

Appendix C – Children, Education and Safeguarding Committee

Table 1 – Committee Decisions

Date of Decision	Decision	Summary of Decision	Legal Implications, Resources Implications, Other Implications (e.g. risk, equalities, consultation, etc.), Government directions or guidance
26.03.20	Changes to school provision	<p>Co-ordination with local schools to ensure that sufficient school places exist for children of critical workers and vulnerable children.</p> <p>The Council continues to work with families of vulnerable children and other families where the children are identified as in need to ensure that appropriate support is provided to safeguard and promote the children’s welfare.</p>	<p>The Coronavirus Act 2020 contains provisions for the Secretary of State to direct that schools temporarily close or temporarily continue to provide specific services. The Secretary of State has not yet used this power. Instead the Government has issued advisory guidance stating that parents should not send their children to school during an emergency period, and that schools should focus on providing places for children of critical workers and vulnerable children.</p> <p>The guidance states that local authorities should co-ordinate a response to the new arrangements, working with and supporting local schools to provide sufficient places for children of critical workers and vulnerable children. Local authorities should also monitor demand and provide places in alternative settings if required and support residential and other specialist settings. Details of how the local authority is supporting children with EHCPs is set out in more detail below.</p> <p>The full guidance can be found here: https://www.gov.uk/government/publications/covid-19-school-closures/guidance-for-schools-about-temporarily-closing</p>
26.03.20	Changes to alternative provision	Co-ordination with Alternative Provision settings and Pupil Referral Units to ensure that sufficient school places exist for children of critical workers and vulnerable children	<p>The Council has a duty under s.19 of the Education Act 1996 to make arrangements for the provision of suitable education for children of compulsory school age who by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.</p> <p>The Government has issued advisory guidance to parents not to send their children to schools and other settings during an emergency period, unless they are children of critical workers or vulnerable children. However,</p>

			<p>Alternative provision (AP) settings and pupil referral units (PRUs) serve a small number of children and young people, a high proportion of whom meet the definition of vulnerability and are well-placed to cater for their needs. This would be difficult to replicate elsewhere.</p> <p>The council will support the Pavilion Study Centre PRU to stay open to provide support for students wishing to attend. Work is being set online for those that are not attending with students being required to email in work for marking as well as regular telephone contact. Where students are not engaging Education Welfare Officers are following up. After Easter there will be virtual lessons delivered online.</p> <p>The full guidance can be found here:</p> <p>https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people#children-in-alternative-provision-ap-settings</p>
26.03.20	Changes to nursery provision	<p>Co-ordination with local nurseries, including maintained nurseries and PVI nurseries to ensure that sufficient nursery places exist for children of critical workers and vulnerable children.</p> <p>Continued funding to be provided for free nursery places regardless of whether children are taking up the place.</p>	<p>The Government has issued advisory guidance to parents not to send their children to nursery during an emergency period, unless they are children of critical workers or vulnerable children.</p> <p>To ensure that nurseries continue to receive funding for nursery places, the Government is continuing to pay local authorities for free nursery entitlement for 2, 3 and 4 year olds. The Council will be passing this funding onto relevant nurseries even if children are not attending due to the Covid 19 pandemic.</p> <p>The full guidance can be found here:</p> <p>https://www.gov.uk/government/publications/coronavirus-covid-19-early-years-and-childcare-closures/coronavirus-covid-19-early-years-and-childcare-closures</p>

