

Frequently Asked Questions – Issue 6 SEND support during the Coronavirus pandemic

How does the FAQ work?

- This FAQ shares questions sent into the CDCQuestions@ncb.org.uk email inbox.
- Each week the questions received are collated and shared with the Department for Education (DfE) as well as colleagues with specific areas of expertise within CDC.
- Each FAQ includes questions received before Wednesday lunch time of the week in which it is published.
- If you have submitted a question but cannot see the response below your question is either awaiting feedback from DfE or will be featured in next week's FAQ.
- We may edit some of the questions to allow us to include as many as possible in each weeks FAQ and to protect individuals privacy so your questions may appear slightly differently than your original emails.
- Where questions are on similar themes or have similar answers we may group the questions together.

Guidance and Resources

In addition to this FAQ, we have gathered a list of resources and guidance about Coronavirus related support for disabled children, young people and their families and the practitioners working with them across Education, Health, Social Care and the VCS which you can access [here](#).

For questions relating to specific individual circumstances the **Contact** helpline (0808 808 3555) and [website](#) are an excellent source of information and support.

There has also been new guidance published since the last edition that we would like to draw your attention to. These are:

[Safe working in education, childcare and children's social care](#) (PPE guidance)

[Coronavirus \(COVID-19\): implementing protective measures in education and childcare settings](#)

[Opening schools and educational settings to more pupils from 1 June: guidance for parents and carers](#)

[Actions for education and childcare settings to prepare for wider opening from 1 June 2020](#)

Changes to the law

The Government has announced temporary changes to the law on Education, health and Care (EHC) needs assessments and plans. This is to give local authorities, health commissioning bodies, education settings and others who contribute to these processes more flexibility in responding to the demands placed on them by coronavirus. You can read more about the changes and download the guidance here:

<https://councilfordisabledchildren.org.uk/news-opinion/news/temporary-changes-law-education-health-and-care-needs-assessments-and-plans>

Questions on education:

Q

My daughter has complex needs (Rett syndrome) and usually attends a special school full time. She is in reception. I have just had a baby and my partner is a key worker who often works away. I have asked for her to return to school twice. I was told the first time by the school that she is to remain at home and wouldn't be entitled to transport to and from school - school is over an hour away and she is in a wheelchair. Two months ago I was told that the school is only open for "looked after children and those of key workers". More recently I have asked if she can return to school, school have said it would be prioritising year 6 as they are transitioning to year 7. The school also said that they would still only be considering the same vulnerable groups and that my daughter would be low on the list to return. She has very challenging needs and is very hard to care for. Please advise.

A

Thank you for your question and the concerns you raise. The local authority, school and parent carer should all contribute to a risk assessment to determine whether your daughter can go back to school, and, if not what provision she should be getting at home. The law on transport has not changed so she would still be entitled to this when she is able to go back to school. The government have published "Supporting children and young people with SEND as schools and colleges prepare for wider opening". You can view the full guidance on the government website:

<https://www.gov.uk/government/publications/coronavirus-covid-19-send-risk-assessment-guidance>

Below is an extract from the website:

"Updating risk assessments

Following the partial closure of education settings from 20 March 2020, we asked local authorities to consider the needs of all children and young people with an EHC plan and to carry out a risk assessment. Local authorities were asked to work with educational settings and parents or carers to determine whether children and young people would be able to have their needs met at home, and be safer there than attending an educational setting."

Your local Special Educational Needs and Disabilities Information, Advice and Support (SENDIAS) Service can support you with raising this with the local authority and the school to ensure your daughter gets the support that she needs. You can find your local SENDIAS service here:

<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/find-your-local-ias-service>.



