



## Education, health and care needs assessments and plans: temporary legislative changes relating to COVID-19

### RCSLT summary for speech and language therapists in England

1 May 2020

#### Introduction

On 30 April the Government announced temporary amendments to the legal duties and timescales for Education, Health and Care (EHC) needs assessments and plans during the coronavirus outbreak. The changes come into effect from 1 May 2020.

#### Key changes

- 1) The **duty on local authorities or health commissioning bodies to secure or arrange the special educational provision** and health care provision set out in an EHC plan is temporarily modified to a duty to use 'reasonable endeavours' to do so. This change applies from 1 May to 31 May 2020.

This means that local authorities and health bodies must consider for each individual child and young person with an EHC plan what they can reasonably provide. For some children, the provision specified in their plan can continue to be delivered; but for others the provision may need to be different to what is set out in their EHC plan during this period. For example, a speech and language therapist might deliver sessions via video link, or send home hard copy therapy programmes with additional phone support for parents/carers and children to help them work through them.

- 2) The **regulations that specify timescales** that apply to local authorities, health commissioning bodies and others for various processes relating to EHC needs assessments and plans have been relaxed, so that where it is not reasonably practicable or is impractical to meet that time limit, for a reason relating to coronavirus, the specific time limit will not apply. Instead, the local authority or other body will have to complete the process as soon as reasonably practicable. This change applies from 1 May to 25 September 2020.

The [Government guidance](#) emphasises the importance of:

- Co-production with children, young people and families to identify appropriate ways forwards
- Effective and timely communication with families

#### RCSLT response

The guidance provides clarity and the RCSLT advises members to follow these principles, to ensure that children and young people are at the heart of decision making, while protecting the safety of speech and language therapists.

We are pleased that many of our members are already developing new ways of working to continue to provide speech and language therapy to children and young people— see [Speech and language therapy services in England supporting vulnerable children and young people during the COVID-19 pandemic](#) for more details. We are providing our members with guidance to support them to do this (see Appendix).

As we move beyond the immediate crisis period, it will be essential that policies and strategies ensure that children with speech, language and communication needs and/or swallowing difficulties receive the appropriate level of support, including any speech and language therapy, they require. We look forward to working with Government to develop these recovery plans.

Read more about the RCSLT's statement on the future of speech and language therapy services:

[Securing a better future for people with communication and/or swallowing needs](#)

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## **Appendix – Relevant guidance for speech and language therapists**

### **RCSLT guidance**

[COVID-19: Maximising the contribution of the speech and language therapy workforce](#)

[RCSLT guidance on Personal Protective Equipment \(PPE\)](#)

[Clinical decision making to support local discussions on PPE](#)

[Telehealth guidance](#) – please note: updated telehealth guidance is out for consultation until 4 May

### **Government guidance**

[Education, health and care needs assessments and plans: guidance on temporary legislative changes relating to coronavirus \(COVID-19\)](#)

This should be read in conjunction with the [SEND Code of Practice: 0 – 25 years](#)

[Coronavirus \(COVID-19\): implementing social distancing in education and childcare settings](#)

[Supporting vulnerable children and young people during the coronavirus \(COVID-19\) outbreak](#)

– guidance for education settings and local authorities

[Coronavirus \(COVID-19\): SEND risk assessment guidance](#)

– guidance for local authorities and educational providers