26.03.20	Closure of Children's Centre buildings	<p>Temporary closure of Children's Centre buildings. It is deemed that an effective and safe service can be provided during the emergency period without having the children's centre buildings open.</p> <p>0-19 Practitioners are maintaining contact with the children, young people and families through Skype/Facetime/WhatsApp/phone. Group activities have ceased but a virtual platform is being developed for some parenting groups and activities.</p> <p>Health Advisors, Welfare Rights Advisors and Employment Advisors continue to provide services and will carry out the usual sessions with families, but this will now take place via telephone or video conferencing</p>	<p>The Council has a duty to make arrangements for sufficient children's centres so far as is reasonably practicable under the Childcare Act 2006, primarily s.5A. The statutory guidance makes clear that sufficient children's centres is wider than just the buildings and includes other universal and targeted services for young children and their families.</p> <p>Schedule II, Part I, Para 9, Children Act 1989 also provides that local authorities provide such family centres are they consider appropriate.</p> <p>Change in legislation: Health Protection (Coronavirus, Restrictions) (England) Regulations 2020. From 26 March 2020, a person responsible for a community centre must ensure the centre is closed during the emergency period except where it is used to provide essential voluntary activities or urgent public support services.</p>
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Table 2 – Officers' Decisions

Date of Decision	Decision	Summary of Decision	Legal Implications, Resources Implications, Other Implications (e.g. risk, equalities, consultation, etc.), Government directions or guidance
01.04.20	Duties to safeguard and promote the welfare of looked after children and duties to former looked after children	Amendments to process and timescales, including amendments to care planning taking account of Covid 19 restrictions and amendments to personal education plans where attendance at school is not possible.	Decisions will be taken on a case by case basis, however it is anticipated that there will need to be amendments to care plans in terms of contact arrangements with parents and family members and access to services where these are not being provided or provided in a virtual way. The views of the child and parents will continue to be sought, however it is likely that this will be by virtual means as opposed to face to face contact where appropriate .

			<p>Visits to looked after children will continue to be made, but dependent on the age and circumstances of the child, such visits may be by virtual means. Decisions on the number, type and frequency of contact will be based on a risk assessment, taking account of the risk to the child/young person and the risk to the workforce.</p> <p>In relation to personal education plans and arrangements for educational provision, the social worker will liaise with the virtual school service to consider whether a child should continue to attend a current educational setting or be provided with alternative educational support, for example, on-line tuition. The DfE guidance states that there is an expectation that looked after children, who come within the definition of vulnerable children, will attend an educational setting, so long as they do not have underlying health conditions that put them at severe risk. The social worker, in conjunction with the virtual school service, will review cases where a child is not attending school, for example where they are self-isolating, where other family members have underlying health conditions, where the child is anxious or distressed about attending school, to identify whether alternative arrangements should be put in place.</p> <p>The full guidance can be found here: https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-childrens-social-care-services/coronavirus-covid-19-guidance-for-local-authorities-on-childrens-social-care</p>
01.04.20	Contact between children and parents	Amendments to arrangements for contact between parents and their children, including use of virtual means to continue contact arrangements where appropriate.	<p>Despite the restrictions on people movement, parents and children are permitted to leave their house for the purpose of facilitating existing contact arrangements. In some situations it will not be possible to facilitate existing contact in the same way, for example, if the contact centre is closed or restricted to ensure social distancing arrangements can be maintained.</p> <p>In making decisions on individual contact arrangements, social workers will take account of the risk to children, carers, parents and staff. Contact</p>

			<p>arrangements will in general continue, but consideration will be given to whether they can happen by virtual means and how frequently they should happen.</p> <p>In making decisions, consideration will be given to the DfE guidance which states that contact between children in care and birth relatives should continue and arrangements should be assessed on a case by case basis taking account of social distancing guidance and the needs of the child. This means that face to face contact may not be possible or appropriate.</p>
01.04.20	Agency adoption decisions	Amendments to process for adoption decision making	<p>Early liaison with medical advisor to ensure any possibility of delay in receiving advice is factored into timetable. If such a delay affects the court timetable, an application to extend the timetable will be made.</p>
26.03.20	Assessment Timescale for children in need assessments (including assessments of young carers and parent carers)	Amendments on assessment timescales	<p>Following acceptance of a referral by the local authority children's social care, a social worker should lead a multi-agency assessment under section 17 of the Children Act 1989. The maximum timeframe for the assessment to conclude, such that it is possible to reach a decision on next steps, should be no longer than 45 working days from the point of referral.</p> <p>It may not currently be possible to include all of the information and advice required from various professionals such as health and education within the timescale required. The child may not be attending school and it may not be possible to visit the child and family within their home. It may not therefore be possible to reach a decision on next steps within the 45 day timescale.</p> <p>If, in discussion with a child and their family and other practitioners, an assessment exceeds 45 working days, the social worker records the reasons for exceeding the time limit. Cases will be prioritised based on a risk assessment focusing on the needs to the child/children.</p> <p>This is in line with the guidance:</p>

