



Northumberland
County Council



Early Years SEND Policy and Practice for Pre-School Learners

Inclusion fund guidance for funded 2, 3 & 4 year olds.



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Northumberland County Council

Proposed SEND inclusion funding and resource allocation for pre-school learners in education

Effective 1st April 2018

Purpose

This policy has been written to clarify the new arrangements being made from September 2018 to support children aged 0-4 years with SEND. It replaces the previous policy implemented in April 2013 . The policy will apply to any pre-school children with identified SEND who are also accessing funded early education entitlement in an Ofsted registered early years provision approved to deliver the funded entitlement. This applies to early years children up until the end of the term before they start Reception.

A number of key changes took place in 2017 which has necessitated a further update to our policy, including:

- Introduction of 30 hour education entitlement for some pre-school children from September 2017.
- Introduction of the Disability Access Fund (DAF) £615 for 3 and 4 year old pre-school learners also in receipt of Disability Living Allowance (DLA).
- Changes in local policy regarding the funding of some SEND specialist education services, with effect from April 2018.
- The introduction of the national SEND Code of Practice (2014 and 2015), including the introduction of Education Health & Care Plans for some SEND learners 0-25

Compliance with statutory regulations and non-statutory guidance

The policy is compliant with:

The **SEND Code of Practice 2015**, particularly Chapter 5 'Early Years Providers'-

- Providers of early years education in the maintained, private, voluntary and independent sectors that a local authority funds, are required to have regard to this Code including the principles set out in Chapter 1.
- Local authorities must ensure that all providers funded in the maintained, private, voluntary and independent sectors are aware of the requirement on them to have regard to the SEND Code of Practice and to meet the needs of children with SEN and disabilities.
- When securing funded early education for two-, three- and four-year-olds local authorities should promote equality and inclusion for children with disabilities or SEN. This includes removing barriers that prevent children accessing early education and working with parents/carers to give each child support to fulfil their potential.

The **Children and Families Act 2014**, particularly

- Co-operating generally: governing body functions: Section 29
- Children and young people with SEN but no EHC plan: Section 34
- Children with SEN in maintained nurseries: Section 35
- Using best endeavours to secure special educational provision: Section 66
- SEN coordinators: Section 64
- Informing parents/carers and young people: Section 68
- SEN information report: Section 69
- Duty to support pupils with medical conditions: Section 100

The **Equality Act 2010**

The **Statutory Framework for the Early Years Foundation Stage**

The **Special Educational Needs and Disability Regulations 2014**

The Education Funding Agency '**High needs funding: operational guide 2016 to 2017**'

The **School and Early Years Finance (England) Regulations 2015**

The **Northumberland Early Years code of practice**

Governance and review

The funding for pre-school education and services is allocated to the local authority annually by the Education Funding Agency.

The funding allocated specifically to provide centrally-funded SEND services and High Needs funding is derived from the High Needs Block annual allocation.

Governance of the High Needs Block is managed through Schools Forum with senior local authority education officers. Together the partnership of Schools Forum and senior officers manage the High Needs Block to meet both the statutory and non-statutory needs of learners with higher levels of SEND. Documentation relating to this work can be found [online](#) and for making sure there are enough places in education for children and young people with SEND.

The next date for review of this policy is October 2018. However, the publication of the outcomes of the recent national funding formula and high needs consultations may necessitate policy review at another appropriate time in 2017-2018.

Consultation

Parents/carers: The early years team/inclusion team worked with parents, carers, young people and local groups to support the review of how special education is provided in Northumberland and for making sure there are enough places in education for children and young people with SEND. During spring term 2018 we carried out an initial consultation with parents. The outcome of this process was that the main priority for parents is to be fully involved in the process when applying for funding and have their views listened to. They wish for involvement in deciding how funding is best used to support their child's individual needs within an early years provision. This feedback has helped us to shape the review of our early years Inclusion Fund and to form this overarching strategic plan for how we will provide educational support for young people with SEND in Northumberland.

