



Vicky Ford MP

Parliamentary Under-Secretary of State for Children and Families

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24 March 2020

Dear colleagues,

This is an open letter distributed through as many of our partner organisations as possible. I would be grateful if you could circulate it as widely as possible to children and young people with Special Educational Needs and Disabilities (SEND), their parents/carers and families, and all others who support them.

This is an unprecedented, uncertain and testing time for all of us due to the coronavirus (COVID-19) pandemic. It is particularly challenging for children and young people with SEND, their families, and those who work tirelessly to support and care for them.

This is why, over the past week, we have made announcements and issued guidance about how we will meet the needs of children and young people with SEND during this challenging time. As the Minister responsible for SEND, I wanted to write to let you know that we are committed to doing everything possible to support you during this difficult time.

We are working in partnership with many organisations, including the National Network for Parent Carer Forums and the Council for Disabled Children, to make sure we are focusing our efforts in the right places. In all our decisions, the needs of SEND children and young people and their families and carers, and safeguarding these vulnerable groups, are at the forefront of our minds.

The Government published guidance about supporting vulnerable children on 22 March. It includes a number of frequently asked questions and is available at <https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people>. We have also published new guidance that provides household isolation advice for children and young people who live in residential settings, and the staff that support them. This guidance is available at <https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-isolation-for-residential-educational-settings>.

The guidance on supporting vulnerable children states that local authorities, nurseries, schools, special schools, colleges and other training providers should undertake a risk assessment to establish the individual needs of each child or young person with an Education, Health and Care (EHC) plan. This assessment should incorporate the views of the child or young person and their parents. This will inform the decision about whether they should continue in school or college, or whether their needs can be met at home safely.

If needs are best met at schools or colleges, we will support their school or college to meet their needs, wherever possible. For those on SEN support, schools, colleges and local authorities have discretion to use the same risk judgement to decide whether home or school is the safest setting for these children. It is, however, important that as many children as possible remain at home during this time in order to help reduce transmission rates.

On 19 March, the Government introduced new legislation into Parliament, in the form of the Coronavirus Bill ('the Bill'), in response to the outbreak (<https://services.parliament.uk/bills/2019-21/coronavirus.html>).

Our overwhelming aim for SEND, through the Bill and the proposed changes to regulations that are to follow, is to balance the needs of this vulnerable group to receive the support they need with managing the demands on local authorities and health bodies to respond to this outbreak. As a result, we have included in the Bill temporary emergency powers to enable us, where necessary, to modify the legal requirements on local authorities in fulfilling their duties in relation to EHC plans.

In practice, this will mean that where a local authority is, because of the outbreak, unable, for example, to put in place stated provision, they will need to use their reasonable endeavours to do this, but won't be penalised for failing to meet the existing duty as set out in the Children and Families Act 2014. These emergency powers will only be exercised for the shortest period and where necessary, and will be regularly reviewed. We will also be seeking to amend regulations on the timescales for EHC plan processes where this is appropriate because of COVID-19. I want to reiterate that these decisions are not taken lightly but I believe strike the right balance in these difficult times.

I encourage you to keep up to date by regularly checking the gov.uk webpages, and raise awareness of the DfE Coronavirus helpline we have established for local authorities, providers and parents to get information on the latest Government advice. The number is 0800 046 8687, and lines are open 8am-6pm (Monday – Friday), and 10am – 4pm (Saturday and Sunday).

I realise that the impact of these extraordinary circumstances on this group of children and young people can be particularly acute. This is why I have asked the Council for Disabled Children, in partnership with Contact, to ensure that their websites and forums regularly update both families and services on information, which is available to support them. I have also asked them to collate any questions and queries from stakeholders so that we can maintain as many routes of contact as possible into Government to ensure our actions continue to be focused on prioritising where help is most needed.

The challenges we are now facing serve to further highlight the importance of ensuring the system of support for children and young people with SEND is as effective as possible in the future. Rest assured that completing our review of the SEND system remains a priority for me and for the Government. In light of the current situation, we will think carefully about the right way and timescale to do this. Right now my focus, like yours, is on managing the current situation and keeping vulnerable children safe and supported.

I know that by working together, we can ensure that children and young people with SEND receive the support they need during this difficult time.

Yours sincerely,

A handwritten signature in black ink, reading 'Vicky Ford' followed by a period. The signature is written in a cursive, flowing style.

Vicky Ford MP
Parliamentary Under-Secretary of State for Children and Families