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Guidance

Supporting vulnerable children and young people during the coronavirus (COVID-19) outbreak - actions for educational providers and other partners

Updated 15 May 2020

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Introduction

Vulnerable children and young people across all year groups continue to be expected to attend educational provision where it is appropriate for them to do so. This should remain a priority for educational providers and local authorities, including as some year groups begin to return to on-site provision.

Educational providers - working together with other partners, where relevant, such as local authorities - should take the following actions, the detail of which is contained in the sections below:

- identify vulnerable children and young people based on the definition below
- determine whether attendance at educational provision is appropriate for individual vulnerable children and young people and take appropriate action to encourage this and follow up where children and young people are absent
- consider how best to support vulnerable children and young people's welfare and education, both remotely and on-site
- consider how to respond to potential increased safeguarding concerns
- consider how to respond to staffing, transport and other logistical concerns

1. Identification of vulnerable children and young people

Vulnerable children and young people for the purposes of continued attendance during the coronavirus (COVID-19) outbreak are those across all year groups who:

- are assessed as being in need under section 17 of the Children Act 1989, including children and young people who have a child in need plan, a child protection plan or who are a looked-after child
- have an education, health and care (EHC) plan and it is determined, following risk assessment, that their needs can be as safely or more safely met in the educational environment
- have been assessed as otherwise vulnerable by educational providers or local authorities (including children's social care services), and who could therefore benefit from continued attendance. This might include children and young people on the edge of receiving support from children's social care services, adopted children, those at risk of becoming NEET ('not in employment, education or training'), those living in temporary accommodation, those who are young carers and others at the provider and local authority's discretion.

The term 'all year groups' in this context for attendance purposes refers to children under 5 eligible for early years entitlements and children and young people aged 5 to 18 (or aged 5 to 25 for children and young people with an EHC plan).

2. Attendance of vulnerable children and young people

2.1 Summary of attendance expectations for vulnerable children and young people

Vulnerable children and young people's attendance is expected, where it is appropriate for them (that is, where there are no shielding concerns for the child or their household, and/or following a risk assessment for children with an EHC plan) so that they can gain the educational and wellbeing benefits of attending. Vulnerable children and young people - regardless of year group - that have not been attending in the recent period are expected to return to nursery, early years, school or college provision where this would now be appropriate for them to do so. A brief summary of attendance expectations across the different groups of vulnerable children and young people is as follows:

- For vulnerable children and young people who have a social worker, attendance is expected unless the child/household is shielding or clinically vulnerable (see the advice set out by Public Health England on households with possible coronavirus infection (<https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance>), and shielding and protecting people defined on medical grounds as clinically extremely vulnerable) (<https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19>).
- For vulnerable children and young people who have an education health and care (EHC) plan, attendance is expected where it is determined, following risk assessment (<https://www.gov.uk/government/publications/coronavirus-covid-19-send-risk-assessment-guidance>), that their needs can be as safely or more safely met in the educational environment.
- For vulnerable children and young people who are deemed otherwise vulnerable, at the school, college or local authority discretion, attendance is expected unless the child/household is shielding or clinically vulnerable (see the advice set out by Public Health England on households with possible coronavirus infection (<https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance>), and shielding and protecting people defined on medical grounds as clinically extremely vulnerable) (<https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19>).

For all these groups, educational providers, local authorities, social workers, parents/carers and other relevant professionals (where applicable) should work together closely to consider factors, such as the balance of risk, including health vulnerabilities, family circumstances, risks outside the home, and the child or young person's assessed special educational needs, where relevant. The sections below set out specific considerations that these partners may wish to consider when determining whether attendance is appropriate.

Parents will not be penalised if their child does not attend educational provision. We expect educational providers and other relevant partners to work with and support the relevant families and pupils to return to school, where attendance is appropriate.

2.2 Attendance of children and young people who have a social worker

This group includes children and young people in all year groups who have been assessed as being in need under section 17 of the Children Act 1989 including those who have a child in need plan, a child protection plan or who are a looked after child.