My daughter is in reception and has an Education, Health and Care (EHC) plan. My daughter has an allocated Teaching Assistant which she shares with another child who has an EHC plan. Both children have not been in school since March 2020 due to Covid-19. My daughter has been diagnosed with the following: Autism Spectrum Disorder; Global Developmental Delay; Hypermobility Syndrome with Distal Muscle Weakness; Cows Milk Protein Intolerance; Soya Allergy; Food Pollen Syndrome. During a normal school day she has allocated 1-2-1 interventions as arranged on her EHC plan and Personalised Plan. Since March 2020 we have received no support in relation to obtain guidance for the following: Fizzy Therapy; Physiotherapy; Occupational Therapy.

I have asked the school to loan us her sensory equipment and TEACHH box. The box contained therapy putty and Russians dolls, with emotion cards. I was not allowed the sensory equipment but was given a bag of plastic shapes, beads and pipe cleaners.

The school have performed 2 risk assessments advising she was safer at home. Using PPE and social distancing as concern areas. Which for EYFS would not be a concern. The support I have received has been minimal. I have to keep in contact via email. My daughter is forgetting school and has developed an anxious chewing stim. She personally has had zero contact with anyone from the school. I have arranged a therapy review directly with her outsourced therapists and not supported by the school. The school have said that as a parent I am more than capable of meeting and adapting her needs. This is having an impact on me financially as I am unable to return to work, mentally as I have 3 children and emotionally I am exhausted.

Could the school have done more to support her? I feel she could have returned in June albeit part time.

A

Thank you for your question. We are sorry that you have had no support in this challenging situation. The local authority - who are responsible for ensuring that they make 'reasonable endeavours' to ensure the provision in your daughters plan is carried out, should work with you and the school to set out what will be provided, how and by whom. This should be kept under review. The provision may not look the same as it does under usual circumstances but it should not mean that she has no support or therapeutic input. You can also make a complaint about the lack of provision made for your daughter via the local authority's complaints procedures.

If your daughter's school is open she should be able to attend. The guidance from 1 June is clear that children should be welcomed back to school. The government have published "Implementing protective measures in education and childcare settings". You can view the full guidance on the government website:

<https://www.gov.uk/government/publications/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings>

Below is an extract from the website:

"Education and childcare settings are already open to priority groups ([vulnerable children](#) and children of [critical workers](#))¹. Now that we have made progress in reducing the transmission of coronavirus we are encouraging all eligible children to attend - it is no longer necessary for parents of eligible children to keep them at home if they can. In particular, as per the existing [Supporting vulnerable children and young people during the coronavirus \(COVID-19\) outbreak guidance](#), vulnerable children of all year groups continue to be expected and encouraged to attend educational provision where it is appropriate for them to do so".

Your local Special Educational Needs and Disabilities Information, Advice and Support (SENDIAS) Service can support you with contacting the local authority and the school. You can find your local SENDIAS service here:

<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/find-your-local-ias-service>.



I have had to source private therapy provision as my son with an Education, Health and Care (EHC) plan cannot attend school. I have applied to the council for direct education payments and am waiting for a response. Given that the government guidance advises councils to consider requests for direct payments and alternative ways of delivering EHC provision will the catch up provision being announced include ring fenced money for councils so they can offer direct payments to families? My son has been unable to access the home learning sent home due to his cognitive difficulties as it is mainly content from websites and worksheets, he needs direct teaching.

Also, given that many special schools like his are very small with classrooms built for small class sizes will the government be offering funding to his free school to temporarily operate on additional sites? I cannot see any other way of all the children in his school being able to return given their risk assessment that they can only accommodate ten out of one hundred pupils



Thank you for your question about catch-up provision and special schools. We have escalated your question to the DfE and will publish the answer in the next FAQs article.

The local authority - who are responsible for ensuring that they make 'reasonable endeavours' to ensure the provision in your son's plan is carried out, should work with you and the school to set out what will be provided, how and by whom. This should be kept under review. The provision may not look the same as it does under usual circumstances but it should not mean that he has no support or therapeutic input.

