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Guidance

Coronavirus (COVID-19): guidance on vulnerable children and young people

Updated 1 April 2020

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Introduction

1. What is the definition of vulnerable children?

Vulnerable children include those who have a social worker and those children and young people up to the age of 25 with education, health and care (EHC) plans.

Those who have a social worker include children who have a child protection plan and those who are looked after by the local authority. A child may also be deemed to be vulnerable if they have been assessed as being in need or otherwise meet the definition in section 17 of the Children Act 1989.

Those with an EHC plan should be risk-assessed by their school or college in consultation with the local authority (LA) and parents, to decide whether they need to continue to be offered a school or college place in order to meet their needs, or whether they can safely have their needs met at home. This could include, if necessary, carers, therapists or clinicians visiting the home to provide any essential services. Many children and young people with EHC plans can safely remain at home.

We know that schools and other education providers may also want to support other children who are vulnerable where they are able to do so. Eligibility for free school meals in and of itself should not be the determining factor in assessing vulnerability.

We will work with schools, colleges and local authorities to help identify the children who most need support at this time. Looking after these children will enable schools to support the country during challenging times.

2. What institutions does this partial closure apply to?

This applies to:

- registered childcare providers (including nurseries and childminders)
- local-authority-maintained schools and academies (both mainstream and special)
- all alternative provision including pupil referral units
- non-maintained special schools
- independent special schools
- general further education (FE) colleges
- special post-16 institutions
- other post-16 providers

Children supported by the children's social care system

3. What about children not included in this definition?

Attending education settings is known as a protective factor for children receiving the support of a social worker. It is right that we prioritise support for those who will benefit the most. We are balancing this carefully with the urgent need to reduce social contact right across society to support our work to reduce the spread of coronavirus (COVID-19).

Leaders of educational settings and designated safeguarding leads know who their most vulnerable children are and will have the flexibility to offer a place to those on the edges of receiving children's social care support.

4. Why are these children being prioritised?

We know that some families need more support than others and that attending education settings is an important protective factor for children receiving support from a social worker. We want to prioritise supporting those most in need at this difficult time.

5. What will happen to vulnerable children who have to isolate for 14 days with their families?

For those children who are being supported by children's social care, local authorities will be expected to prioritise support to the most vulnerable, including undertaking necessary visits whilst taking appropriate infection control measures.

6. How will parents know they are eligible for this provision?

For children receiving support from a social worker, local authorities will be well placed to identify them. Social workers will also ensure that families know that they will be eligible for this provision and how to access support.

7. Are children in foster care eligible? How will a foster carer know that they are eligible?

Yes, all children who are looked after by the local authority are eligible. For all looked-after children, local authorities will be well placed to identify them and ensure that foster carers know that they will be eligible for this provision and how to access support.

8. I am a foster carer who is over 70 and/or has an underlying health condition. I do not want to send a child to school as they may bring back the virus. Do I have to send them?

If you have concerns about your health, or that of someone in your household, you should discuss this with your social worker to ensure that this is taken into account when assessing what is in the best interests of your foster child.

Read the guidance on social distancing for everyone in the UK and protecting older people and vulnerable adults (<https://www.gov.uk/government/publications/covid-19-guidance-on-social-distancing-and-for-vulnerable-people/guidance-on-social-distancing-for-everyone-in-the-uk-and-protecting-older-people-and-vulnerable-adults>).

Read also the guidance on shielding and protecting people defined on medical grounds as extremely vulnerable from COVID-19 (<https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19>).

9. What is being done about vulnerable children with underlying health conditions who are being advised to isolate but rely on schools for meals?

We will give schools the flexibility to provide meals or vouchers to children eligible for free school meals.

Read COVID-19: free school meals guidance for schools (<https://www.gov.uk/government/publications/covid-19-free-school-meals-guidance/covid-19-free-school-meals-guidance-for-schools>).

10. Is it guaranteed that children will attend their usual education setting?

Local authorities will work with trusts and education settings to ensure that settings are kept open, but in some cases this will not be possible. Local authorities and education settings will make the most appropriate arrangements and talk to parents about this. It may not always be possible for children to attend their usual setting in order to ensure that children and staff are kept safe.

11. If children are accessing an education setting that is not local, will transport be provided?

Where children are receiving support from a social worker, we would expect the local authority to review transport arrangements and make appropriate provision for children to reach their education setting safely. We will work closely with local authorities to put the necessary arrangements in place to support children.

12. Will there be a stigma attached to having to attend an education setting when most children are not?

Many of the children attending an education setting will be doing so because their parents are carrying out important roles at this difficult time. There should be no stigma attached to that, and there should be no reason that vulnerable children will be identified separately. However, where parents may feel concerned that their child attending an education setting identifies them as being in need of social work support, the education provider and social workers can support families to decide how best to manage that.