Being at an early years setting, school or college can be an important lifeline for children who need or have needed a social worker, and this group also have worse educational outcomes at every stage, which is why it is vital that they continue to attend educational provision at this time.

These children and young people are expected to attend provision unless shielding or clinically vulnerable (see the advice set out by Public Health England on households with possible coronavirus infection (<https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance>), and shielding and protecting people defined on medical grounds as clinically extremely vulnerable) (<https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19>). In circumstances where a parent or carer does not want to bring their child to an educational setting, the social worker and educational setting should explore the reasons for this directly with the parent or carer. These discussions should focus on the welfare of the child and the benefits of attending educational settings for this group.

Where these children and young people are already attending nursery, school or college, educational providers should:

- continue to encourage their attendance across all year groups
- notify their social worker if they stop attending

Where these children and young people are not attending nursery, school or college, educational providers should:

- notify the child or young person's social worker
- work together with the local authority/social worker to follow up with the parent or carer to explore the reason for absence, discussing their concerns using supporting guidance
- work together with the local authority/social worker to strongly encourage the child or young person to attend educational provision, where the social worker agrees that the child or young person's attendance would be appropriate
- consider how to keep in touch with the child or young person, including through the provision of remote education, particularly where the social worker agrees that attendance would not be appropriate

2.3 Attendance of children and young people who have an education, health and care (EHC) plan

This group includes children and young people with an EHC plan attending all educational settings. For all children and young people with EHC plans, we are asking local authorities to follow the guidance to conduct a risk assessment (<https://www.gov.uk/government/publications/coronavirus-covid-19-send-risk-assessment-guidance>) - in consultation with educational settings and parents/carers - to determine whether children and young people's needs can be met as safely or more safely in the educational environment. We are asking local authorities and educational providers to keep risk assessments under review, in case circumstances change and a different decision is more appropriate.

For children and young people with an EHC plan in mainstream settings:

- those in year groups specifically targeted for return should return to school, where medical advice suggests they are not clinically vulnerable to coronavirus, informed by their risk assessments, and are not shielding and protecting people defined on medical grounds as clinically extremely vulnerable (<https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19>)

- those in other year groups should continue to attend or not depending on their individual risk assessments

Schools, colleges and local authorities should ensure risk assessments are kept up to date so that pupils and students can be brought back in, in any year group, where circumstances change, for example if it is becoming unsustainable for parents and carers to care for their child week-round.

This includes children and young people who are placed in special units and resourced provision attached to a mainstream school, since they are recorded on the roll of the mainstream school.

Schools, colleges and local authorities have latitude to use special educational needs and disability (SEND) risk assessments (<https://www.gov.uk/government/publications/coronavirus-covid-19-send-risk-assessment-guidance>) also for children and young people who have SEND without an EHC plan, where they feel it would be beneficial, for instance for children on SEN support who have complex needs. This means they can use this as a mechanism to bring back pupils and students with SEND who need it, in other year groups, even if they do not have an EHC plan.

For all children and young people with an EHC plan in special educational settings, such as special schools, special post-16 institutions and hospital schools, settings should encourage attendance based on the child's risk assessment and on the ability of the setting to provide for their needs, and not using the child's year group as a primary deciding factor, both because all children and young people in these settings are considered vulnerable and because year groups may not be indicative of key transition points. In line with the guidance on implementing protective measures in education and childcare settings (<https://www.gov.uk/government/publications/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings>) and the guidance for special schools, specialist colleges, local authorities and any other settings (<https://www.gov.uk/government/publications/coronavirus-covid-19-send-risk-assessment-guidance/>), special schools and special post-16 institutions should:

- consult risk assessments conducted and where children and young people are attending their specialist setting, they should continue to do so
- work with local authorities and families to continually review risk assessments and bring children and young people back to face to face education where circumstances change, for example where it is becoming unsustainable for a family to care for a child week-round
- consider how to increase the numbers of children and young people accessing on-site education from the week commencing 1 June, including where appropriate by considering what the key transition points are, and ensure that as many children as can be safely catered for are able to attend their setting
- consider a range of options to enable as many children as possible to benefit from attending their setting, such as creating part-time attendance rotas