If your son's school is open he should be able to attend. The guidance from 1 June says that children should be welcomed back to school. The government have published "Supporting children and young people with SEND as schools

and colleges prepare for wider opening". You can view the full guidance on the government website:

<https://www.gov.uk/government/publications/coronavirus-covid-19-send-risk-assessment-guidance/coronavirus-covid-19-send-risk-assessment-guidance#supporting-children-in-special-schools-and-specialist-post-16-institutions>

Below is an extract from the website:

"Our aim is for specialist provision to support increasing numbers of children and young people to access on-site education, whilst prioritising the safety of children, young people and staff. If it is not possible to bring back all children and young people for whom a return would be appropriate straight away, for example, due to staff absences, settings may want to prioritise attendance for:

- *Children and young people approaching key transition points, for example, transition to another educational setting or from education to adult life, particularly where multi-agency work to secure that progression is needed*
- *children and young people who most need on-site provision to support their life chances and development, for example to reinstate routines and engagement with learning*

In order to ensure as many children and young people as possible are actively transitioning back to on-site education in specialist settings, we encourage the use of flexible approaches. This may include:

- *part-time timetables and attendance rotas*
- *blended onsite and home learning*
- *phased returns for individuals or groups*
- *children and young people being offered blocks of time on-site on a rotating basis."*

Your local Special Educational Needs and Disabilities Information, Advice and Support (SENDIAS) Service can support you with raising this with the local authority and the school to ensure your son gets the support that he needs.

You can find your local SENDIAS service here:

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Q

Is it possible to get clarity on group sizes that are advised for special schools? The guidance isn't specific enough on what special schools are expected to do. Is it small groups of up to 15 as within mainstream primary schools without 2m social distancing? Or should already small class sizes be halved as suggested for secondary schools? Strict social distancing is likely to be difficult for many children and young people who attend special schools to observe. How should special schools manage social distancing?

A

Thank you for your question and the concerns you raise. The government have published "Implementing protective measures in education and childcare settings". You can view the full guidance on the government website:

<https://www.gov.uk/government/publications/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings#class-or-group-sizes>

Below is an extract from the website:

"It is still important to reduce contact between people as much as possible, and we can achieve that and reduce transmission risk by ensuring children, young people and staff where possible, only mix in a small, consistent group and that small group stays away from other people and groups.

Where settings can keep children and young people in those small groups 2 metres away from each other, they should do so. While in general groups should be kept apart, brief, transitory contact, such as passing in a corridor, is low risk.

Vulnerable children and children of critical workers in other year groups should also be split into small groups of no more than 15. Desks should be spaced as far apart as possible."

Q

I have a disabled son who attends a special school. He has severe autism amongst other conditions including SID. Usually we can alter his daily routines that are very strict when it is the school holidays but it has become harder now that he is 14. During COVID-19 we put a new routine in place but it only lasted a number of weeks. He has started to hurt himself again: biting his hands, scratching and hitting his head which is very upsetting to us as parents. The length of this school break has taken its toll on our son and he has reversed into hurting himself again. The only thing that will stop this is by returning to school with his routine. Schools are reopening but our son's school will not take him back, we have asked many times but no success. We need your advice on how to get him the help he needs.

A

Thank you for your question on getting the support that your son needs. We are sorry that you have had no support in this difficult time. The local authority, school and parent carer should all contribute to a risk assessment to determine whether your son can go back to school, and, if not what provision he should be getting at home. The government have published "Supporting children and young people with SEND as schools and colleges prepare for wider opening". You can view the full guidance on the government website: <https://www.gov.uk/government/publications/coronavirus-covid-19-send-risk-assessment-guidance>

Below is an extract from the website:

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Following the partial closure of education settings from 20 March 2020, we asked local authorities to consider the needs of all children and young people with an EHC plan and to carry out a risk assessment. Local authorities were asked to work with educational settings and parents or carers to determine whether children and young people would be able to have their needs met at home, and be safer there than attending an educational setting."