Early Years providers: The early years team consulted with owners and managers of private childcare nurseries during the spring months of 2018. It was strongly agreed that additional financial support is needed, especially to provide enhanced support for some children to be able to access the whole provision. Participants stressed the importance of having a clear transparent process that starts with prompt support with initial concerns to support early intervention and links that progress through to EHCP where appropriate for the child. They requested that documentation was simple and timely and feedback provided as soon as possible to enable prompt support. This feedback has been used to develop this policy document and associated processes and supporting documentation.

SEND in the early years

All early years providers are required to have arrangements in place to identify and support children with SEN or disabilities and to promote equality of opportunity for children in their care. These requirements are set out in the EYFS framework. The EYFS framework also requires practitioners to review children's progress and share a summary with parents/carers. In addition, the 'Early Years Outcomes' are an aid for practitioners, including childminders, nurseries and others such as inspectors, to help them to understand the outcomes they should be working towards.

Some children need support for SEN and disabilities at home or in informal settings before, or as well as, the support they receive from an early years provider.

Early years provision in Northumberland

The majority of 3 and 4 year-olds, and many younger children, attend some form of early years provision. The EYFS framework sets the standards that all Ofsted registered early years providers and schools offering early years provision must meet to ensure that children learn and develop well and are kept healthy and safe. This includes ongoing assessment of children's progress. Early years providers and educational settings should have arrangements in place that include a clear approach to assessing SEND. This should be part of the settings overall approach to monitoring the progress and development of all children.

In assessing progress of children in the early years, practitioners can use the non-statutory Early Years Outcomes guidance as a tool to assess the extent to which a young child is developing at age related expectation. The guidance sets out what most children do at each stage of their learning and development. These include typical behaviours across the seven areas of learning:

- communication and language
- physical development
- personal, social and emotional development
- literacy
- mathematics
- understanding of the world
- expressive arts and design

The EYFS framework includes two specific points for providing written assessments for parents/carers and other professionals – when the child is aged two and at the end of the reception year.

Progress check at age two

When a child is aged between two and three, early years practitioners must review progress and provide parents/carers with a short written summary of their child's development, focusing in particular on communication and language, physical development and personal, social and emotional development.

This progress check must identify the child's strengths and any areas where the child's progress is slower than expected. If there are significant emerging concerns (or identified SEN or disability) practitioners should develop a targeted plan to support the child, involving other professionals such as, for example, the setting SENCO or the Early Years Inclusion Consultant, as appropriate. The summary must highlight areas where:

- good progress is being made
- some additional support might be needed
- there is a concern that a child may have a developmental delay (which may indicate SEN or disability) The child's own health visitor **MUST** be informed of concerns as part of the Integrated Review.

It must describe the activities and strategies the provider intends to adopt to address any issues or concerns. If a child moves settings between the ages of two and three it is expected that the progress check will be undertaken in the setting where the child has spent most time.

Health visitors currently review children's physical development milestones at 27 months as part of the universal Healthy Child Programme.

Assessment at the end of the EYFS – the EYFS profile

The EYFS profile provides parents/carers, practitioners and teachers with a well-rounded picture of a child's knowledge, understanding and abilities. A profile is usually completed for children in the final term of the year in which they turn five. It is particularly helpful for children with SEND and should inform plans for future learning and identify any additional needs for support.

Identifying needs in the early years

In addition to the formal checks, early years practitioners working with children should monitor and review the progress and development of all children throughout the early years.

Where a child appears to be behind age related expectation, or where a child's progress gives cause for concern, practitioners should consider all the information about the child's learning and development from within and beyond the setting, from formal checks, from

practitioner observations and from any more detailed assessment of the child's needs. From within the setting practitioners should particularly consider information on a child's progress in communication and language, physical development and personal, social and emotional development.

Where any specialist advice has been sought from beyond the setting, this should also inform decisions about whether or not a child has SEND. All the information should be brought together with the observations of parents/carers and considered with them.