Hospital schools should:

- aim to provide educational services for as many pupils in these settings as is possible, in line with risk assessment and social distancing guidelines and where headteachers agree with medical practitioners that it is safe and feasible to do so

- use their discretion in considering how to provide education services - taking into consideration issues of safety, capacity and so on - and how to prioritise pupils if this is required, including through a phased return approach
- work closely with hospitals and NHS trusts so that children and young people in hospital schools are able to receive their education, including through access to classrooms where appropriate

2.4 Attendance of children and young people who are otherwise vulnerable

This group includes children and young people across all year groups who have been assessed as being otherwise vulnerable by educational providers or local authorities (including children's social care services), and who could therefore benefit from continued attendance. This might include children on the edge of receiving support from children's social care services, adopted children, those at risk of becoming NEET, those living in temporary accommodation, those who are young carers and others at the provider and local authority's discretion.

Educational providers - together with other relevant partners such as local authorities, where appropriate - should:

- identify children or young people who may fall into this 'otherwise vulnerable' category - noting that the examples given above do not constitute an exhaustive list of children and young people who might be 'otherwise vulnerable'
- contact these children and young people and their parents/carers to make them aware that they are eligible for a place
- encourage their attendance, where it is appropriate, and if absent, follow up with the parent/carer to explore reasons for absence

2.5 Specific attendance considerations for alternative provision providers

Alternative provision (AP) settings should follow the same principles and guidance as mainstream schools and welcome back, from the week commencing 1 June, all children in reception, year 1 and year 6.

AP settings do not have a year 12, so they should also offer some face to face contact for students in year 10 and year 11 to supplement their remote education, as they are approaching key transition points. Children and young people who are considered to be vulnerable - as per the definition in section 1 above - should be encouraged to attend provision regardless of their year group, where attendance is appropriate.

In line with the advice for mainstream provision, as much as possible, protective measures should be adhered to and class or group sizes should be small, as set out in implementing protective measures in education and childcare settings guidance (<https://www.gov.uk/government/publications/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings>).

2.6 Balancing vulnerable children and young people's attendance alongside returning year groups

As outlined in actions for education and childcare settings to prepare for wider opening guidance (<https://www.gov.uk/government/publications/actions-for-educational-and-childcare-settings-to-prepare-for-wider-opening-from-1-june-2020>), in the coming weeks, educational providers will be asked to invite increasing numbers of children and young people to return to on-site provision.

Educational providers should continue to prioritise vulnerable children and young people across all year groups for on-site provision, where their attendance is appropriate. This provision should be full-time or the number of hours they normally attend.

2.7 Actions for all educational providers in case of non-attendance

Where vulnerable children and young people do not attend, educational providers should:

- follow the steps outlined above, including following up with the parent/carer and notifying the social worker, where appropriate
- follow the specific guidance on attendance outlined in Actions for educational and childcare settings to prepare for wider opening from 1 June 2020 (<https://www.gov.uk/government/publications/actions-for-educational-and-childcare-settings-to-prepare-for-wider-opening-from-1-june-2020>)

2.8 Actions in case of provider closure

If an educational provider had closed during the initial period of the coronavirus outbreak, they should have informed the local authority to discuss alternative arrangements for vulnerable children and young people. These providers are now asked to work towards reopening so that they are able to cater for vulnerable children and young people, alongside children of critical workers and those in returning year groups.

2.9 Additional considerations for vulnerable children and young people not attending their regular setting

For children and young people with an EHC plan, the original institution should do whatever they reasonably can to provide the receiving institution with any relevant information. As a minimum, this would include their EHC plan and essential health and care needs. This should ideally happen before a child or young person arrives or, where that is not possible, as soon as reasonably practicable. The educational setting should seek consent to this disclosure from the child or young person, or where the child does not have sufficient age or understanding to allow him or her to consent, the child's parent/carer may give consent on the child's behalf. If it is not possible to obtain consent, the information should still be disclosed as the disclosure will be in the interests of the child or young person. It is important that teachers or other educational professionals working closely with the child or young person have full knowledge of the child or young person's EHC plan.

