

# INFORMATION SHEET



## Coronavirus (COVID-19): Summary of key points relevant to children and young people with severe learning disabilities

This information sheet aims to summarise key changes to law and guidance during the coronavirus pandemic which we think are particularly relevant to children and young people with severe learning disabilities.

It is not a comprehensive list and does not include an interpretation of the guidance. We have included the links direct to all relevant guidance on our [website](#) and have worked with lawyers to interpret the guidance and answer practical questions you may have in our [FAQs](#).

### 1. Temporary changes to the law

The Coronavirus Act passed by Parliament allows the Government to make temporary changes to existing legislation. Two significant changes to the legal framework for children have now been made which are likely to have an impact on children with severe learning disabilities and their families.

The **Education, Health and Care Plan (EHCP)** legislation has been amended until the end of July 2020 (with potential to extend beyond this date).

- Previously, local authorities had a duty to provide education and healthcare specified in an EHC plan. The amendment removes this duty and asks local authorities to use ‘reasonable endeavours’ to secure the specified provision.
- Timescales relating to EHC assessment and plans have also been relaxed, so they can be completed “as soon as reasonably practicable.”
- Local authorities should keep a record of any changes, contact the family carers or the young person and explain why the changes are happening and how they will be applied.

**Children’s Social Care** legislation has been amended until 25 September 2020 (with potential to extend beyond this date)

- This amendment has removed some of the duties relating to children in care, including 6-weekly social worker visits (which can now be via phone call) and independent reviews.
- Children’s homes are not required to have twice-yearly Ofsted inspections or monthly independent visits and the care standards governing quality of care have been amended so that staff must have the right skills and qualifications where “reasonably practicable.”

- Care planning safeguards related to short breaks will no longer apply after a child has spent 17 days in a single short break; they will only apply after 75 days of short breaks within one year.
- Children's homes could previously only deprive children of their liberty if they had a court order but can now do so temporarily under the Coronavirus legislation if a child has suspected Covid-19, in order to prevent the spread of the virus.

## 2. Key points in Government guidance

The Government in England has published a wide range of Covid 19 guidance with many documents covering issues relevant to children and young people with severe learning disabilities and their families. We have brought those points together here.

Key points include:

- Vulnerable children including those who have a social worker and those children and young people up to the age of 25 with education, health and care (EHC) plans are **entitled to attend educational settings**. Staying home is encouraged where they have underlying health conditions that put them at severe risk.
- Schools should still have a **designated safeguarding lead** on site and safeguarding principles and policies in educational settings should remain unchanged.
- Local authorities should still provide **transport** to school for children with EHC plans.
- Local Authorities are responsible for risk assessing children and young people with EHC plans to determine whether they will be safer at an education setting or at home They should do this **in consultation with families**.
- **Adjustments to the delivery of EHC plans** can be made if necessary, particularly where children are not at school. Schools should provide alternative ways to support education at home, for example: online; staff attending the house; via video link; with hard copy materials or equipment sent home; by phone. Children may be eligible for the Government laptop scheme if they have a social worker.
- Children with a learning disability or autism who are not attending school should be added to their local **Transforming Care dynamic risk register**.
- Family carers still the have a right to request a **personal budget or direct payments** as part of the EHC plan process or the review of an existing EHC plan.
- The Government is encouraging local authorities to consider **flexible use of Direct Payments** in order to meet needs.
- If your child receives **free school meals**, you can still get help with this. The Government has issued guidance to schools to sign up to a voucher scheme. This allows them to send you a code that you can exchange [here](#) for an e-giftcard for a supermarket of your choice. If you cannot access the internet the school should use the code for you and send you the e-giftcard in the post.

- Children with learning disabilities or autism are entitled to go **outside the home more than once a day** for exercise. The CBF has developed a [card](#) you can download to show your child has a severe learning disability when you are out.

We know this is a difficult and confusing time and will do our best to keep you updated. The pandemic measures were put in place at short notice by the Government, and our information sheet regarding school closures may also be helpful, please find it [here](#).

Our other [Covid 19 information sheets](#) may also be helpful, including activity ideas and supporting your relative when their behaviour challenges.

We know that many families are finding it hard to make difficult decisions or to access the support you are entitled to, particularly where consultation with families is not happening as it should. If you are unable to find an answer to your question and your relative has a severe learning disability you can contact us at the CBF telephone: 0300 666 0126 and e-mail: [info@theCBF.org.uk](mailto:info@theCBF.org.uk).

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