



Leicestershire
County Council

Early Years Learning (0-5) SEND Standards

Guidance for Professionals



Through the Special Educational Needs and Disability reforms (SEND reforms) the government is requiring Clinical Commissioning Groups and local authorities to work together to integrate services across the 0-25 age range. Under the new system there is a much clearer emphasis on offering help at **the earliest possible point**, with children and young people with Special Educational Needs and Disabilities and their parents or carers fully involved in decisions about their support and what they want to achieve.

Early Years Provision must take due regard to legislation and regulations.

- This is the Leicestershire Local Offer.
- It describes what all children, young people and their parents and carers can expect as a minimum standard from all Early Years settings in the county.

Arrangements for assessing children's needs in Early Years Provision

All young children aged 0 to 5 are entitled to an education that enables them to make progress so that they:

- Achieve their best;
- Become confident individuals living fulfilling lives;
- Make successful transitions within provision and into school.

For some children, difficulties can be identified at around birth; however, for other children difficulties become evident only as they develop.

It is the responsibility of the key person or SENCO to talk to the child's main carer to share information. This is important to find out about what the individual child likes in order to best assess how they like to learn as well as how well they communicate, make friends and develop interests.

SEND in the early years (0-5)

All early years providers are required to have arrangements in place to identify and support children with SEND and to promote equality of opportunity for children in their care. Every child has individual needs requiring varying levels of support that need to be planned for - this is sometimes called a Graduated Response.

Progress shared by providers with carers

Early years providers should regularly review and evaluate the quality and breadth of the support they offer or can access for children with SEND.

Any milestones are shared with parents/carers with achievable next steps planned, ensuring expected outcomes are also identified – outlining realistic timescales for achievements.

Birth to age 2 - Early identification

Between 24 and 27 months parents and carers are invited by their health visitor to attend a developmental review with their child. If the health visitor identifies that the child needs further support it is important that they or the parent/carer share this information with the provider.

It may be that the child attends an early years provision at the same time as the health developmental review takes place. If this is the case, the child's key person must ensure that a "progress check at age two" is completed. The provision will write a short summary of the child's development in the prime areas. This should be shared at the appointment. Afterwards, if any significant needs or emerging concerns have been identified, the child's key worker should develop a targeted plan to support the child's future learning and development and share these with the parent/carer and any other professionals taking care of the child.

Every provider is required to identify and address the Special Educational Needs and Disability (SEND) of the children they support.

Providers must:

- Do everything they can to meet the child's SEND needs, including taking due regard to the child's opinions/voices.
- Use their best endeavours to make sure that a child with SEND gets the support they need – this means doing everything they can to meet children's SEND.
- Ensure that children with SEND engage in the activities of the provision alongside children who do not have SEND.
- Designate a SEND co-ordinator (SENCO) to be responsible for co-ordinating SEND provision.
- Inform parents when they are making special educational provision for a child.
- Have a SEND policy and an inclusion policy which they should publish and review regularly. They should be made available to parents and be known and adhered to by all members of staff.
- Prepare and publish a Local Offer outlining their arrangements for the admission of children with Special Educational Needs and Disabilities, to ensure steps are being taken to prevent these children from being treated less favourably than others, and that facilities are provided to enable access to the provision.

Equality and inclusion

All providers have duties under the Equality Act 2010 towards individual disabled children.

- Providers **must** make reasonable adjustments so that disabled children can take advantage of the same opportunities as their peers.
- Providers have duties to prevent discrimination and should therefore promote inclusion through providing equality of opportunity to remove barriers to learning and fostering good relations with children and their families.

For example:

Provider A - ensured that there was safe access to the outdoor play area for a child with a wheelchair, with learning experiences presented at the correct height.

Provider B - ensured that there was sufficient adult support to enable a child with ASD to attend a trip to the local park.

Provider C – a child with mobility issues is supported to climb the stairs using the staffing ratios available.