13. Do vulnerable children have to continue to go to an education setting?

There is an expectation that vulnerable children who have a social worker will attend an education setting, so long as they do not have underlying health conditions that put them at severe risk. In circumstances where a parent does not want to bring their child to an education setting, and their child is considered vulnerable, the social worker and education setting should explore the reasons for this, directly with the parent.

Where parents are concerned about the risk of the child contracting the virus, the school or social worker should talk through these anxieties with the parent following the advice set out by Public Health England.

Providers may also want to consider how to encourage children and young people to attend an education setting. Social workers will remain in contact with vulnerable children and families, including remotely if needed.

Local authorities and education settings do not need to complete their usual day-to-day attendance processes to follow up on non-attendance. Schools/education providers and social workers should be agreeing with families whether children in need should be attending education provision – and the education provider should then follow up on any pupil that they were expecting to attend, who does not. Education settings should also follow up with any parent or carer who has arranged care for their child(ren) and the child(ren) subsequently do not attend. To support the above, education settings should take the opportunity when communicating with parents and carers to confirm emergency contact numbers are correct and ask for any additional emergency contact numbers where they are available. In all circumstances where a vulnerable child does not take up their place at school, or discontinues, the education setting should notify their social worker.

14. Does the provision for vulnerable children include the Easter holidays?

Education is a protective factor for vulnerable children and we want to make sure that protection remains in place during the Easter holidays given the current circumstances.

We are asking providers, wherever possible, to maintain provision for children of workers critical to the COVID-19 response and vulnerable children over the Easter holidays. We are asking social workers and schools, wherever possible, to encourage vulnerable children who have a social worker to continue to attend an education setting during the Easter holidays, so long as they do not have underlying health conditions that puts them at severe risk.

15. What about additional pressure on families with children at home – will that increase risk?

It is right that we prioritise which children will continue to attend an education setting in light of both their specific circumstances, and so that critical workers can continue their vital work and that key services can continue to operate. Where children are at risk, they should be referred to children's social care. Vulnerable

children who already have a social worker will still be visited and/or monitored as frequently as possible and are eligible for a place in an education setting.

16. Is there any responsibility on local authorities to keep monitoring vulnerable children's attendance?

Yes. Ensuring that vulnerable children remain protected is a top priority for the government. Local authorities have the key day-to-day responsibility for delivery of children's social care. Social workers will continue to work with vulnerable children in this difficult period and should support these children to access this provision.

Local authorities and education settings do not need to complete their usual day-to-day attendance processes to follow up on non-attendance. Education providers should, however, ensure they have a process in place to check on the welfare of any child in need who does not attend on any day.

We will introduce a separate way of keeping a record of children of key workers and vulnerable children who are able to attend their education setting. This will allow for a record of attendance for safeguarding purposes and allow schools to provide accurate, up-to-date data to the department on the number of children attending through a new daily web form.

17. What about children's homes and other settings?

Children's homes will remain open – we are talking to local authorities to ensure that they have the necessary workforce to remain open to deliver the vital protection they provide for vulnerable children.

18. What if there are not enough staff in residential children's homes due to COVID-19?

We understand residential and secure children's homes are working closely with their local authorities on continuity plans for potential staff shortages at a local level and we are considering options to support providers with staff shortages.

Read Coronavirus (COVID-19): guidance on isolation for residential educational settings (<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-isolation-for-residential-educational-settings>).

19. What is being done to ensure there are enough social workers for continuity of care for vulnerable children?

We are doing everything we can to ensure continuity of care for vulnerable children in the event that the workforce is significantly affected by COVID-19. This includes, through the Coronavirus Act 2020, allowing the emergency registration of social workers who have recently left the profession to expedite their registration allowing them to return to practice.

20. What is being done to help local authorities cope with all the extra work they might have to do, if lots of staff are sick or unable to work?

We're working closely with local authorities to work out what will be most helpful to them overall and to identify any particular places which are struggling. We have already paused Ofsted inspections, including to children's services, and are working closely with the sector to provide any clarity required. The government has made available £1.6 billion to local authorities to help them respond to coronavirus (COVID-19) pressures across all the services they deliver, including their work with vulnerable children.

Children with education health and care (EHC) plans

21. Do all children and young people with an EHC plan need to continue at school?

Many children and young people with EHC plans can safely remain at home. Schools, colleges, other training providers and local authorities will need to consider the needs of all children and young people with an EHC plan, alongside the views of their parents, and make a risk assessment for each child or young person. Local authorities and education settings should decide together who is best placed to undertake the risk assessment, noting that the duty to ensure provision remains with the local authority.

