

Our Ref: AC/CN/2021-01-12 SEND
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Open Letter from Allan Cadzow, Corporate Director for Children and Young People, to all Parents and Carers of Children and Young People with SEND regarding Education Provision in Schools and Post-16 Providers

Dear Parent or Carer

As you know, on Monday 4 January, the Prime Minister announced a national lockdown to reduce the spread of COVID-19, which has now come into effect. Full details of the lockdown restrictions can be found at [national-lockdown-stay-at-home](#). On Thursday 7 January the Department for Education published new national guidance about the arrangements for education during this period which can be found at [School national restrictions guidance.pdf](#). We are writing to you to highlight key points from the guidance and provide further details about the local situation in Suffolk.

We understand how challenging it will be for both you and your children to be entering another period of restriction and that you may be worried about your child falling behind in their learning. We want to do all that we can to provide services and support to your family at this time, but we must emphasise how serious the current pandemic situation is. There are now many more people in Suffolk who have, or are affected by Covid-19, than during the previous lockdown in March 2020 and that means that many of the services that your child normally accesses will be affected.

The national guidance states that *"during the period of national lockdown, primary, secondary, alternative provision and special schools will remain open to vulnerable children and young people and the children of critical workers only". The definition of vulnerable children and young people include children who have a social worker, an education, health and care plan (EHCP) or who may be vulnerable for another reason at local discretion ("[otherwise vulnerable](#)")*

Children with SEN Support

Most children who have additional needs that are supported through SEN Support will be learning at home until February half-term; however, we recognise that some children receiving SEN Support may need face to face learning because of their additional needs

and would be included in the new definition of “otherwise vulnerable”. If you feel your child meets the wider definition of vulnerable and should receive a face-to-face offer, please discuss this directly with the education setting.

The new guidance states that: *“The requirement for schools to use their best endeavours to secure the special educational provision called for by the pupils’ special educational needs remains in place. Schools should work collaboratively with families, putting in place reasonable adjustments as necessary, so that pupils with SEND can successfully access remote education alongside their peers.”*

Suffolk Parent Carer Network (SPCN) has raised concerns that sometimes the remote learning provided for children with SEN Support is not appropriate to their needs. We have raised this with school leaders and recognise this is an area that needs to improve, and Suffolk County Council will work with SPCN and teachers to develop some additional guidance to support both parents/carers and teachers with this.

In the meantime, the national guidance provides some general information for parents about remote education which may be of help: *“The remote education provided should be equivalent in length to the core teaching pupils would receive in school and will include both recorded or live direct teaching time, and time for pupils to complete tasks and assignments independently. The amount of remote education provided should be, as a minimum:*

- *Key Stage 1: 3 hours a day on average across the cohort, with less for younger children*
- *Key Stage 2: 4 hours a day*
- *Key Stages 3 and 4: 5 hours a day*

If parents feel their children’s school is not providing remote education of a suitable quantity and quality, they are encouraged to in the first instance raise their concerns with the teacher or headteacher and, if the concerns are not resolved, to report the matter to Ofsted.”

Children with Education, Health and Care Plans (EHCPs)

As previously mentioned, the national guidance states that all children and young people with an Education, Health and Care plan will be expected to continue to be able to attend their school or post-16 provider face to face on a full-time basis.

Exceptions: The following pupils with an EHCP should not attend face to face learning:

- Pupils who are self-isolating
- Clinically extremely vulnerable pupils are also advised not to attend school/college.

Option for parent to decide their child should not attend: Schools will continue to record attendance in the register for pupils with an EHCP, but if you would prefer your child to learn remotely during the national lockdown period and not attend face to face, you

should advise your child's school/college and they are expected to authorise this absence. You will not be penalised.

Transport arrangements continue to be in place and can be accessed as usual.

Children and Young People with EHCPs Attending Mainstream Schools and Post-16

Providers: If your child usually attends a mainstream school or college it is expected that they should be able to access fulltime face to face education during the lockdown. Suffolk County Council will be contacting all schools and post-16 providers from Tuesday 12th January onwards to review the arrangements in place for each individual child or young person with an EHCP to receive an appropriate offer. During the last lockdown, your feedback to SPCN highlighted that there were a significant number of families who were not directly involved in planning their child's offer, so we will be reminding schools and post-16 providers of the importance of involving you and your child in this planning and will follow up with further support if the plans are not in place.