Medical conditions

The Children and Families Act 2014 places a duty on providers to support children with medical conditions.

- It is the responsibility of the practitioners in the setting to adhere to the healthcare plan to support the individual. All early years providers should take steps to ensure that children with medical conditions get the support required to meet their health needs.
- If the child has a complex health need the parent/carer should complete, alongside a key person, a child's medical plan, outlining what action should be taken and what medical attention should be sought if required. Individual healthcare plans will normally specify the type and level of support required to meet the medical needs of individual children.
- In order to make provision for children with the most complex health care needs, staff can access [Diana training](#).

For example:

Provider A - a child has his nutritional needs met through a gastrostomy tube. Two members of staff have undertaken specialist Diana service training in order to gain the skills to enable this to take place.

Supporting all children in Early Years Provision

In Leicestershire providers will complete a Progress Summary in order to record what the child likes to do, how they like to learn as well as how well they are learning in the prime areas.

The Progress Summary identifies ideas relevant to support learning and development both in the setting and at home.

The child's key person will plan differentiated learning activities as outlined in the EYFS adapted from development matters, modifying the environment (where applicable) to meet the individual needs of the child.

This could be through:

- Discussing a range of resources available in the setting
- How they can adapt the child's learning by writing individual learning plans or small group activities
- How they make use of indoors and outdoors to support learning
- How they respond to children's interests
- Seeking and implementing advice of professionals

In Leicestershire we have adopted a **universal and targeted approach**. When children have been identified as having additional needs (educational, health or social care) then the key person will plan specific activities to support the individual child. Some of the key learning may take place in small groups.

SEND Support in the Early Years - providing a Graduated Approach and Targeted support

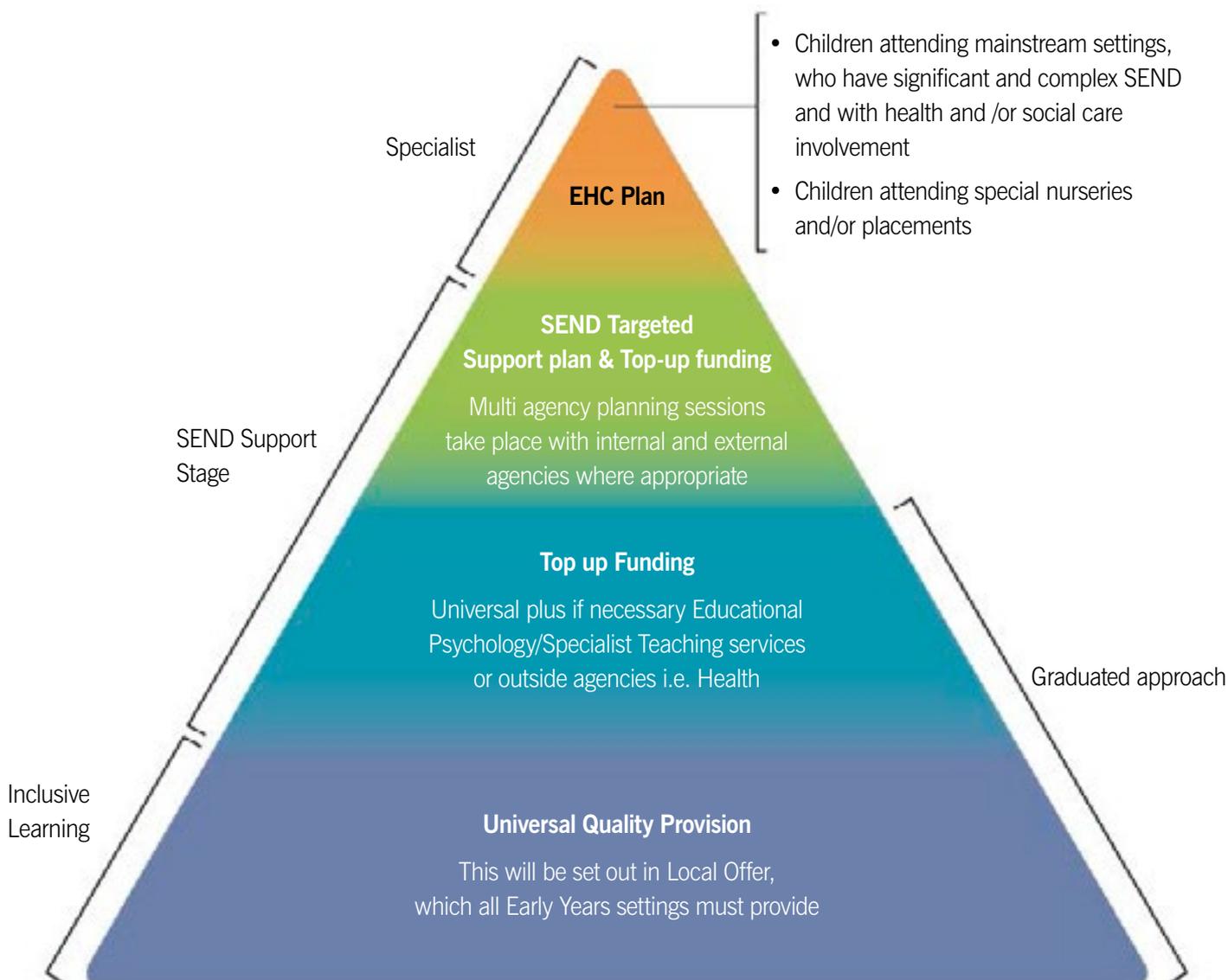
SEND Support is part of what is known as the **'graduated approach'**. This graduated approach includes regular reviews and the involvement of specialist expertise, when required.