They will need to consider a number of different risks to each individual, including:

- the potential health risks to the individual from COVID-19, bearing in mind any underlying health conditions. This must be on an individual basis with advice from an appropriate health professional where required
- the risk to the individual if some or all elements of their EHC plan cannot be delivered at all, and the risk if they cannot be delivered in the normal manner or in the usual setting
- the ability of the individual's parents or home to ensure their health and care needs can be met safely
- the potential impact to the individual's wellbeing of changes to routine or the way in which provision is delivered

We expect most children and young people with EHC plans will fall into the following categories:

- children and young people who would be at significant risk if their education, health and care provision and placement did not continue, namely those who could not safely be supported at home. This may include those with profound and multiple learning difficulties, and those receiving significant levels of personal care support. Local authorities will need to work with the individual's educational setting – especially residential special schools and specialist colleges – as well as local health partners, to ensure they are able to remain open wherever possible. This may mean deploying staff from other education settings, to keep staffing ratios safe
- children and young people whose needs can be met at home, namely those who are not receiving personal care from their educational setting, or whose limited need for personal care can be met in their family home.

The Coronavirus Act 2020 allows the Secretary of State, where appropriate, to temporarily lift the statutory duty on local authorities to maintain the precise provision in EHC plans; with local authorities needing instead to apply 'reasonable endeavours' to support these children and their families. As such, where the Secretary of State has issued a temporary notice and a local authority is unable to secure the full range of provision stated in a plan, as long as they use their 'reasonable endeavours' to do this, they won't be penalised for failing to meet the existing duty in section 42 of the Children and Families Act 2014.

22. What will local authorities be expected to provide for children with EHC plans?

During this outbreak, educational settings, local authorities, health bodies, parents and young people with SEND should work together to respond pragmatically and flexibly to each individual's needs.

The Coronavirus Act 2020 will help government respond to the outbreak. This legislation gives the Secretary of State powers to provide for local authorities where appropriate temporarily to have more flexibility to prioritise their efforts to support those with the most complex needs.

Local authorities will need to work closely with educational settings – and in particular, special schools and specialist colleges, 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 critical workers) to ensure that specialist settings have sufficient workforce to operate safely; and may need to do this across the usual boundaries of maintained, academy, college or other status to ensure the right staff are in the right settings.

Any changes made to a child or young person's provision in their EHC plan would only remain in place temporarily. The full range of provision would be reinstated once the temporary notice expires.

We are also proposing to amend regulations to provide for flexibility over matters such as the timescales in EHC needs assessments, and the reviews, re-assessments and amendments processes where particular cases are affected by the COVID-19 situation.

The Department for Education will seek to ensure that local authorities receive clear guidance and support to help them manage these new requirements effectively.

23. My child is still waiting for the EHC plan to be agreed and/or I am going to the tribunal to secure the EHC plan for my child. Will they qualify as a vulnerable child and be able to go to their education setting?

If the local authority has not yet issued an EHC plan for your child, then they will not automatically fall within the definition of 'vulnerable children' for the purposes of attendance at an education setting during the COVID-19 outbreak. However, their educational setting and local authority have discretion to undertake a risk assessment and offer support if that is needed.

If your child has an EHC plan the local authority remains responsible for maintaining it, including until any appeal to the tribunal has been heard and resolved.

We are also proposing to amend regulations to provide for flexibility over matters such as the timescales in EHC needs assessments, and the reviews, re-assessments and amendments process where particular cases are affected by the COVID-19 situation.

Special schools and specialist colleges

24. What should be done about infection control in educational settings for children who have complex needs?

We know that this is a worrying time for parents and for staff working with children and young people with complex needs. It is important that decisions are made based on risk assessments – for both the child and for the educational setting – and are informed by the latest public health and medical advice and guidance available. With support from government guidance and local partner agencies, leaders of educational settings are well-placed to make judgements about what is needed in their settings, and the government will support them in that.

Read Coronavirus (COVID-19): guidance on isolation for residential educational settings

(<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-isolation-for-residential-educational-settings>) for more information.

25. Will my child's special school or specialist college stay open?

Where a child or young person requires ongoing provision, this may continue to be provided at their current special school or specialist college, but not always. Local authorities, schools and colleges, working together and taking into account parents' views, will need to make decisions regarding the provision required to meet the needs of children and young people in their area.

26. Do special schools and specialist colleges need to open over the Easter holidays?

We are asking providers - including special schools and colleges, wherever possible, to maintain provision for children of workers critical (<https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision>) to the COVID-19 response and vulnerable children

(<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people>) over the Easter holidays.

Local authorities will need to ensure, as usual, that provision continues to be available to meet education, health and care needs. Following discussion with schools, this may involve some special schools and colleges continuing to offer some or all of their provision over the Easter holidays.