For pre-school children in Northumberland, specialist advice may be provided by a range of services including:

- Health Visitors
- Other involved health professionals e.g. paediatrician or speech & language therapist.
- Early Years Education Team (including Early Years Inclusion Consultants)
- Portage Education Service
- Educational Psychology Service
- SEND specialist education services for ASD, Speech & Language, Sensory Support Service (hearing impairments, visual impairments).

A delay in learning and development in the early years may or may not indicate that a child has SEND, that is, that they have a learning difficulty or disability that calls for special educational provision. Equally, difficult or withdrawn behaviour does not necessarily mean that a child has SEND. However, where there are concerns, there should be an assessment to determine whether there are any causal factors such as an underlying learning or communication difficulty. If it is thought housing, family or other domestic circumstances may be contributing to the presenting behaviour, a multi-agency approach, supported by the use of approaches such as the Early Help Assessment, should be adopted.

Identifying and assessing SEND for young children whose first language is not English requires particular care. Early years practitioners should look carefully at all aspects of a child's learning and development to establish whether any delay is related to learning English as an additional language or if it arises from SEN or disability. Difficulties related solely to learning English as an additional language are not SEND.

Where a child has a significantly greater difficulty in learning than their peers, or a disability that prevents or hinders a child from making use of the facilities in the setting and requires special educational provision, the setting should make that provision. In all cases, early identification and intervention can significantly reduce the need for more costly interventions at a later stage.

Special educational provision should be matched to the child's identified SEND. Children's SEND are generally thought of in the following four broad areas of need and support – see SEND Code of Practice Chapter 6, paragraph 6.28 onwards, for a fuller explanation:

- communication and interaction
- cognition and learning
- social, emotional and mental health
- sensory and/or physical needs

These areas give an overview of the range of needs that providers should plan for. However, individual children often have needs that cut across all these areas and their needs may change over time. For instance speech, language and communication needs can also be a feature of a number of other areas of SEND and children with an Autism Spectrum Disorder may have needs across all areas. The special educational provision made for a child should always be based on an understanding of their particular strengths and needs and should seek to address them all, using well-evidenced interventions targeted at areas of difficulty and where necessary, specialist equipment or software. This will help to overcome barriers to learning and participation. Support should be family centred and should consider the individual family's needs and the best ways to support them.

Reviewing the effectiveness of interventions in enabling children to make progress can itself be part of the assessment of need, informing the next steps to be taken as part of a graduated approach to support, as described in 'SEND support in the early years' below. It may be necessary to test out interventions as part of this process, both to judge their effectiveness for the child and to provide further information about the precise nature of their needs.

SEND support in the early years

It is particularly important in the early years that there is no delay in making any necessary special educational provision. Delay at this stage can give rise to learning difficulty and subsequently to loss of self-esteem, frustration in learning and to behaviour difficulties. Early action to address identified needs is critical to the future progress and improved outcomes that are essential in helping the child to prepare for adult life (SEND Code of Practice, Chapter 8, Preparing for adulthood from the earliest years).

Where a setting identifies a child as having SEND they must work in partnership with parents/carers to establish the support the child needs.

Where a setting or school makes special educational provision for a child with SEND they must inform the parents/carers. All settings should adopt a graduated approach with four stages of action: assess, plan, do and review (APDR). The following documents offer support and guidance to implement the APDR cycle, they are part of the Northumberland Education Early Years [webpage](#) that has a range of other useful documentation to support with the cycle :-

- [Northumberland Local Authority Guidance for Early Years Special Educational Needs and Disability \(SEND\)](#)
- [Northumberland Early Years Inclusion Toolkit provides the necessary documents](#)

Assess

In identifying a child as needing SEND support, the early years practitioner, working with the setting SENCO and the child's parents/carers, will have carried out an analysis of the child's needs. This initial assessment should be reviewed regularly to ensure that support is matched to need. Where there is little or no improvement in the child's progress, more specialist assessment may be called for from specialist teachers or from health, social services or other agencies beyond the setting. Where professionals are not already working with the setting, the SENCO should contact them, with the parents/carers agreement.