Practitioners are responsible and accountable for the progress and development of the children in their care.

High quality provision, differentiated for individual children, is the first step in responding to children who have or may have SEND.

Providers should regularly and carefully review the quality of these experiences for all children, including those at risk of underachievement.

SEND Model of Graduated Support - Early Years (settings)



In deciding whether to make special educational provision, the key person and SENCO will consider all of the information gathered about the child's progress.

This information will form part of the child's one page profile, and becomes part of the [SEND Support Plan](#) which could feed into the [Education, Health and Care \(EHC\) Plan](#).

The SEND support stage should take the form of a four-part cycle through which earlier decisions and actions are revisited, refined and revised with a growing understanding of the child's needs and of what supports the child in making good progress and securing good outcomes. Any support offered to a child during the **graduated approach** should take the form of a four-part cycle. The provider/key person will ensure that a robust observation and assessment process is used. Practitioners will use this information to identify children's starting

points, strengths and needs.

Assess: The child's difficulties must be assessed so that the right support can be provided; this might mean getting advice and further assessment from someone like a specialist teacher or health professional e.g. the child's health visitor.

Plan: The child's key person and/or SENCO, in agreement and involvement with child's parent/carer will plan activities and outcomes that the child will benefit from, in line with their expected outcomes.

Do: The Early Years provider will put the planned support into place, ensuring that the child's keyworker/SENCO will remain responsible for working with the child on a regular basis, to track their progress and check that the support is being effective.