For children and young people who have a social worker, additional safeguarding information would be required. See safeguarding in schools, colleges and other providers (<https://www.gov.uk/government/publications/covid-19-safeguarding-in-schools-colleges-and-other-providers>) for further details.

While educational settings must continue to have appropriate regard to data protection and General Data Protection Regulations, they do not prevent the sharing of information for the purposes of keeping children and young people safe. Further advice about information sharing can be found in paragraphs 76

to 83 of the Keeping Children Safe in Education statutory guidance
(<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>).

3. Supporting vulnerable children and young people's learning

3.1 Supporting vulnerable children and young people's learning via home education

The government has put in place several measures to support children and young people to learn at home, and to use technology to support safeguarding. Some of these measures, including providing laptops and tablets, are targeted at those with the greatest need, including children and families with a social worker who do not already have access to a device, as well as care leavers. Educational providers and local authorities should refer to Get technology support for children and schools during coronavirus (COVID-19) (<https://www.gov.uk/guidance/get-help-with-technology-for-remote-education-during-coronavirus-covid-19>) on how to order devices and 4G routers. Devices ordered through the scheme will be delivered directly to the local authorities or schools named on the order. They can arrange for them to be collected by families from a school (with a social worker present where relevant) or organise for them to be delivered to a children's and care leavers' home.

In addition, Oak National Academy's (<https://www.thenational.academy/>) existing online resources are being made more accessible through the addition of signing and subtitling, and specialist lessons have also been introduced so more pupils can engage effectively with these resources. There is also a list of SEND resources (<http://www.gov.uk/government/publications/coronavirus-covid-19-online-education-resources/coronavirus-covid-19-list-of-online-education-resources-for-home-education#special-educational-needs-and-disabilities-send>) for pupils and teachers that has been developed with a focus on accessibility and inclusivity, based on the recommendations of trusted organisations, charities, multi-academy trusts and special education headteachers. For younger children, the government's Hungry Little Minds (<https://hungrylittleminds.campaign.gov.uk/>) campaign features tips and practical activities that parents can do at home with children to support their early learning.

3.2 Supporting vulnerable children and young people's learning via on-site education

Educational providers are free to determine the type of provision they offer children and young people during this period. Further information can be found at Coronavirus (COVID-19): implementing protective measures in education and childcare settings (<https://www.gov.uk/government/publications/coronavirus-covid-19-implementing-protective-measures-in-education-and-childcare-settings>).

In cases where vulnerable children and young people are returning to educational provision, including where they have previously been absent, educational providers should:

- consider their pupils' mental health and wellbeing and identify any pupil who may need additional support so they are ready to learn
- assess where pupils are in their learning, and agree what adjustments may be needed to the curriculum over the coming weeks
- identify and plan how best to support the education of high needs groups, including disadvantaged pupils, SEND and vulnerable pupils
- support pupils approaching transitions (such as those in year 6 moving to year 7, or later year groups) and examinations, including in years 10 and 12

3.3 Specific considerations for educational provision for children and young people with EHC plans

Due to the unprecedented circumstances presented by the coronavirus outbreak, the duty to secure the special educational provision specified in EHC plans has been temporarily modified so that local authorities must use 'reasonable endeavours' to secure the provision. We have published detailed guidance alongside these temporary changes (<https://www.gov.uk/government/publications/changes-to-the-law-on-education-health-and-care-needs-assessments-and-plans-due-to-coronavirus>).

Local authorities and educational providers will need to work closely together to consider what can reasonably be provided to support children and young people with EHC plans. This will include work with health partners to ensure services for additional support and early help, for example around anxiety, mental health, behaviour, social care, or changes to mobility, will be available, being mindful that these considerations could apply to pupils and students who they did not previously affect. Similarly, they should work together to ensure key support services - in particular home-to-school transport - are available.