Plan

Where it is decided to provide SEND support, and having formally notified the parents/carers (see above), the practitioner and the SENCO should agree, in consultation with the parent, the outcomes they are seeking, the interventions and support to be put in place, the expected impact on progress, development or behaviour, and a clear date for review. Plans should take into account the views of the child. The support and intervention provided should be selected to meet the outcomes identified for the child, based on reliable evidence of effectiveness, and provided by practitioners with relevant skills and knowledge. Any related staff development needs should be identified and addressed.

Parents/carers should be involved in planning support and, where appropriate, in reinforcing the provision or contributing to progress at home.

Do

The early years practitioner, usually the child's key person, remains responsible for working with the child on a daily basis. With support from the SENCO, they should oversee the implementation of the interventions or programmes agreed as part of SEND support. The SENCO should support the practitioner in assessing the child's response to the action taken, in problem solving and advising on the effective implementation of support.

Review

The effectiveness of the support and its impact on the child's progress should be reviewed in line with the agreed date. The impact and quality of the support should be evaluated by the practitioner and the SENCO working with the child's parents/carers and taking into account the child's views. They should agree any changes to the outcomes and support for the child in light of the child's progress and development. Parents/carers should have clear information about the impact of the support provided and be involved in planning next steps.

This cycle of action should be revisited in increasing detail and with increasing frequency, to

identify the best way of securing good progress. At each stage parents/carers should be engaged with the setting, contributing their insights to assessment and planning. Intended outcomes should be shared with parents/carers and reviewed with them, along with action taken by the setting, at agreed times.

The graduated approach should be led and co-ordinated by the setting SENCO working with and supporting individual practitioners in the setting and informed by EYFS materials, the Early Years Outcomes guidance and Early Support resources (information is available at the National Children's Bureau website – see the References section under Chapter 5 for the link).

Where a child has an EHC plan, the local authority must review that plan as a minimum every twelve months. As part of the review, the local authority can ask settings, and require maintained nursery schools, to convene and hold the annual review meeting on its behalf. Further information about EHC plan reviews and the role of early years settings is in SEND Code of Practice, Chapter 9, Education, Health and Care needs assessments and plans.

Transition

SEND support should include planning and preparing for transition, before a child moves into another setting or school. This can also include a review of the SEND support being provided or the EHC plan. To support the transition, information should be shared by the current setting with the receiving setting or school. The current setting should agree with parents/carers the information to be shared as part of this planning process. This process is greatly supported by the Northumberland Early Years Passport.

Involving specialists

Where a child continues to make less than expected progress, despite evidence-based support and interventions that are matched to the child's area of need, practitioners should consider involving appropriate specialists, for example, health visitors, speech and language therapists, portage workers, educational psychologists or specialist teachers, who may be able to identify effective strategies, equipment, programmes or other interventions to enable the child to make progress towards the desired learning and development outcomes. The decision to involve specialists should be taken with the child's parents/carers.

It is the decision of Northumberland Schools Forum that for pre-school children there will continue to be no charge for support provided by local authority early years inclusion team to meet the identified needs of individual children. The services will continue to be centrally funded via the Early Years Block 2018-2019.

However, if a provider wished to have developmental support of a broader nature (e.g. SEND training programme for all staff) there may be a charge in some cases. This should be

directed to the EY inclusion team as part of request for support (see flowchart page 17) Please check with the service whether the support can be provided within the remit of our central funding agreement or will require a charge to cover costs.

Record keeping

Practitioners must maintain a record of children under their care as required under the EYFS framework. Such records about their children must be available to parents/carers and they must include how the setting supports children with SEN and disabilities (SEND). Settings should consult the Information Commissioner's Office for information and guidance on safe storage of data <https://ico.org.uk/>

Keeping provision under review

Providers should review how well equipped they are to provide support across the four broad areas of SEND. Information on these areas is collected through the Early Years Census, and forms part of the statutory publication 'Children and Young People with SEND: an analysis' which is issued by DfE each year.

The role of the SENCO in early years provision

A maintained nursery school must ensure that there is a qualified teacher designated as the SENCO in order to ensure the detailed implementation of support for children with SEND. This individual should also have the prescribed qualification for SEND Coordination or relevant experience.