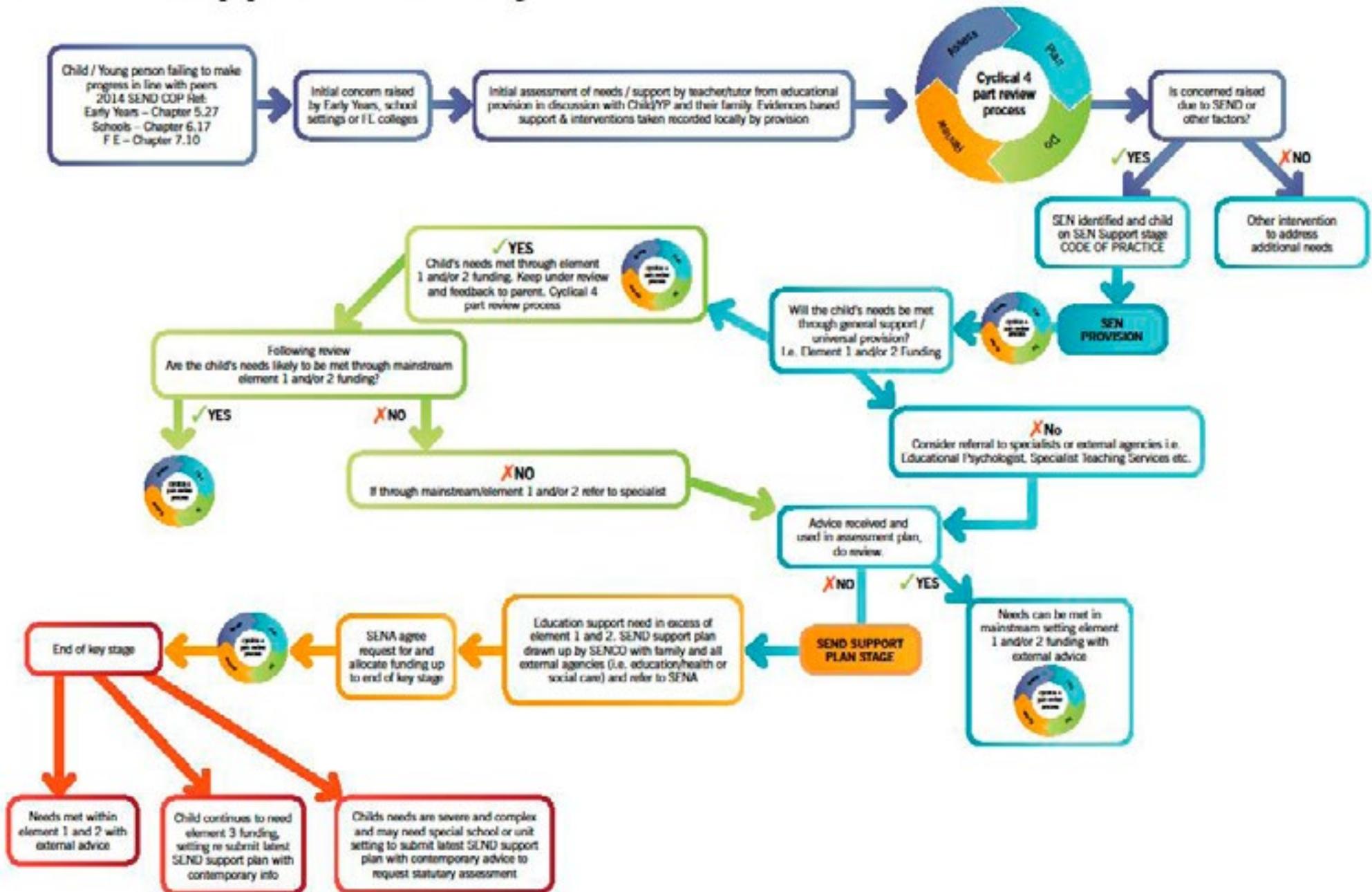
Review: The support your child receives should be reviewed regularly. Together with the child, the involvement of parents/carer and their key worker or SENCO, you should decide whether the support is having a positive impact.

The graduated approach includes more frequent reviews and more specialist expertise in successive cycles to match interventions to the SEND of children.

Children should be allowed to develop at their own pace. Together with parents/carers the child's key person and other specialist professionals, a SEND Support Plan may be written to enable the child to reach the next milestone. If appropriate this may be used in completing an EHC Plan.



SEND Support Pathway



Involving specialists

All early years settings - must continually monitor and support children to ensure that they develop and learn as appropriate, identifying any developmental issues, working with parents/carers to address any identified problems, use their best endeavours to support all children using their resources, drawing in extra help if needed (SEND Support), and if necessary encourage parents and carers to refer their child for an EHC Plan assessment.