4. Addressing safeguarding concerns, including as a result of increasing numbers of children and young people returning to on-side provision

4.1 Addressing safeguarding concerns

As set out in more detail in separate safeguarding guidance (<https://www.gov.uk/government/publications/covid-19-safeguarding-in-schools-colleges-and-other-providers>), schools and colleges, led by a designated safeguarding lead or deputy wherever possible, should review and revise their child protection policy as circumstances continue to evolve. This guidance supports schools and colleges to continue to meet their safeguarding responsibilities as set out in Keeping children safe in education (<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>).

Early years settings should continue to take all necessary steps to keep children safe during this period and have regard to the government's statutory guidance Working Together to Safeguard Children 2015. The safeguarding and welfare sections of the early years foundation stage framework still apply, including requirements relating to child protection arrangements. For further advice, read Actions for early years and childcare providers during the coronavirus outbreak (<https://www.gov.uk/government/publications/coronavirus-covid-19-early-years-and-childcare-closures/coronavirus-covid-19-early-years-and-childcare-closures>).

5. Staffing, transport and logistics

5.1 Staffing - ensuring there are enough staff in educational settings

Local authorities will need to work closely with educational settings - and in particular, special schools and other specialist provision - to ensure sufficient provision is available across the local area.

Local authorities and educational settings may need to redeploy staff (whether teachers, support staff or other workers) to ensure specialist schools and specialist colleges have sufficient workforce to operate safely with safe ratios and may need to do this across the usual boundaries of maintained, academy,

college or other status to ensure staff are where they are most needed.

5.2 Transport - general arrangements

Settings should consider ways to minimise children and young people's use of public transport to get to and from school at peak times, in consultation with local authorities where appropriate. Parents, children and young people should be encouraged to walk or cycle to their educational setting where possible.

Educational settings, parents and young people should follow the guidance on how to travel safely (<https://www.gov.uk/guidance/coronavirus-covid-19-safer-travel-guidance-for-passengers>) when planning their travel, particularly if public transport is required.

5.3 Transport - arrangements for children and young people who are accessing an educational setting that is not local

We expect local authorities to review transport arrangements and make appropriate provision for relevant vulnerable children and young people to reach their educational setting safely. We will work closely with local authorities to put the necessary arrangements in place including between now and the week commencing 1 June.

5.4 Transport - arrangements for children and young people with EHC plans who are continuing to attend educational settings

Local authorities should continue to provide transport for children and young people with EHC plans who are continuing to attend their usual educational setting. If between now and the week commencing 1 June, children and young people with EHC plans are accessing an educational setting that is not local or their usual setting, we would expect the local authority to review transport arrangements and endeavour to make appropriate provision for children and young people to reach their educational setting safely.

We will work closely with local authorities to put the necessary arrangements for more children and young people to begin attending educational settings from the week commencing 1 June.

5.5 Personal budgets and access to respite care for children and young people with EHC plans

For children and young people with an EHC plan, the duties relating to personal budgets remain in place. These are detailed in paragraphs 9:95 to 9:124 of the SEND code of practice (<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>).

A child's parent, or a young person, has a right to request a personal budget when the local authority has completed an education health and care needs assessment and confirmed that it will prepare an EHC plan. They may also request a personal budget during a statutory review of an existing EHC plan.

Services for disabled children provided under section 17 of the Children Act 1989 typically include short breaks for parent carers. The local authority remains under a duty to provide these in such circumstances. We recognise that this may prove challenging during the coronavirus outbreak, but ask local authorities to ensure every effort is made to continue to provide this important support for families who need it.

Where it is not possible for local authorities to arrange respite care for families as a result of circumstances related to coronavirus, we would encourage parents, carers and young people to discuss this with their local authority and agree what alternative arrangements can be made. This could include, for example, local authorities considering whether making a personal budget available on a temporary basis may enable the family to secure alternative respite care arrangements.