

Coronavirus (COVID-19): SEND Risk Assessment Guidance for Lincolnshire

This guidance should be read in conjunction with the full Department for Education (DfE) publication (19.04.2020) which is available at <https://www.gov.uk/government/publications/coronavirus-covid-19-send-risk-assessment-guidance/coronavirus-covid-19-send-risk-assessment-guidance> The full guidance also includes a Question and Answer section.

As part of the response to coronavirus (COVID-19), educational settings have been asked to continue to provide care for a limited number of children and young people - those who are vulnerable (including those with an Education, Health and Care (EHC) plan), and those whose parents or carers are critical to the coronavirus (COVID-19) response. It is important to underline that all educational settings remain safe places for children and young people.

This guidance document relates particularly to children and young people whose need for hands-on care or whose behaviours mean that there are more, or more nuanced, risks to be managed than for the majority of children and young people with EHC plans. Most of these children and young people attend special schools, specialist colleges and other specialist settings, but this guidance also applies to any mainstream educational setting caring for such children and young people.

Legal Context

At present the law in force in relation to EHC plans is unchanged. The DfE recognises that there will need to be some extra flexibility and are taking steps to deliver that as soon as possible. The [Coronavirus Act 2020](#) includes temporary emergency powers to enable the Secretary of State, where appropriate and proportionate, to disapply or modify legal requirements under the [Children and Families Act 2014](#). The powers have not yet been used. It is anticipated that temporary changes will be made to the Regulations that set out some of the timescales for the EHC plan process. Further guidance will be issued at the point at which the law changes.

Ultimately, under the current legislative framework it is for parents/carers or a young person (or the corporate parent, where applicable and the child is in the care of the local authority) to decide whether the child or young person should continue to go to school or college.

Assessing Risks

Local Authorities (LA) are asked by the DfE to consider the needs of all children and young people with an EHC plan, and make a risk assessment, consulting educational settings and parents or carers, to determine whether children and young people with SEND will be able to have their needs met at home, and be safer there than attending an educational setting. This assessment should incorporate the views of the child or young person. The requirement is for the LA and education settings to decide together who is best placed to undertake the risk assessment, noting that the duty to secure provision remains with the local authority.

In addition to the risk assessments that have been undertaken by schools and colleges to date, the parents/carers of all children and young people with an EHC plan have been contacted by the Special Educational Needs and Disabilities (SEND) Caseworkers; all children and young people have been risk assessed to confirm the appropriateness of their attendance at home or at school. There is no need to re-do these because of the latest guidance; however, schools/colleges should keep the risk assessments under review to ensure that the decisions made initially will remain suitable over time. If there are any changes to the risk assessment, please let the relevant SEND Caseworker know or contact the SEND Locality Team at the following email addresses:

LWL_SendLocality@lincolnshire.gov.uk (Lincoln/West Lindsey)

NKSK_SendLocality@lincolnshire.gov.uk (North Kesteven/South Kesteven)

EAL_SendLocality@lincolnshire.gov.uk (East Lindsey)

BSH_SendLocality@lincolnshire.gov.uk ((Boston South Holland)

Continuing Health Care colleagues have also undertaken risk assessments for all those children and young people on their register.

Where the risk assessment determines a child or young person with an EHC plan will be safer at home, the DfE recommends they stay at home. Where the risk assessment determines a child or young person with an EHC plan will be as safe or safer at an education setting, DfE recommends they attend the education setting.

A risk assessment for a child or young person will need to balance a number of different risks. In addition, the risk assessment should consider which children and young people with EHC plans may benefit more from remaining at school or college than at home.

In mitigating risks it is important to consider the priority rating for each child or young person with an EHC plan:

- **Priority 1**
 - Child/young person is **not** accessing provision detailed in the EHC Plan
 - Child welfare concerns are increased due to the lack of access to the provision
 - Concerns regarding parental compliance with the school/college offer of provision
- **Priority 2**
 - Child/young person is accessing **parts** of the provision detailed in the EHC plan within the home with school/college support and guidance
- **Priority 3**
 - Child/young person is accessing **parts** of the provision detailed in EHC plan through attendance at school/college

The following questions should be considered when undertaking a risk assessment:

Questions to Consider	Response	Action/Consideration
<p>Are there potential increased health risks to the individual from coronavirus (COVID-19), bearing in mind any underlying health conditions?</p>	<p>If Yes the school/college should liaise with the parents and an appropriate health professional to determine the appropriate course of action. The school will require recorded consent to discuss the child with the relevant health practitioner.</p>	<p>In circumstances where a parent wants to bring their child to school, and their child is considered to be at increased risk, it is expected that any return to school is reinforced with medical advice and support.</p> <p>The school and/or the relevant health professional should explore the reasons parent/carers wish the child to return to school directly with the parent, and help to resolve any concerns or difficulties wherever possible.</p> <p>If the child receives Continuing Health Care support the school should notify the SEND Caseworker who will, in turn, ensure that Continuing Health Care and</p>

		the Designated Clinical Officer are notified of the change in circumstances.
<p>Does the child or young person have a learning difficulty, autism or both?</p> <p>and</p> <p>In your judgment do you deem the child or young person to be safer at home?</p>	<p>If Yes the school should ensure, with the agreement of the family, that the child is identified on the NHS Clinical Commissioning Group dynamic support register. In Lincolnshire this is known as the Transforming Care Risk Register.</p>	<p>To ensure that the child or young person is identified on the Clinical Commissioning Group's Transforming Care Risk Register please email information (with parent's consent) to swlccq.cct@nhs.net and reference the SEND Risk Assessment Guidance.</p>
<p>Does the child or young person receive significant levels of personal care support?</p> <p>In your judgement, are the individual's parents or carers able to ensure their health and care needs can be met safely week-round or for multiple weeks, bearing in mind the family's access to respite?</p>	<p>If Yes, and the child or young person's needs can be safely met at home, the guidance is that they should be cared for at home.</p> <p>For children and young people whose personal care needs cannot be safely provided for at home there is an expectation that the child will attend school as long as it is safe to do so.</p>	<p>Where a child or young person is receiving personal care or healthcare at their school or college which cannot be replicated at home they may benefit more from remaining in school/college.</p> <p>Where it is not sustainable for parents or carers to meet their child's needs full-time for an extended period (for example, those attending day settings whose parents meet their personal care, mobility or other needs in evenings and weekends, but where this would not be sustainable full-time, the child/young person may benefit more from remaining at school/college.</p>
<p>In your judgement will the impact of changes to routine or the way in which provision is delivered significantly and adversely affect the child or young person's wellbeing?</p>	<p>If Yes then there is an expectation that the child will attend school as long as it is safe to do so.</p>	<p>This is likely to relate particularly to children who may experience extreme stress and anxiety in response to unexplained changes in routine and where that will cause significant changes in their behaviour which may put them or</p>

		others at risk. This includes not only those who display behaviour which challenges but also those who may self-harm.
Is the child or young people one whose condition prevents or inhibits self-regulation and whose behaviours cannot be supported or managed by parents or carers at home; or where this would place a risk to other siblings or family members?	If Yes then there is an expectation that the child will attend school as long as it is safe to do so.	This particularly applies in circumstances where it is not sustainable for parents or carers to meet their child's needs full-time for an extended period and the family is at risk of breakdown.
In your judgement is there any out-of-school or college risk or vulnerability? For example, a child or young person becoming involved in dangerous behaviour/ situations or requiring support from a Social Worker.	If Yes , and it is more feasible for them to follow social distancing and good hygiene practices within the routine and familiarity of their school or college day, then the child or young person may benefit more from remaining at school or college than at home.	This also applies to those whose needs are best met in educational settings, particularly in order to stop a care placement breakdown.
Is there a risk to the child or young person if some or all elements of their EHC plan cannot be delivered for the time being?	If Yes , decisions need to be made on an individual basis in partnership with parents or carers and other relevant professionals	This is to identify any risk factors specific to the child or young person and their family circumstances not covered by the questions above

Many other children and young people with EHC plans can safely be supported at home. This could be for various reasons, including because:

- they do not need irreplaceable care or health provision
- the services they most need can be moved from their educational setting into their home
- their parents can meet their needs full-time

- they are able to follow hygiene and social distancing practices at home
- due to their health vulnerabilities, they are safer in the more stringent social distancing environment of their home

Equipment

The school/college and parents should consider, as part of any risk assessment, whether moving either equipment or services into a child or young person's home would enable them to be supported there rather than staying at school or college, particularly where this offers a medically vulnerable child or young person a way to have their needs met with fewer contacts than might be inevitable at school or college. This may be a more feasible solution for day settings than residential settings, and may include:

- physiotherapy equipment
- sensory equipment
- online sessions with different types of therapists
- phone support for parents in delivering interventions
- in-person services, where necessary

These decisions will often be difficult and finely balanced but school/college leaders and parents/carers, working collaboratively, are well placed to make these decisions. The LA will assist in these decisions, where required. Please contact the relevant SEND Caseworker or the SEND Locality Team at the email addresses above.

Please refer to the DfE guidance for answers to frequently asked questions and contact the relevant SEND Caseworker if there are specific queries regarding individual children or young people.