The EYFS framework requires other early years providers to have arrangements in place for meeting children's SEND. Those in group provision are expected to identify a SENCO. Childminders are encouraged to identify a person to act as SENCO and childminders who are registered with a childminder agency or who are part of a network may wish to share that role between them.

The role of the SENCO involves:

- ensuring all practitioners in the setting understand their responsibilities to children with SEND and the setting's approach to identifying and meeting SEND
- advising and supporting colleagues
- ensuring parents/carers are closely involved throughout and that their insights inform action taken by the setting, and
- liaising with professionals or agencies beyond the setting

The role of the Area SENCO/Early Years Inclusion Consultants

To fulfil their role in identifying and planning for the needs of children with SEND, local authorities should ensure that there is sufficient expertise and experience amongst local early years providers to support children with SEND. Local authorities often make use of Area SENCOs* to provide advice and guidance to early years providers on the development of inclusive early learning environments. The Area SENCO helps make the links between education, health and social care to facilitate appropriate early provision for children with SEND and their transition to compulsory schooling. *In Northumberland this role is fulfilled by the Early Years Inclusion Consultants.

Typically, the role includes:

- providing advice and practical support to early years providers about approaches to identification, assessment and intervention within the SEN Code of Practice
- providing day-to-day support for setting-based SENCOs in ensuring arrangements are in place to support children with SEND
- strengthening the links between the settings, parents/carers, schools, social care and health services
- developing and disseminating good practice
- supporting the development and delivery of training both for individual settings and on a wider basis
- developing links with existing SENCO networks to support smooth transitions to school nursery and reception classes, and
- informing parents/carers of and working with local impartial Information, Advice and Support Services, to promote effective work with parents/carers of children in the early years

The Early Years Inclusion Consultants play an important part in planning for children with SEND to transfer between early years provision and schools.

Inclusion and High Needs funding for pre-school children

'High Needs' describes the proportion of children who have the most exceptional level of long-term need, typically 1% to 3% of all children. Other learners with lower / moderate levels of need are described as 'SEND Support' and typically are around 12% of children.

The funding which is available to a pre-school provider includes:

- A notional SEND funding allocated within the local funding formula arrangements (6% of their total funding).
- The Disability Access Fund (DAF) £615 education allowance for 3 and 4 year old preschool learners also in receipt of Disability Living Allowance (DLA).

- The Northumberland County Council 'Inclusion Fund' which is funded from the High Needs block

The support which is available to a preschool provider includes specialist services:

- Health Visitors
- Other involved health professionals e.g. pediatrician or speech & language therapist.
- Early Years Education Team (including support from early years inclusion consultants)
- Early Years Inclusion toolkit
- Portage Education Service
- Educational Psychology Service
- SEND specialist education services for ASD, Speech & Language, Sensory Support Service (hearing impairments, visual impairments).

If having made due efforts to meet needs, calling upon resources as listed above and having followed the guidance set in the SEND Code of Practice, the child's needs still exceed these resources it will be appropriate for the provider to apply for Inclusion Funding.

Inclusion funding is available upon application, with supporting evidence from the appropriate specialist service. Please see application processes below and form attached which includes the core criteria.

The application will be considered by the local authority Early Years Inclusion Panel which meets fortnightly during school term time. For applications submitted during school holidays an exceptional Inclusion Panel will be convened at least every four weeks.

Successful applications will be awarded fixed-term support the impact of which will be reviewed within set time frames. Support may range from resources, professional assessments and additional funding.

The funding allocations are applied equally to all types of formal education setting, mainstream or specialist. Funding is not allocated for pre-school children who do not attend a Ofsted registered early year approved provider.

Funding is allocated pro-rata where the typical weekly placement is less than 30 hours per week over 38 weeks of the year or 1140 hours taken over more weeks (stretched entitlement).

Funding will not be provided for programme delivery exceeding 30 hours per week. That is up to 25 hours directed learning and up to 5 hours supervision for meal breaks or personal care breaks.