			https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-childrens-social-care-services/coronavirus-covid-19-guidance-for-local-authorities-on-childrens-social-care
26.03.20	Assessments for children in need, child protection cases and during court proceedings	Amendment to assessment process, including virtual contact	<p>Children Act 1989 and Working Together 2018 guidance require that a social worker should see a child needing an assessment within a timescale that is appropriate to the nature of the concerns expressed at referral, according to an agreed plan. The social worker should conduct interviews with the child and family members, separately and together as appropriate.</p> <p>In line with the Department for Education guidance, social workers and their managers are making professional judgements about risk in each case and deciding what form of contact they need to maintain in order to ensure the safety of children and young people. They are risk-assessing and then reviewing the circumstances of every family they are currently working with, ensuring that those facing the highest risks are visited the most frequently.. In line with the guidance, social workers are making judgements about visiting which balance considerations about:</p> <ul style="list-style-type: none"> • risks to children and young people • risks to families • risks to the workforce <p>Assessments are being conducted based on more limited information on occasions, where it is not possible to get information from other agencies, and on occasions based on less face to face contact with the family and children. Where assessments are court ordered, if it is not possible to complete the assessment within the court timetable, an application for an extension of time will be made.</p> <p>Where face-to-face work is deemed necessary, practitioners have been asked to take account of Public Health England (PHE) advice on social</p>

			<p>distancing and minimising the spread of infection to keep safe both themselves and the family they are visiting.</p> <p>Where a parent is being invited to consent to a child being accommodated under s.20 of the Children Act 1989, the social worker must ensure that informed consent is given by a parent, including assessed whether the parent has capacity to consent and supporting the parent to access legal advice by telephone. The social worker must also be satisfied the legal test for an interim care order is met.</p>
26.03.20	School Attendance	Guidance to schools on non school attendance	<p>Prior to the restrictions being put in place to ensure the public stayed at home apart from for specified reasons, schools were open, but a number of pupils were unable to attend either due to Covid 19 symptoms or to follow self isolation guidance. In accordance with Government advice, the Council advised schools to authorise these absences and for self isolation to use an exceptional circumstances code in the school attendance register.</p> <p>Since the stay at home restrictions, the Government has advised schools that they should not complete attendance registers for individual children, instead marking the register to indicate that the school is partially or wholly closed. Schools should record and report on attendance of children of critical workers and vulnerable children in a simplified way. Whilst it is expected that vulnerable children will attend school during the current restrictions, there may be a number of reasons why this is not the case. School staff, in conjunction with education welfare staff, social workers and the virtual school staff will monitor the attendance of such pupils to ensure they are safeguarded during this period.</p>
01.04.20	Change to SoD in Childrens Services	Change to Scheme of Delegation for Assistant Head of Service approval within Childrens Services	<p>The range and complexity of issues continue to emerge and will require greater resilience and support across Children's senior management team to ensure processes continue to meet what are likely to be urgent increased demands for payments to providers, carers and young people. It is vital that</p>

