

Dear Director of Children's Services,

Re: pupils with SEND and school closures

I am writing to you with what I hope will be useful advice during these extraordinary times. I am very aware that you and your teams will be working tirelessly with those in schools to make sure that pupils and staff are as safe as possible.

However, I am acutely aware that government guidance is being interpreted in a variety of ways and so there is therefore a risk of unintended consequences for some of the most vulnerable pupils in our schools. As the Chief Executive of nasen (National Association for Special Educational Needs), I feel duty bound to raise a number of concerns in relation to decisions about whether or not pupils with SEND (special educational needs and/or disabilities) in specialist settings should attend school.

I would like to draw your attention to special school provision in particular, for which there is the following published government guidance:

Special schools, colleges and local authorities are advised to make case by case basis assessments of the health and safeguarding considerations of pupils and students on an education, health and care (EHC) plan. For some, they will be safer in an education provision. For others, they will be safer at home. We trust leaders and parents to make these decisions and will support them as required.

This is a position that nasen wholeheartedly supports. Some pupils have significant underlying health needs, such as significant respiratory conditions for whom the virus presents a life-threatening risk, and others may not be able to adopt self-care hygiene strategies as defined by Public Health England. Some pupils may need 'hand-to-hand' contact to access provision or require intimate care. A key risk is that staff could, unwittingly, pass on the virus because of the close physical proximity that is necessary with that child.

I very much agree with the principle that for the vast majority of children, it is **safer for them to stay at home**. For some pupils, they may be safer at school or be the children of key workers and of course these children will need to be looked at on a case by case basis. For example, some homes will not be equipped for children with complex needs or medical needs, or there may not be adults available with the necessary training and skills. In making decisions about children staying at home, it may be useful to consider whether there is precedent for them being at home for periods of time, such as during school holidays. However, the decision for any pupil to stay in school (including those with SEND) should be, in my view, the last resort rather than the default option.

A key aspect of the variable interpretations has been the following piece of published government guidance:

We are encouraging local authorities to keep open both residential special schools and residential specialist colleges wherever possible. In addition, we want to keep the majority of day special schools and colleges open, including moving staff into these settings to avoid closure.

A number of Local Authorities and indeed schools are misinterpreting this guidance and expecting special schools to continue to operate with **all their pupils**, which I know from my many conversations with colleagues this past week was not the government's intention. Similarly, nasen has heard from families who are under the impression that they **must** send their children with SEND into school if they have an EHC plan.

As I understand it, the approach should be for pupils to remain at home if possible, but for the decision in relation to each pupil to be made on a case-by-case basis based on upon local risk assessment with input from both the school and the family.

nasen is aware of some special schools who have decided that they will open on Monday for "anyone that would like to come in". Similarly, nasen is aware of some special schools that has assessed it is safer for them to close, but are being 'directed' by the Local Authority to remain open. This appears to be in direct contradiction to the whole strategy of social distancing for the most vulnerable.

As you make key decisions about pupils with EHC plans in the coming days and weeks, I would ask that you consider the following principles:

1. The vast majority of children will be safer at home. Some pupils may be safer at school or be the children of key workers and of course these children will need to be looked at on a case by case basis. However, the decision for any pupil to remain at school (including those with SEND) should be the last resort rather than the default option. It is worth noting that for some children, a daily risk assessment may be appropriate.
2. High regard should be given to the judgement of special school leaders and families, who are ideally placed to make accurate risk assessments about whether or not children should continue coming to school or should stay at home. Please think carefully about applying blanket policies that may contradict local risk assessments for individual pupils.

Further information may be accessed using the following links:

- Guidance (list of key workers): <https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision>
- Guidance for Families: <https://www.gov.uk/government/publications/closure-of-educational-settings-information-for-parents-and-carers>
- Guidance for Residential Educational Settings: <https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-isolation-for-residential-educational-settings/coronavirus-covid-19-guidance-on-isolation-for-residential-educational-settings>
- nasen FAQs: <https://nasen.org.uk/news/covid-19-important-information-and-fags.html>
- Coronavirus Bill: <https://publications.parliament.uk/pa/bills/cbill/58-01/0122/20122.pdf>

It is clear to me that the government are seeking to offer clear guidance in a set of particularly challenging circumstances. It is important to ensure that national efforts are not unintentionally undermined through the varied interpretation and application of national guidance at a local level.

To be absolutely clear, I am not asking for all special schools to close, nor am I asking for them to remain open. I am simply asking that we do not expose children with SEND to unnecessary risk by insisting they continue to attend school if it would be safer for them to stay at home.

I hope this letter is helpful and please feel free to contact me personally if I can be of any further assistance in the coming days/weeks.

Thank you for your continued work in keeping our children safe.

A handwritten signature in blue ink that reads "Adam Boddison". The signature is written in a cursive style and is underlined with a long, horizontal blue line that ends in an arrowhead pointing to the right.

Professor Adam Boddison

Chief Executive (nasen)