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 practitioners, 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 parent/carer.

The Learning Environment – Early Years Physical environment

In accordance with the Equality Act 2010 – providers should enable all children to flourish, and adapt their environments in such a way as to provide access for a diverse range of needs as part of their standard practice as well as planning for **differentiated learning activities**. Reasonable adjustments should be made to enable children to access all areas of the environment.

Providers need to consider:

- How to support young children to communicate using a visual timetable, core Makaton vocabulary, picture cards and implementing ECAT strategies.
- Ensuring resources are appropriate to developmental stage.
- Providing resources so that they are accessible and available for children to be independent.
- How they implement advice from specialist agencies.
- When is the best time to support those children with mobility issues to climb/descend the stairs e.g. during quieter times.
- Zoning areas to reduce large areas and making them cosy.
- Opportunities for listening in quiet spaces.

Curriculum

All children should have access to a broad and balanced curriculum with high expectations and aspirations for children with SEND, which should enable them to reach their full potential.

For example:

Practitioners should plan learning experiences that take the needs, interests and learning styles of children into consideration at the outset ensuring that:

- Support is effectively planned-in
- The curriculum is differentiated to meet the needs of all children.
- Intervention programmes are available where needed.
- Opportunities exist for all children to take part in trips outside of the setting.

SEND support across the “four broad areas of need” in Early Years Provisions

Where a child is identified as having SEND providers should take action to remove barriers to learning and put effective special educational provision in place. This is called the SEND Support Stage.

The purpose of identification is to work out what action the Early Years provider should take to support the individual, and **NOT** to fit a child into a category. Your child's needs may cover more than one of the areas of need, or their needs may change over time. The Early Years provider will complete a detailed assessment of need and produce an individual [SEND Support Plan](#) to ensure that the full range of the child's need is identified, not simply the primary need.

In practice, the needs of individual children often cut across all 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 and young people with an Autistic Spectrum Disorder (ASD) may have needs across all areas, including particular sensory requirements.

The support provided to an individual should always be based on a full understanding of their particular strengths and needs and seek to address them all using interventions targeted at their areas of difficulty.

Listed below are the four broad areas of need that providers should plan for.

1. Communication and interaction – a child will receive support from their early years provider for this area of need if they have speech, language and communication difficulties which make it difficult for them to make sense of language or to understand how to communicate effectively and appropriately with others.

Here are some examples of the provision that a provider may put in place to support children with their **communication and interaction**:

- Using a Picture Exchange system (PECS).
- Making home visits for selective talkers.
- Using Makaton signs.
- Involving children in a Social Communication Group during key worker time.
- Destination photos/transition.

2. Cognition and learning - a child will receive support in their Early Years provision if they learn at a slower pace than others their age, have difficulty in understanding parts of the curriculum, have difficulties with organisation and memory skills, or have a specific difficulty affecting one particular part of their learning performance such as in literacy or numeracy.

Here are some examples of the provision that a provider may put in place to support children with their **cognition and learning**:

- Individual work/small group work.
- Focused observations to inform small step assessments to implement graduated approach of assess-plan-do-review.
- Opportunities to practice and rehearse new skills.
- Share learning with parents and how they can support at home.
- Provide appropriate learning experiences and resources that meet developmental stage of child.

3. Social, emotional and mental health difficulties

– a child will receive support if they have difficulty in managing their relationships with other people, are withdrawn, or if they behave in ways that may hinder their and other children's learning, or that have an impact on their health and wellbeing.