			<p>payments processes remain effectively meet this pressure and young people are not affected by any internal processing delays.</p> <p>This is a temporary change to the Scheme of Financial Management Delegation (SoFMD) for Children’s Services to extend the current Head of Service delegated level of authorisation (£181,302) to the six Assistant Heads of Service within Children’s Social Care.</p>
26.03.20	EHC Needs Assessments	Amended approach to undertaking EHC assessments so that they may be done virtually	<p>The relevant legislation is:</p> <ul style="list-style-type: none"> • Section 36 of the Children and Families Act (CFA) 2014 • Regulations 3-10 of the SEND regulations 2014 • Paragraphs 9.8-9.52 of the SEND Code of Practice 2015 <p>Education staff and other professionals will make professional judgements of risk in each case and decide whether to undertake the assessment virtually/over the telephone. Those seeking to undertake assessments in this way should obtain express consent from the parents/young person in relation to the method/format of such an assessment. Consideration will also need to be given in relation to whether a parent/young person has access to particular forms of communication (e.g. some parents/young persons may not have access to broadband).</p> <p>Professional reports may be limited because a face-to-face assessment (perhaps within the school environment) was necessary or preferred, but not possible at this time. As such, professionals should consider explaining this to parents and setting this out in their reports. This will enable the LA to factor this in to its decision-making regarding whether an EHC Plan may be necessary and to establish where there are gaps that may need to be filled at a later date by way of a further assessment.</p> <p>Where face-to-face work is deemed necessary, practitioners have been asked to take account of Public Health England (PHE) advice on <u>social distancing</u> and minimising the spread of infection to keep safe both themselves and the family they are visiting. Practitioners should consider</p>

			<p>the risks involved in conducting such assessments at this time and should only do such assessments in this way if the necessity of such assessments outweighs the risks involved.</p> <p>Decisions will continue to be made regarding whether an EHC Plan is necessary for a particular child/young person following an EHC needs assessment and decisions will be notified to the parents/young person.</p>
26.03.20	EHC Needs Assessments	Amendment to EHC assessments timescales	<p>The relevant legislation is:</p> <ul style="list-style-type: none"> • Section 36 of the Children and Families Act (CFA) 2014 • Regulations 3-10 of the SEND regulations 2014 • Paragraphs 9.8-9.52 of the SEND Code of Practice 2015 <p>Currently the Council is aiming to meet the statutory timescales for all its EHC needs assessments timescales during this time However, assessments may be delayed due to not being able to get all of the information and advice required from various professionals within the timeframe by which they are required to respond to such a request from the Council (i.e.maximum 6 weeks from date of request). They may also be delayed if the child is not currently in a school setting.</p> <p>Regulations currently allow for some flexibility in the statutory timescales if 'exceptional personal circumstances affect the child/young person or their parents', which may be relied upon in specific circumstances and in accordance with the exceptions set out in the Regulations.</p> <p>Further, where the Council and either the child's parent or the young person are satisfied that advice previously provided for any purpose is sufficient for the purposes of an EHC needs assessment then the Council is not required to seek this advice again as part of the EHC needs assessment process. Therefore, if information is already available from professionals and is sufficient then this may enable the Council to continue to meet these timescales (regulation 6(4)).</p>

			<p>The government guidance outlines that it is proposing to amend regulations to provide for flexibility over timescales ‘where particular cases are affected by the COVID-19 situation.’ This has to date not yet been done. The Council will therefore need to comply with the Regulations and record any reason why timescales cannot be met in a particular case.</p>
26.03.20	EHC Plan	Amendment to provision of specific services set out in an EHC Plan	<p>The relevant legislation is:</p> <ul style="list-style-type: none"> • Section 42 of the Children and Families Act (CFA) 2014 • Paragraphs 9.131- 9.136 of the SEND Code of Practice <p>The Coronavirus Act 2020 allows the Secretary of State (SoS), where appropriate, to temporarily modify the statutory duty on local authorities to maintain the precise provision in EHC plans and instead convert it to one of “reasonable endeavours”. The SoS has not issued this temporary notice as of yet, therefore the statutory duties continue to apply in full.</p> <p>It is anticipated by the government that it will be difficult for schools to provide education as normal. Schools may be closed and they may not be staff available to deliver provision. Children and young people may need to attend a different school from the one named in their EHC Plan. The child may also be at home due to public health measures. The guidance sets out that the ‘most important thing’ is safeguarding and ensuring pupils are properly supervised and cared for.</p> <p>Flexibility and other ways of delivering the provision and thereby meeting the needs and outcomes have therefore been put in place. All commissioned health providers have updated their policy for delivery of services to children and young people with SEN in response to Covid-19 and these will be put on the local offer. A SEN home learning hub has been developed for parent carers on the Local offer in response to Covid-19, plus a SEN hub for schools.</p>

