

## Education, health and care needs assessments and plans: guidance on temporary legislative changes relating to coronavirus (COVID-19)

In response to the challenges presented by the Covid-19 crisis, on 30<sup>th</sup> April the Government announced **temporary** changes to **some** of the legal duties and timescales applied to local authorities, health commissioning bodies and others involved in the processes for delivering Education, Health and Care Plans and for securing provision.

These changes will only be in force from **1st May to 25th September 2020** and they will be kept under review. Details of these changes and what this means are in the table below.

As a local area we recognise how challenging home isolation is for many of our young people and children with SEND, and the families supporting them. We are committed to maintaining education, health and care provision for these children, but also to extending support, where possible, to families in most need.

These **temporary** changes are allowing **certain** rules and duties regarding EHC Needs assessments and plans to be **modified** whilst the services involved are impacted by the Covid-19 outbreak. All other requirements of the EHC process remain unchanged.

But please be assured that this does not signal a “pause” or suspension of any legal duties of the Local Authority and health commissioning board (CCG).

We still must consider **each** child and young person individually and what can be **reasonably** provided in the circumstances, **during the notice period**.

What has changed	What this means
1. The <b>legal duty</b> on local authorities or health commissioning bodies (CCGs) to <b>arrange</b> the provision set out in an Education, Health and Care (EHC) Plan	<ul style="list-style-type: none"><li>• A <b>temporary</b> easing of the legal duty from ‘best endeavours’ down to a duty to use ‘<b>reasonable endeavours</b>’.</li><li>• Once this notice expires or is cancelled, providers will all need to ensure everything specified in an EHCP is put/put back into place.</li></ul>
2. The Regulations that <b>state legal timescales</b> applying to LAs, CCGs and others, mainly around processes relating to EHC needs assessments and plans.	<ul style="list-style-type: none"><li>• temporarily replaces the statutory timeframes for assessments and annual reviews. the specific time limits will not apply, <b>only</b> where the situation is affected by COVID19, placing a duty on us to fulfil these responsibilities as soon as practicably possible.</li></ul>

Here is the link to the full guidance;

[Detailed government guidance on changes can be found here](#)

The Local Authority will be updating all parents and carers with children with EHCPs in more detail in letter about these changes over the next week but in the meantime, if you have any particular worries then please do not hesitate to contact Daniel Marson, SEND Team Manager by e-mail [daniel.marson@derby.gov.uk](mailto:daniel.marson@derby.gov.uk) or by telephoning 01332 647868.