EHC Needs Assessments during the COVID-19 Pandemic

Buckinghamshire Guidelines

Introduction
During the COVID-19 pandemic, the law around SEND, including EHC needs assessments, has not changed. The Children and Families Act 2014 and the SEND regulations 2014 apply. There are provisions around SEND in the Coronavirus Act 2020, but they will only come into force when the Secretary of State makes a notice, which he can only do if he considers it to be necessary and appropriate to do so.

However, the guidance from UK government regarding school closures and social distancing is already in force. This means that elements of the assessment process will not be able to be conducted in the same way. The main principle underpinning all of iSEND’s EHC needs assessments is to gather the most accurate, reliable and comprehensive information possible given the constraints in place.

Request for an EHC Needs Assessment
We are asking young people, parents, education settings and other wider professional colleagues to consider very carefully the necessity of making a request for an EHC needs assessment during this time. We as an Authority feel that it is of the utmost importance to make the assessments that contribute to an EHC needs assessment of the highest quality, and we are concerned that during this time, this may not be possible. As schools are also effectively ‘closed’, in terms of providing education in the school setting currently, the value of conducting an EHC needs assessment may vary in terms of the quality of information gathered. We recommend that if a school or a family feel that it is necessary to make a request for an EHC needs assessment during this unprecedented time, they initially have a conversation with their EHC Coordinator, or email the following addresses via area to request a call:

- SEN Aylesbury Hub senaylesbury@buckinghamshire.gov.uk
- SEN Wycombe Hub senwycombe@buckinghamshire.gov.uk
- SEN Chiltern South Bucks Hub sencsb@buckinghamshire.gov.uk

As a part of this supportive conversation with the service, we will consider each area of concern on a case by case basis, and collaboratively devise a creative solution to the issue presented. This may include advising a High Needs Block Funding request as an alternative to a full assessment at this time to provide specific support for transition into school in September, for example.
All new requests for assessment that do come in will continue to be considered by the Local Authority, where possible, within the six week statutory timescale. We are asking that during this period, any requests are submitted electronically via anycomms or email, using the addresses above, and not via post.

Please ensure that any available health, social care and educational information is included with the application – a parental/youth health response (separately or via the new referral form) and medical reports such as Paediatric or CAMHS reports/letters will support the process.

As per the government guidelines, the majority of iSEND staff are now working from home, maintaining full access to emails and electronic files. Officers will be available on the telephone and via email and will communicate with families and settings using their preferred mode of communication between these.

Following NHS England guidance, many NHS staff are likely to be redeployed to the acute sector and unavailable to provide clinical information.

**Decision Making**

Decision making meetings will be held virtually, using skype and such electronic means. If you are a professional from education or health willing to be a part of the surgeries that convene virtually on a weekly basis, please express your interest via your area SEND teams using the email addresses above.

During the decision making process, the health information submitted with the request will be reviewed. Using the family’s health response and other supporting evidence the Local Authority will consider whether any further health information is required for the needs assessment. A request may then be sent to the paediatricians, CAMHS and/or the GP for further information. The child/young parent and their carer should be contacted in the first instance for clarification if there is missing or unclear health information.

**Statutory Advice and Information**

Within the challenges of the current circumstances, statutory information and advice must be provided within the parameters of the UK government’s latest guidance on working during the COVID-19 pandemic. Therefore, the following guiding principles are in operation:

- All information should be gathered remotely
- Consultations with others should take place using video calling wherever possible
- Email may be appropriate for contacting setting staff and other relevant professionals (see below), but will not be the sole means of communication with children / parents
- Information held on file that is older than 12 months should only be used as evidence if its current accuracy has been confirmed by relevant individuals
- All involvement and correspondence is subject to the standard rules regarding consent and data protection; remote communication will always be done via encrypted means.
- Home visits should only be carried out where clinically necessary and where alternative means of communication cannot be used. PHE guidance on PPE use should be followed at all times and screening questions regarding household and Covid-19 should be used prior to every essential visit.
The Designated Clinical Officer will support with the development outcomes and provision from health information provided. Requests for advice to health professionals including Paediatricians and Therapists will not be a default position for all EHC needs assessments and referrals will only be made in circumstances where further health assessment is assessed as being necessary.

9.47 SEND Code of Practice”...The local authority must not seek further advice if such advice has already been provided (for any purpose) and the person providing the advice, the local authority and the child’s parent or the young person are all satisfied that it is sufficient for the assessment process.....”.

Essential Sources of Information
As a minimum, the following sources should be used to inform the three areas (i.e. needs, outcomes and provision) required in the statutory advice:

- Consultation with parent(s)/carer(s)
- Consultation with the child or young person*
- Information held on the child’s file and that has come in as part of the request for EHC needs assessment

*This consultation will be undertaken in an age-appropriate manner, whilst also taking into account any communication needs, so may require assistance from the parent/carer.

Sources of Information
In addition, the following sources are likely to significantly improve the statutory information and advice, and thus should be used wherever possible:

- Assessment of the child or young person (e.g. via questionnaire, self-report measure or online assessment tool)
- Observation of the child or young person engaging in relevant tasks via video calling or recorded material shared securely
- Consultation with setting staff (e.g. SENCO, class teacher, early years educator)*
- Consultation with other relevant professionals
- Previous advice gathered as part of the request for EHC needs assessment, and prior to the COVID 19 crisis, e.g. parental health questionnaires, speech and language therapy reportsEvidence of meaningful and purpose interventions put in by the current education setting to support the child or young person’s special educational needs

*Initial contact should be made with the setting’s designated point of contact, who will then be able to signpost on to relevant members of staff.
**Where unknown, parents/carers or setting staff should be able to provide names of relevant professionals; contact with these individuals should be directed through central service lines.

Advisory Preface
Some statutory reports across education, health and social care will be prefaced with the following note:
This report has been produced during the COVID-19 pandemic, and consequently it was not possible to meet with [CYP] in person. The advice and information is based on the best sources of information available at the time of writing. It is recognised that, when
circumstances allow, it may be beneficial to provide an addendum, and arrangements will be made accordingly, as part of the annual review process.

It is important to highlight that we will do our utmost to adopt creative and flexible solutions to ensure that assessments conducted during this time continue to be of a high quality and we hope that no significant amendments will be needed as a result of assessments conducted during this time.

**Co-production; issuing decisions and EHC Plans**

Following the assessment, should a decision be made not to issue the EHC plan, this will be communicated to families and settings by week 16 of the process. Should a plan be deemed necessary, the EHC Coordinator will work with young people and families via telephonic / electronic means to draft the EHC Plan, utilising the information provided. The draft EHC plan will then be issued to the family and setting electronically.

Parents / young people will be given 15 calendar days to comment on draft plans in line with normal time lines. Educational institutions will be consulted with through agreed points of contact and given 15 calendar days to respond. We are aware that communication with educational establishments may be challenging at this time. Your designated EHCCo will make every effort to ensure that full and clear information is given to settings and understood by the correct point of contact. Finalised plans will continue to aim to be issued within 20 weeks.¹

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¹ Please note, all guidance produced by the iSEND service in relation to statutory timescales and assessments are subject to change as further advice is provided by the DFE.