			<p>A risk assessment process has been put in place and a weekly Panel, attended by MASH, where a child/young person who has an EHCP and is not attending a residential/out of borough school either because they are self-isolating or because the school is closed, is risk assessed and appropriate action agreed. All residential/out of borough schools have an allocated member of the SEN team who has a weekly Keeping In Touch phone call. Any temporary changes/reductions to provision as set out in an individual's EHC Plans should be informed by the outcome of the risk assessment and be carefully recorded and kept under review during this time with regular consultation with the child's parents/young person. The LA may also need to review any direct payments/personal budgets as set out in the EHC Plan.</p> <p>The government has provided a list of online education resources for home education, including for those with SEND: https://www.gov.uk/government/publications/coronavirus-covid-19-online-education-resources/coronavirus-covid-19-list-of-online-education-resources-for-home-education</p>
26.03.20	Annual Reviews	Amendment to annual review process (i.e. at least every 12 months or by 15 th February in the calendar year where transfer between phases of education is taking place or 31 st March where transfer is from school to post-16 institution)) and an amended approach so that they may be conducted remotely/or considered on the papers so long as all are in agreement, including parent/carers (with all those involved submitting written statements/reports and having an opportunity to consider all of the written reports written by other professionals)	<p>The relevant legislation is:</p> <ul style="list-style-type: none"> • Section 44 of the CFA 2014 • Regulations 18-22 of the SEND regulations • Paragraphs 9.153-9.154 and 9.166-9.178 of the SEND Code of Practice 2015 <p>Annual reviews may be delayed if the school is closed or if there are staff shortages. Those that are required to be invited to annual reviews may not be able to attend. The parent/young person can request that an annual review is delayed due to illness, social distancing or self isolation. Even where it is possible to conduct annual reviews, there may be delays in relation to the LA's decision-making following the annual review.</p>

			<p>The government is proposing to amend regulations to provide for flexibility over timescales 'where particular cases are affected by the COVID-19 situation.' This has to date not yet been done.</p> <p>Annual reviews are being undertaken virtually, with agreement of all parties.</p>
26.03.20	EHCP re-assessments	Dispensation on EHC re-assessment timescales	<p>The relevant legislation is:</p> <ul style="list-style-type: none"> • Section 44 of the CFA 2014 • Regulations 23-27 of the SEND regulations • Paragraphs 9.186-9.192 of the SEND Code of Practice 2015 <p>The government is proposing to amend regulations to provide for flexibility over timescales 'where particular cases are affected by the COVID-19 situation.' This has to date not yet been done. This dispensation on re-assessments may be required for the same reasons as EHC assessments, as set out above.</p>
26.03.20	Ceasing EHC Plans	Amendments to process to cease EHC Plan	<p>The relevant legislation is section 45 of the CFA 2014 and Paragraphs 9.199-9.210 of the SEND Code of Practice</p> <p>Some EHC Plans may have been due to cease this year for young persons turning 25 and completing their educational course or for those who intended to pursue higher education courses. Given the fact that the young person's educational setting might be closed they might be unable to complete their course and have the intention of resuming their course once the schools and colleges re-open. Therefore, it may be reasonable for the LA to continue their EHC Plan after they turn 25.</p> <p>The LA will also need to carefully consider decisions regarding ceasing children and young people's EHC Plans in other circumstances (i.e. where special educational provision is no longer necessary). Such decisions must be made in consultation with parents/young person and the school. It may be difficult to involve and properly consult those necessary before making a decision. Furthermore, it may be problematic making a decision about this</p>

			at a time where the child/young person may not have been attending school/college for a number of weeks.
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