Your local Special Educational Needs and Disabilities Information, Advice and Support (SENDIAS) Service can support you with raising this with the local authority and the school to ensure your son gets the support that he needs. You can find your local SENDIAS service here: <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/find-your-local-ias-service>

Questions from parent carers and those supporting them directly



I have an 8 year old son who has autism. He has an Education, Health and Care (EHC) plan, usually attends a mainstream primary school and has 1:1 support throughout the day. I also have a 5 year old in reception at the same school and a 3 year old in nursery. I am an NHS Consultant and have been working since the lockdown. My husband usually works abroad but was present during the lockdown and has cared for the children at home. I did inform the school that he would need to return once flights re-open and at that point the boys would need to be able to access school so that I can continue to work.

My husband is flying out on 1st July. I have informed the school and they are currently doing risk assessments to decide whether my eldest can be accommodated in the school. It is a small one form entry school. They said they would meet with me early next week but there was a possibility that they may not be able to accept him. I don't have anyone that can support me as my mother is elderly and we unfortunately lost my father 2 weeks ago. My sister lives with my mother so cannot help.

My Questions are:

- 1. Can the school really not accept him although he has an EHC plan?**
- 2. If they do refuse to allow my sons to return to school, what are my options with regards to work? Can I be furloughed even though I work in the NHS?**
- 3. I really do not understand what rights, if any, we have and would appreciate advice.**



Thank you for your question and we are sorry that you are so isolated with your care options. You should speak to the local authority about what provision your son needs and where this should take place. If your son's school does not feel that they can safely accept him then the local authority will need to work with both them and you to understand why this is the case, what can be done to ensure your son can attend and, what alternative

placement is available. The guidance from 1 June says that children should be welcomed back to school. The government have published "Supporting children and young people with SEND as schools and colleges prepare for wider opening". You can view the full guidance on the government website: <https://www.gov.uk/government/publications/coronavirus-covid-19-send-risk-assessment-guidance/coronavirus-covid-19-send-risk-assessment-guidance#supporting-children-in-special-schools-and-specialist-post-16-institutions>

Below is an extract from the website:

"We encourage educational settings and local authorities to assure themselves that the risk assessments for children and young people with EHC plans, are kept up to date, as per the guidance set out above. Informed by these risk assessments, local authorities and educational settings should consider whether it is now safe to bring back children and young people with EHC plans whatever year group they are in."

Your local Special Educational Needs and Disabilities Information, Advice and Support (SENDIAS) Service can support you with raising this with the local authority and the school to ensure your son gets the support that he needs. You can find your local SENDIAS service here: <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/find-your-local-ias-service>.

We have escalated your second question to the government and will publish an answer in the next FAQs article.

Questions on Social Care



In the short breaks team that I manage we have been assessing starting to provide respite short breaks programmes reopening to support families under the below guidance:

"Personal budgets and access to respite care for children and young people with EHC plans for children and young people with an EHC plan, the duties relating to personal budgets remain in place. These are detailed in paragraphs 9:95 to 9:124 of the [SEND code of practice](#).

A child's parent, or a young person, has a right to request a personal budget when the local authority has completed an education health and care needs assessment and confirmed that it will prepare an EHC plan. They may also request a personal budget during a statutory review of an existing EHC plan.

Services for disabled children provided under section 17 of the Children Act 1989 typically include short breaks for parent carers. The local authority remains under a duty to provide these in such circumstances. We recognise that this may prove challenging during the coronavirus outbreak, but ask local authorities to ensure every effort is made to continue to provide this important support for families who need it.

Where it is not possible for local authorities to arrange respite care for families as a result of circumstances related to coronavirus, we would encourage parents, carers and young people to discuss this with their local authority and agree what alternative arrangements can be made. This could include, for example, local authorities considering whether making a personal budget available on a temporary basis may enable the family to secure alternative respite care arrangements."