Here are some examples of the provision that a provider may put in place to support children with **social, emotional and mental health difficulties**:

- Provide a named key person who your child can relate to or trust.
- Making time for positive handover at the beginning and end of the session.
- Supporting change in routines by preparing the child e.g. with picture cards and “in 5 minutes we are going to tidy up”.
- Teaching the vocabulary of emotions through everyday play activities e.g through puppet play.
- Provide a safe environment for vulnerable children with social and emotional difficulties during lunchtime.
- Clear boundaries shared with staff to give a consistent approach and all staff to be aware of behaviour policy.

4. Sensory and/or physical needs – for example, children and young people with visual and/or hearing impairments, or a physical need that means they must have additional ongoing support and equipment.

Here are some examples of the provision that a provider may put in place to support children with **sensory or physical needs** through an inclusive environment:

- Intensive communication work.
- Ensure the adult models language in a quiet environment.
- Pre tutoring/post tutoring for stories needed for children who have significant linguistic delay as assessed by teacher of deaf.
- Accompany specialist professional on home visits.
- Access to indoor and outdoor environment to remain safe.
- Prepare enlarged resources as advised by specialist professional.
- Adult to provide commentary giving visual descriptions - pre and post teaching.
- Alternative communication system.

Transitions

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 the information to be shared as part of this planning process.

The types of things the setting should consider to aid a successful transition are:

- What key information will be shared and with whom.
- Key person to support visits to new environment.
- Providing photos of new room/people.
- Learning journey shared with receiving teacher.
- Transition summary shared.
- Friendship groups identified.
- Key medical information shared, with parental permission.

Nurturing principles and practices

The SENCO, key person, specialists, and parents will be involved in discussions to consider a range of evidence-based and effective teaching approaches, appropriate equipment, strategies and interventions in order to support the child's progress.

Providers **must** keep parents informed of their child's progress, and meet regularly to review the child's target.

The views of the child should be included in these discussions.

- A record of the child's outcomes, action and support agreed through these discussions should be kept and shared with all the appropriate members of staff.
- Regular discussions with parents/carers regarding their child's progress and expected outcomes from the support and planned next steps will be recorded.

Providers use information systems to monitor the progress and development of all children. Details of SEND, outcomes, teaching strategies and the involvement of specialists should be recorded.

- Providers should readily share information regarding the child's individual planning and reviewing progress, enabling parents/carers to see the support that has been provided.

The role of the SENCO in Early Years Provision

Parents should be informed of their child's key person and the setting's SENCO. The SENCO will support a team of qualified staff. The provider may also seek assistance of the area SENCO for advice regarding SEND. SENCOs should attend SENCO networks to ensure they have up-to-date knowledge of local and national updates.

Requesting an Education, Health and Care needs assessment

If a child in your provision has not made expected progress following the graduated approach, including the targeted SEND plan, the provider, along with parents and carers should consider requesting an Education, Health and Care assessment. This is necessary if the parent chooses to send their child to a specialist provision. Information supplied through the SEND Support Plan is used by Leicestershire's [Special Educational Needs Assessment Service \(SENA\)](#) to inform its production of the child's EHC Plan, as evidence of the action to be taken by the provider, or additional services required as part of the child's SEND support. If the child has a complex, significant and long term need which covers education, health and care, an EHC Plan may be appropriate. However, there are other issues, such as speech and language delay or behavioural problems, which are not necessarily caused by a special educational need or disability. If the child does need an EHC Plan, the Local Authority will seek advice from specialist professionals supporting the child to prepare an EHC Plan.

Funding for SEND Support in Early Years

From the summer term 2017 up to 1140 hours of Free Early Educational Entitlement (FEEE) is available for eligible parents of 3 and 4 year olds. Non-eligible children will still be entitled to access 570 hours of FEEE annually. Additionally eligible 2 year old children, including those children in receipt of Disability Living Allowance (DLA) can also access up to 570 hours of FEEE during the year.

Find out more information about [funding for 2 year olds](#) and the [30 hours entitlement](#).

Top-up funding is available for providers to apply for, to support those children with complex and significant needs to access the curriculum and meet their full potential. Please be aware that funding is not always awarded on the basis of the FEEE take-up.