In return for the provision of Inclusion and High Needs funding the local authority requires the following feedback each term (i.e. at least three times per year):

- Attendance data
- Progress report against any applicable national learning objectives and any bespoke SEND learning objectives agreed for the specific learner

Failure to provide the feedback may result in suspension or cessation of the funding.

Funding is normally paid termly in arrears.

Notional SEND Inclusion Funding

In Northumberland 6% of the base rate for 2, 3 and 4 year old is deemed to be notional SEND funding. Therefore providers should allocate this funding for any support related to a special educational need or disability.

Example (using 2018-19 funding rates)

2 year old funding- 6% of £5.20 = 0.31p per hour

3 and 4 year old funding- 6% of £4 = 0.24p per hour

Disability Access Fund (DAF)

This is an additional entitlement for all 3 and 4 year old children in receipt of early education funding who receive Disability Living Allowance. The setting of 3 and 4 year olds eligible for the DAF will be entitled to receive a one-off payment of £615 per year. This fund should aid access to early years places for example, supporting making reasonable adjustments. For more information and to apply see the [Disability Access Fund Guidance](#) or log into your Wizard account.

Early Years Inclusion Fund

The SEND inclusion fund is for 2, 3 and 4 year olds who are taking up a number of hours of free entitlement. The fund is targeted at children with lower level or emerging SEND, to help providers better address the needs of individual children. It should support the implementation of strategies that are additional to or significantly different from what is normally provided by that setting to other children of the same age. Children with more complex needs and those in receipt of an Education, Health and Care Plan (EHCP) continue to be eligible to receiving funding via the high needs block of the Dedicated Schools Grant (DSG).

The SEND inclusion fund will be passed to providers in the form of short term additional support and resources on a case by case basis decided by the Early Years Inclusion Panel. Settings will be asked to provide supporting evidence with their application but must first submit a [request for Inclusion and SEND support](#) (see flow chart below and Early Years Short Term Additional Support EYSTAR [application form](#)) and those receiving support will receive information and guidance from the Early Years and Childcare Team.

For 2018-19 total amount of Early Years Inclusion Fund has been set at £100,000.

The core criteria that will need to be met and information that will need to be provided in order to access Early Years Inclusion Funding are as follows:

- Evidence of reasonable adjustments made in the setting to ensure the environment and EY curriculum can meet any needs resulting from any disability the child has and the impact these adjustments have had on the child's progress.
- Evidence of the involvement of the child and parents/carers in the SEND assessment, planning and review process.
- Evidence that the child's progress has been monitored over time (at least 6 weeks) by the Early Years setting and the Area SENCo (Inclusion Consultant).
- Records of the child's achievements and progress using the 'Development matters in the Early Years Foundation stage, 2012' and 'Early Years Outcomes, 2013'.
- Evidence that despite relevant interventions being put in place over time by the EY setting, progress is not being made or is significantly less than could be expected given the support being provided.
- Evidence of any multi-professional assessment and intervention with the child.

N.B. The core criteria will inform the decision about whether to award Early Years Inclusion funding in the vast majority of cases. However each case will be considered on its merits and where necessary and where there are compelling reasons to do so, requests may be agreed outside of these criteria.