However, some of our respite providers are Ofsted registered due to the age of children they are taking (under 8) and/or the length of time the sessions are operating. Under educational setting guidance the operating of offsite "Clubs" are not permitted as per extract below:

["I'm an out-of-school club. Can I reopen?"](#)

At the moment, out-of-school clubs can only provide care if they are operating on school premises. The Department for Education's Actions for early years and childcare providers during the coronavirus outbreak guidance was updated on 2 June 2020 to state that: "Providers which are registered with Ofsted or with a

Childminder Agency which have before and after school clubs on school premises and can ensure they follow the protective measures guidance, are able to operate"and that "this is only the case for registered providers which operate on school premises. All other out of school settings are not able to reopen."

This means that out-of-school clubs who have been providing care to key worker and/or vulnerable children during the lockdown period are not currently allowed to operate.

However, the Department for Education has confirmed to the Alliance that: *"Currently the department has stated that provision can only open if it is on a school site and only for children attending the same provision / school. We are however becoming increasingly aware of some of the issues surrounding this approach, and are therefore reviewing our current position. As soon as we have an update, we will share it with relevant stakeholders and ensure it is reflected in any COVID19 guidance."*

The Department has additionally confirmed to the Alliance that holiday clubs are currently not permitted to open. It said: *"The Government's overriding priority remains keeping the public safe. Any steps taken as part of a phased lifting of restrictions need to therefore be measured and guided by the science. It is for this reason that, while we have set out that schools can now welcome back some more of their pupils, we are advising that providers that would usually offer summer holiday activities to children, should be remaining closed for the time being."*

It added: *"The Government will keep this position under review and continue to be guided by the best scientific and medical advice to ensure that the right decisions are taken at the right time."*

We have had some concern from Ofsted short breaks providers who believe they cannot offer their service under the short breaks grant, because of the Ofsted guidance on not reopening out-of-school clubs.

I am of the opinion that a short breaks grant commissioned service as per our obligations under the Children's and Families Act would not be classed as an out-of- school club, and therefor even if the supplier providing it is Ofsted registered they can still go ahead with the scheme. Your thoughts however, would be greatly appreciated.

A

Thank you for your question on short breaks and the guidance you have highlighted for us here. We can appreciate the challenges you are facing. Government are aware of the position. The government have published "Actions for early years and childcare providers during the coronavirus outbreak" which has been updated on 23 June. You can view the full guidance on the government website:

<https://www.gov.uk/government/publications/coronavirus-covid-19-early-years-and-childcare-closures/coronavirus-covid-19-early-years-and-childcare-closures>

Below is an extract from the website:

"6.3 Are before and after school clubs and other providers of wraparound care allowed to operate?"

Wraparound providers which are registered with Ofsted or with a Childminder Agency and run before and/or after school clubs on school premises or in early years settings, and can ensure they follow the protective measures guidance, are able to operate."

Guidance in this area is constantly changing and early year's guidance changed earlier this week. Below is an extract from the website:

"6.3 Are before and after school clubs and other providers of wraparound care allowed to operate?"

We are hoping to amend the Health Protection (Coronavirus Restrictions) (England) Regulations 2020, as part of Step 3 of the government's recovery strategy (anticipated no earlier than 4 July), to enable registered wraparound childcare providers, who do not operate on the same premises as the school or early years setting that children attend, to open for indoor provision. We also anticipate adjustments to the current measures for unregulated providers/out-of-school settings, who are currently required to keep their premises closed, to be part of Step 3 of the recovery strategy. This will be confirmed based on further detailed scientific advice. We will provide protective measures guidance to providers as soon as possible."

Please read the above in the context of the full document which you can find here: <https://www.gov.uk/government/publications/coronavirus-covid-19-early-years-and-childcare-closures/coronavirus-covid-19-early-years-and-childcare-closures>



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DFE are currently working on short breaks issues and we expect further information to be issued shortly. We will alert people once this is available.