



**Iain Peel**  
Service Director Schools and Learning  
County Hall  
Matlock  
Derbyshire  
DE4 3AG

To: Headteachers, Principals, Chairs of Governing Boards, FE Colleges and Multi-Academy Chief Executives

Telephone 01629 532750

Ask for Iain Peel

Email [iain.peel@derbyshire.gov.uk](mailto:iain.peel@derbyshire.gov.uk)

Our ref IP/VB

Your ref

Date 20 April 2020

Dear colleague

### **DfE SEND Guidance**

I hope that you are all safe and well and managed to have some time away from work over the Easter break – even if it was for a couple of days. Thank you for all of the work you have continued to undertake, and the efforts of you and your staff have meant that key workers have been able to continue in their roles during the last fortnight. Please pass my thanks on to all of your staff.

Derbyshire County Council has remained in very regular contact with the Department for Education (DfE) since the outbreak of the coronavirus emergency. As part of this, we often speak with the DfE's special educational needs and disabilities (SEND) team and have been clear that schools require clarity with regards to their SEND duties. The DfE yesterday published the first of this guidance and the link to it is below.

<https://www.gov.uk/government/publications/coronavirus-covid-19-send-risk-assessment-guidance/coronavirus-covid-19-send-risk-assessment-guidance>

The key points regarding this guidance are:

- None of the SEND duties on schools or the local authority have been relaxed. On a practical level, this means that schools should still be considering how best to undertake annual reviews.
- The requirements for the local authority to secure provision remain in place and for schools to provide the provision also remains in place.
- Local authorities should consider how best to risk assess whether young people with an education and health care plan (EHCP) are safer in schools or at home. In line with other local authorities, we have provided guidance to schools to undertake this and to return these risk assessments back to the local authority. This was outlined in the letter from Paula Williams on 31 March 2020 and the link to this guidance is shown below.

<https://schoolsnet.derbyshire.gov.uk/administration-services-and-support/coronavirus-information/special-educational-needs-and-disabilities.aspx>

The Government is clear that there will need to be some flexibility in the SEND duties of the 2014 Children and Families Act. However, we understand that this is unlikely to be imminent.

The Government has also clarified what education providers should do if young people with an EHCP or are within the 'vulnerable' category do not attend their provision when they had been expected to do so. In these instances, the provider should clarify with the parents or carers the reasons for their absence. All schools that I speak with are already doing so and thank you for continuing to check on

your young people. If you wish to read the government's guidance in full, then this can be accessed via the link below.

<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>

Please continue to liaise with Paula Williams, Carol Rowan or Lisa Smith if you have any queries with regards to the SEND Education Health and Care Planning process.

Once again, thank you for all of your continuing support.

Yours sincerely

*Iain Peel*

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Service Director Schools and Learning  
Children's Services