From the local authority perspective

We will ensure that all providers we fund 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 that this reflects the need to provide suitable support for settings in meeting their duties to support children with Special Educational Needs or Disabilities. The majority of Early Years settings in Leicestershire are private, voluntary or independent (PVI).

Childminders and those in group provision on domestic premises 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.

It is only maintained settings who are statutorily required to accommodate children with EHC Plan. However, we will work with private voluntary and independent settings to support children with SEND and assist them and implement their EHC Plan.

New measures are being introduced for 2017-18 to support SEND

Disability Access Fund (DAF)

The [Disability Access Fund](#) aids access to early years places by, for example, supporting providers in making reasonable adjustments to their settings and/or helping with building capacity (be that for the child in question or for the benefit of children as a whole attending the setting); and

The SEN Inclusion fund

The SEN Inclusion Fund requires Local Authorities to set up a fund to help providers better address the needs of individual children – This is the Early Years Top Up funding.

Disability Access Fund (DAF) Eligibility

3 and 4 year olds will be eligible for the DAF if they meet the following criteria:

- The child is in receipt of child Disability Living Allowance (DLA) and;
- The child receives Free Early Education Entitlement.

Entitlement

The settings of three and four year olds eligible for the DAF will be entitled to receive a one-off payment of £615 per year. The DAF is not based on an hourly rate and is an additional entitlement.

Children do not have to take up the full 570 hours of early education they are entitled to in order to receive the DAF. Children in receipt of the DAF will be eligible where they take-up any period of free entitlement.

Local Authorities must fund all early years settings providing a place for each child eligible for the DAF in their area at the fixed annual rate of £615 per eligible child.

All early years providers who are eligible to receive funding for the 3 and 4 year old early entitlement education are also eligible to receive the DAF.

Points to note

The DAF should not be offset against any other funding which an authority may ordinarily be providing for children eligible for the DAF.

The DAF is payable as a lump sum once a year per eligible child. If a child eligible for the DAF is splitting their free entitlement across two or more providers, Local Authorities should ask parents to nominate the main setting. This setting will be where Local Authorities should pay the DAF for the child.

- If a child receiving DAF moves from one setting to another within a financial year, the new setting is not eligible to receive DAF funding for this child within the same financial year. DAF funding received by the original setting will not be recouped.
- In cases where a child who lives in one authority area attends a provider in a different local authority, the provider's local authority is responsible for funding the DAF for the child and eligibility checking.

Appendix 1

The reforms are set out in the [Children and Families Act 2014](#), and the new [Special Educational Needs and Disability Code of Practice: 0-25 years](#).

All Children with SEND are entitled to and able to access high quality provision – the chosen provision must ensure that they meet the statutory requirements of the SEND Code of Practice:

- The statutory framework for the EYFS,
- Equality Act 2010

The following sections of the Children and Families Act 2014 are adhered to:

- Co-operating generally: governing body functions: Section 29
- Children and young people with SEND but no EHC Plan: Section 29
- Children with SEND in maintained nurseries: Section 35
- Using best endeavours to secure special educational provision: Section 63
- SEN co-ordinators: Section 64
- Informing parents and young people: Section 68
- SEN information report: Section 69
- Duty to support children with medical conditions: Section 100

The setting should have a SEND policy which they review regularly, this should be made available to parents and carers and shared with its staff.

Useful documents

For a greater understanding around Equality Duty and Human Rights, parents/carers could refer to the following documents:

- [Equality and Human Rights Commission Guidance - Public sector equality duty guidance for schools in England](#)
- This should be read in conjunction with chapter five of the Department for Education Guidance on the [Equality Act 2010](#). This covers the Equality Duty as it applies to providers.
- There is also more generic guidance on the [Equality Duty on the Equality and Human Rights Commission's website](#)
- [United Nations Convention on the Rights of Persons with Disabilities](#)
- [United Nations Convention on the Rights of the Child](#)