Plans:

1. Local authorities and health commissioning bodies must use their 'reasonable endeavours' to secure the provision set out in a child or young person's EHC plan.

This has changed from an 'absolute duty' to a duty to use 'reasonable endeavours'.

The change means a child or young person's support might be different to that described in their EHC Plan, due to Coronavirus. But local authorities and health services, working with schools, still need to provide support and look for ways to do this differently.

This legal change will be in place from 1 to 31 May 2020 and may be extended by the Government.

2. The timescales for EHC need assessments and annual reviews have been modified. Where it is not possible to complete assessments and reviews in the normal timeframes, they must take place 'as soon as reasonably practicable.'

This change does not stop assessments and reviews. They will still take place and we aim to complete assessments in the legal timeframes where possible. The changes only relate to where things are delayed due to Coronavirus.

This legal change runs from 1 May to 25 September and will be kept under review by the Government.

The Government has produced guidance on the changes::

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

How the changes might affect you

My child already has an EHC Plan:

- It is likely that there have already been changes to the support your child or young person receives through their EHC Plan, due to Coronavirus.
- The temporary change to the law allows for this but we (education, health and care services) will continue to work with your school/education setting to support you and your child in the best way possible.
- Your child's school/education setting will continue to stay in touch with you, to see how you are getting on and offer provision and support. Health services will continue to hold appointments by phone and video calls where possible, with face to face appointments offered in a small number of cases.
- Please see Sheffield's '[Coronavirus guide for parents and carers of children and young people with special educational needs and disabilities](#)' for tips, resources and information about local support.

My child's EHC Plan needs to be reviewed:

- Annual reviews will still take place. When your child's review is due it will be held as soon as possible, if it cannot be carried out in the usual timescale due to Coronavirus.
- Schools/education settings are being encouraged to prioritise reviews if a child has significant changes to their needs or circumstances; if the child is a 'looked after child'; if they are in residential provision or if their education is out of Sheffield.
- Your child's school/setting will discuss the best way to carry out the review with you. This could include an online meeting or discussion over the telephone. It is important that you are happy with how it will run, and that you and your child are able to give your opinions.

My child is being considered for or undergoing an EHC needs assessment:

- We will do our best to meet the timeframes around EHC needs assessment but there may be a delay in some cases. If there is a delay, SENDSARS will discuss this with you.
- Examples of delays that may occur could include: a school not being able to access information; an assessment service (like educational psychology or speech and language therapy) not being able to complete an assessment; or when staffing levels are reduced.

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- In some cases there may be a need for further assessment when the Coronavirus restrictions are relaxed. This includes for children needing Occupational Therapy and Physiotherapy.

We have asked for a new school place for my child:

- Schools are expected to respond to consultations about new pupils in the usual timescales wherever possible. We know this is not always possible at the moment due to the way schools are having to work.
- Where an EHC Plan is issued or changed to name a particular school, there is still a duty for the school to admit the child (to put them on their roll) and then take responsibility for their education, whether that is at home or in school. Schools will assess whether it is safer for a child to be at home or school.

My child is starting a new school/college in September:

- We understand this may be a particularly anxious time for you and your child, as transitions – with visits and home visits – are very unlikely to take place in the same way as usual.
- Your child's new school/setting will contact you during the summer term to talk about starting with them. Schools are working hard to meet the current needs of children, so please be aware this is not likely to be straight away. Please be assured that they want to support your child to make the best possible start to their new school.

If you have any concerns

If you have a concern about your child's education please contact their school/education setting to discuss the support you are receiving from them.

If your concern is about a therapy service or any health or care support they were receiving before Coronavirus, please contact the specific service to discuss any issues.

Contact SENDSARS with any questions or concerns about the EHC Plan processes including assessments and reviews:

- SENDAssess&Review@sheffield.gov.uk
- 0114 273 6394

Sheffield's Special Educational Needs and Disability Information, Advice and Support Service (SSENDIASS) is still available to offer impartial advice on:

- www.sheffield.gov.uk/sendias
- ssendias@sheffield.gov.uk
- 0114 273 6009

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Further information

- Visit the Local Offer for information about support and services in Sheffield for children and young people with special educational needs. This includes a new Coronavirus page: www.sheffielddirectory.org.uk/localoffer
- See Sheffield's '[Coronavirus guide for parents and carers of children and young people with special educational needs and disabilities](#)' for tips, resources and information about local support.

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