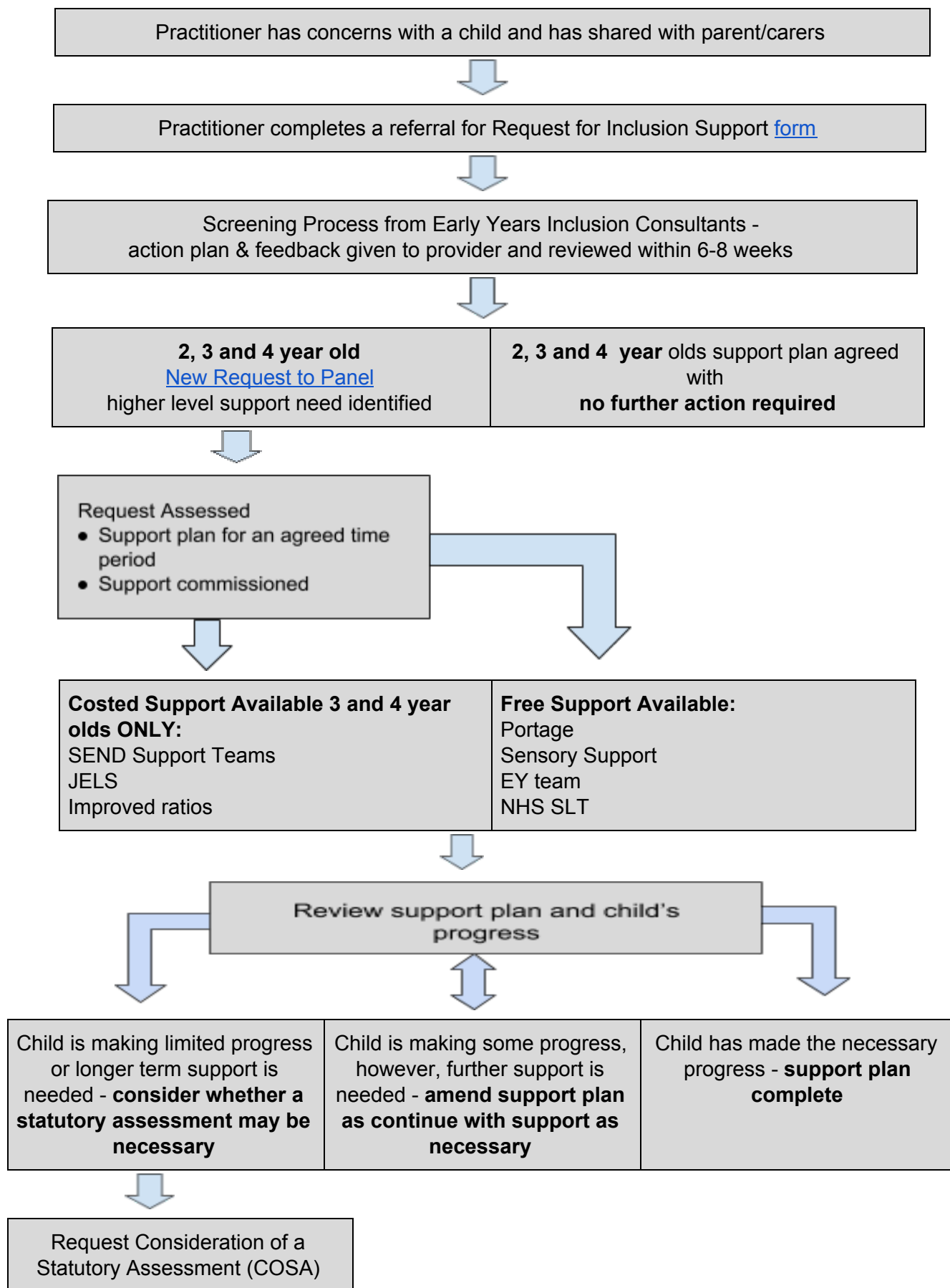
For some children accessing this funding, settings may need to think about whether the special educational needs are such that an Education, Health and Care needs assessment is required.

Requesting an Education, Health and Care needs assessment

Where, despite the setting having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child, the child has not made expected progress, the setting should consider requesting an Education, Health and Care needs assessment (see Chapter 9, Education, Health and Care needs assessments and plans). In Northumberland, from September 2018, this is a request for a Consideration of Statutory Assessment (COSA).

Guidance and a request form can be found under the 'Education, Health and Care Needs Assessment' section on www.northumberland.gov.uk/senguide

Inclusion Support Flowchart



The Statutory Assessment, if agreed by the Local Authority SEND Commissioning Panel, will be a full education, health and care needs assessment, and may result in an Education, Health and Care Plan (EHCP) being issued. The EHCP will provide detail of a child's needs and the provision that must be made to meet those needs and enable progress towards outcomes agreed by the family and all professionals involved.