27. What about residential special schools and special post-16 institutions?

Children and young people placed in residential special schools and specialist colleges frequently have the most complex special educational needs, requiring high levels of support and staffing. In particular, children and young people who are placed in 52-week residential placements may not be able to be supported as safely at home as at their school or college. Any decisions about individual placements should be made based on individual risk assessments.

The department will support local authorities to work with residential special schools and specialist colleges (including independent and non-maintained special schools, state boarding schools, special post-16 institutions and other post-16 training providers) to ensure children and young people who cannot be supported at home can remain in their setting safely.

We are recommending that all residential special schools and specialist colleges conduct a risk assessment both for the institution and for individual pupils/students to identify how self-isolation measures should be enacted, if needed. This will involve close working with local authorities, the local Public Health England health protection team, the clinical commissioning group and, where appropriate, the child's parents.

We will continue to work with local authorities and sector bodies (such as the National Association of Independent and Non-maintained Special Schools ([NASS](#)), Natspec and the Boarding Schools Association) to consider how best to support these settings, for example, to ensure they have the right staffing.

Read Coronavirus (COVID-19): guidance on isolation for residential educational settings (<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-isolation-for-residential-educational-settings>) for more information.

28. What about those with EHC plans who attend mainstream schools and colleges?

Many children and young people with EHC plans can safely remain at home. If a risk assessment shows that the needs of an individual with an EHC plan cannot be met at home, it is likely they will continue at their usual school or college, but there may be a need to attend a different setting, for instance due to insufficient staffing ratios which cannot be remedied by drawing on additional appropriately skilled staff.

29. What if there are not enough staff in educational settings due to COVID-19?

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 critical workers) to ensure specialist schools and specialist colleges have sufficient workforce to operate safely, and may need to do this across the usual boundaries of maintained, academy, college or other status to ensure the right staff are in the right settings.

30. How will local authorities and educational settings manage the financial impact of these changes?

Funding for all schools (including maintained and academy special schools, non-maintained special schools, independent special schools, pupil referral units, and special post-16 institutions), whether from local or central government, will be maintained and not reduced because some or all pupils are not in attendance (either

because of self-isolation, or where the institution has closed).

We will maintain grant funding to FE colleges. They will continue to receive their existing adult education budget and 16 to 19 grant allocations, in the usual way.

We know that schools may face additional costs, as a result of COVID-19. We will put in place a new process that allows us to reimburse schools for exceptional costs that they face as a result. We will discuss how best to deliver this funding with stakeholders over the next few days, and will publish details of the scheme shortly, but we trust that this will give headteachers the reassurances they need, so that they are able to concentrate on their vital role in supporting the nation through this crisis.

Children in alternative provision (AP) settings

We have defined vulnerable children as those who have a social worker and those with EHC plans. Alternative provision settings serve a small number of children and young people, a high proportion of whom meet this definition of vulnerability.

AP providers are well-placed to cater for the needs of the children we are defining as vulnerable in a way that would be difficult to replicate elsewhere. The AP sector therefore has a key role to play in helping safeguard this group of children at this difficult time.

The government is asking headteachers of AP providers to work with us, through regional schools commissioners, local authorities and other key agencies, on the best way to protect these vulnerable children (and others that the education provider/local authority agree are vulnerable for other reasons), including by keeping AP settings open where it is feasible to do so.

This is no different to the ask on all schools. It is important that AP schools, with their higher concentrations of vulnerable pupils, and the specific skill sets of their workforce, are included in local planning for supporting the children of critical workers and those most at risk of harm.

31. Does this mean all AP settings and providers must remain open?

We know a greater concentration of children in AP meet our definition of vulnerable children – many AP pupils have a social worker (children in need, those on child protection plans or who are looked after by the local authority) and/or are children with EHC plans.

Local arrangements are therefore required in order to determine the best way to protect this group of vulnerable children, including by keeping AP settings open where it is feasible to do so. Local authorities will be best placed to determine how this can be delivered locally, working closely with local schools and headteachers, and regional schools commissioners.

32. Do AP settings need to open over the Easter holidays?

We are asking providers, wherever possible, to maintain provision for children of workers critical to the COVID-19 response and vulnerable children over the Easter holidays. This includes AP settings.

33. What if the AP can't stay open?

Where it is not possible for an AP setting to remain open, local authorities and education settings will need to assess the safeguarding needs of those children on a case by case basis, working with social workers and other agencies to make appropriate arrangements for any vulnerable children that will be affected by their AP setting closing.

34. Will this put AP staff and young people at risk at a time when government is closing all other schools?

The cohort of vulnerable children in AP is small but at high risk of harm if they are not in an education setting. The scientific advice shows that education settings are safe for this small number of children to continue attending – but asking others to stay away will help to slow the spread of coronavirus (COVID-19).