We would ask you to recognise the pressure that schools, colleges, and their staff are under, and bear in mind that there are likely to be times when, due to staff absence levels or COVID-19 restrictions, your child's face to face offer may be more limited. This situation could differ between schools. If this happens, the school or college should work with you to agree a plan that can best meet the needs of your child given the challenges presented by the pandemic.

Children and Young People with EHCPs Attending Special Schools, Specialist Units or Pupil Referral Units:

Our special schools, specialist units and pupil referral units are faced with a particularly challenging situation during this lockdown period. For these settings almost all their pupils will be included in the vulnerable category and therefore the Government's expectation is that they will be offering a fulltime, face to face offer for most or all their pupils. At the same time, our special schools and pupil referral units in Suffolk are experiencing high levels of staff absence which means they cannot open safely for all pupils to attend at the same time.

The national guidance reminds all school leaders that: *"Schools have a legal obligation to protect their employees, and others, including children, from harm and should continue to assess health and safety risks in the usual way."*

It also provides guidance to headteachers about what they should do if this situation arises: *"On occasion special schools/ alternative provisions may encounter circumstances where they cannot provide their usual interventions and provision at adequate staffing ratios, or with staff with vital specialist training. In these circumstances they should seek to resume as close as possible to the child of young person's specified provision as soon as possible."*

This means that at different points in the lockdown period some schools and pupil referral units may have to reduce their offer so that some or all of their pupils have a mixture of face to face and remote learning, or if things become very serious, they may have to close for a short time. This will vary from school to school, as the situation is different for each

one. We have written to Headteachers of our special schools and pupil referral units asking them to work closely with each child's parents and carers individually to make a suitable plan if this situation arises. We will be working closely with our special schools and pupil referral units to monitor the situation and review the offer for each child.

The legal position regarding Education, Health and Care Plans

On this subject the new guidance says: "*Where a pupil has provision specified within their EHC plan, it remains the duty of the local authority and any health bodies to secure or arrange the delivery of this in the setting that the plan names. However, there may be times when it becomes very difficult to do so, for example, if they are self-isolating. In this situation, decisions on how provision can be delivered should be informed by relevant considerations including, for example, the types of services that the pupil can access remotely, for example, online teaching and remote sessions with different types of therapists. These decisions should be considered on a case by case basis, avoiding a one size fits all approach.*"

While the law has not changed regarding the provision within EHCPs at this time, circumstances are far from normal, with the pandemic far worse than at any previous point, and while providers will do all that they can to make provision, there will be challenges due to staff absences and illness and safety considerations. This means that education, health, and care providers will need to prioritise their services. That is why Suffolk County Council is undertaking a case-by-case review of the offer being made to each child and young person with an EHCP and we are reminding providers that it is vital that they work closely with parents and carers to agree reasonable solutions that will provide the best possible support for children and young people given service constraints at this difficult time.

If you as a parent or carer are worried about your child's EHCP offer, the steps you should take are published on the Suffolk Local Offer website at [EHCP: raising concerns about delivery](#) .

Other Services supporting Children and Young People with SEND

All providers are doing their best to maintain services during the national lockdown, however all face-to-face services are experiencing staff shortages, and some, increases in demand.

Health services recognise the importance of the continued delivery of support for children, young people and families and will endeavour to provide what is expected. However, the impact on health services is significant and changing fast. Any changes that need to be made to delivery will be discussed and planned with families to ensure there is a plan.

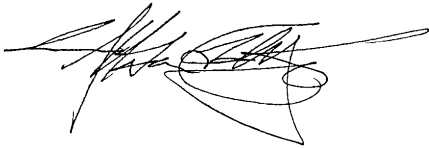
Statutory education, health and care assessments, annual reviews of EHCPs and applications for specialist admissions are progressing as usual.

Suffolk SENDIASS are continuing to offer a full service and can provide impartial information, advice and support service for children and young people with SEND and their parents/carers. Take a look at their website to find out more about the service, for the

latest updates and for contact details: www.suffolksendiass.co.uk. They can talk through any questions or concerns about SEND and in relation to the current lockdown measures, school closures or remote learning.

There is no doubt that the coming weeks will be very challenging for us all, and we thank you for your support and forbearance through this challenging period. The vaccines have started to roll out so hopefully that will bring us all the chance to live more normal lives as we move into spring and summer. In the meantime, together we can all continue to play our part to protect ourselves, those around us, and the NHS.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Allan Cadzow', with a long horizontal stroke extending to the right.

Allan Cadzow
Corporate Director for Children and Young People