

Temporary amendments to EHC plans: Information for parent carers in Cheshire East



If your child or young person has an Education Health and Care (EHC) Plan, you will soon hear from someone (usually the SENCO) from their setting (nursery, school or college) to discuss whether it is possible to deliver the provision that is agreed in their EHC plan (Sections F, G & H)

Normally there is no grey area in the law – if there's something in these sections of the EHC plan then the Local Authority has a legal duty to ensure it happens. At the moment, however, because of coronavirus, there may be some aspects that can't be delivered, or that have to be delivered in a different way.

Under the Coronavirus Act 2020, the law says that Local Authorities must use "reasonable endeavours" to ensure that provision is delivered, but it acknowledges that this may not be possible. This is a temporary change, initially running from 1- 31 May 2020 with the expectation that it will be reviewed monthly by the Secretary of State, and extended so that it remains in force while the coronavirus is having such an impact on the community and services.

In addition, from 1 June 2020 the Department for Education guidance states that all children and young people with EHC plans should be encouraged to attend, however there will be no pressure on parents that their children need to attend. This process should support the schools, parents and young people in thinking through this decision.

What changes might be made?

The settings will **work with the parent carer / young person** to look for ways to make it work, or alternative ways to deliver provision

There must be **no blanket policies** about what can and can't be done – **each child / young person's provision must be considered individually**

Changes can only be made for coronavirus related reasons

For some people **it may be possible for provision to be unchanged**; for example "small group work" is likely to be a part of the "new normal" for everyone in our schools for the time being, access to equipment or use of certain strategies could be unaffected

For some, **there may have to be a temporary change to how provision is delivered**; for example alterations to the frequency and timing of provision in school, like a part time timetable or phased return to build up to full days; temporary placement in another school, attendance at a local hub, video class sessions, home learning reading programme, specialist SEN teachers providing advice and support for parents, Speech and Language Therapy or OT delivering therapy via video link

For others **it may simply not be possible to deliver some of their provision at this time**; for example, they may be shielding so unable to attend their usual setting, and unable to engage with "school work" at home

The setting, parents / young person can refer to the LA and health commissioning bodies who should always look to see if there are ways to deliver the provision in their EHC plan

Any changes agreed are not permanent, and are not actual changes to your child / young person's EHC plan - this is not a review.

The provision agreed must be kept under review to make sure it is still suitable for the child/ young person's needs and any changes to circumstances in order that the LA is able to fulfil their "reasonable endeavours" duty. It will be reviewed at the end of each half term or as changes occur to provision.

Once the Coronavirus Act is no longer in force the LA will again have the legal duty to **ensure** that the provision in the Education Health and Care Plan is delivered.

What is the process in Cheshire East?

All settings have been sent guidance information and paperwork which you can see here www.cheshireeast.gov.uk/sendingyouthenews

A member of staff (usually the SENCO) will complete a form for each child / young person at their setting who has an EHC plan. They will contact the child / young person and their parent to discuss their current circumstances and the provision in the EHC plan.

You and your child / young person will be asked to share your ideas and suggestions, and any concerns you may have about the provision they have been receiving and any alternatives that are proposed.

The Department for Education is encouraging LAs to look for solutions, and Cheshire East want to share the ideas and suggestions of new ways of doing things that people come up with; if you come up with something new then others may benefit too! If in your discussions, you can't find a way for provision to be delivered then the SENCO can refer to Cheshire East for ideas. If you are not satisfied with the amendments, then you too can email SENDReturns@cheshireeast.gov.uk to ask for support.

Any questions?

This is yet another new thing in these unprecedented times, there are sure to be things that haven't been thought of and questions that haven't been answered – please help us to identify and fill in any gaps.

If do have any questions or concerns about this process, please get in touch. If we don't know we will try to find it out.

- Parent carers can contact the Cheshire East Parent Carer Forum cheshireeastpcf@gmail.com call 07794431768 and join in the conversation on our [Facebook group](#) – we would love to hear what you think and what your experiences are so we can feedback into the SEND Partnership. We would also really like to share any good ideas you have come up with to support your children and young people
- You can also contact Cheshire East Information Advice and Support (CEIAS) who are available to provide free, independent support to parents and young people. Click here for [CEIAS website and "contact us" form](#) or call 0300 123 5166 and leave a message.

For legal information and support for families, children & young people with additional needs and SEND during the pandemic,

- [IPSEA's website](#) has information about SEND law, including these recent amendments, which is being updated regularly.
- [Contact's website](#) has added some great resources and information about Covid-19 coronavirus for families with disabled children