



## **SEN and disability reforms: key changes in the early years**

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# Outline

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- Overview of the provision in Part 3 Children and Families Act 2014
- Early years settings: Equality Act, EYFS and the SEN and disability Code of Practice
- Practicalities of moving to a new system
- Principles in Part 3 Children and Families Act 2014



# Definitions and scope

- SEN definition the same
- From birth and up to 25
- Young offenders
- All schools' duties apply to directly to academies
- LA and all children & young people in area with SEN:
  - LA to identify
  - LA responsibility
- Strategic duties include disabled children and young people



# Local offer

- Support available for children and young people with SEN and disabilities
- Includes education, health, social care, transport, information advice and support
- Develop the offer with parents, schools, colleges and others
- Local authorities should engage with providers of relevant early years education
- When securing funded early education LAs must promote equality of opportunity
- Must set out what providers of relevant early education are expected to make available, including funding arrangements
- Complaints about local offer



## Local offer (2)

LAs must include childcare options, including expertise and support for children with SEND; should publish information on:

- free early education places and eligibility criteria
- relevant services available from other agencies: Portage, Early Support
- arrangements for identifying and assessing children's needs in the early years
- support available to parents to aid their child's development at home
- arrangements for reviewing children's progress including progress checks and health and development reviews

Special educational provision should also include support available to early years providers, such as Area SENCOs



# Local integration of health, care and education

- Integrate services to promote well-being
- Joint commissioning by LAs & clinical commissioning groups (CCGs)
- Requirement to co-operate to meet EHC needs
- LAs to keep education & social care under review
- SEN and disability
- Health and Well being Boards
- Joint Strategic Needs Assessment



# EHC assessments and plans

- EHC plans replace statements and s139A assessments
- EHCP extends to FE, training, apprenticeships
- Timescales reduced from 26 to 20 weeks
- Parents can ‘make representations’ for a PVI early years (PVI) setting
- Duty to secure special educational provision in EHCP
- Duty to secure health care provision
- Strengthened duty on social care
- Rights of appeal
- Annual reviews: LA can ask early years setting to conduct an annual review
- Admission to a special academy or free school without an EHC plan



# Early years settings

3 sets of requirements for all early years settings:

- must comply with the Equality Act 2010
- must comply with the EYFS:
  - learning and development requirements
  - safeguarding and welfare requirements
- must 'have regard to' the SEND Code of Practice



# Early years settings: Equality Act 2010

Settings that are not maintained schools:

- must not, directly or indirectly, discriminate against, harass or victimise disabled children
- Must not discriminate because of something arising from a disability
- must make reasonable adjustments:
  - to procedures, criteria and practices
  - by making physical alterations
  - by the provision of auxiliary aids and services
- have pro-active duties under the Public Sector Equality Duty, if in receipt of Nursery Education Grant



# EYFS requirements

- EYFS seeks to provide ... 'equality of opportunity and anti-discriminatory practice, ensuring that every child is included and supported'
- Overarching principles: 'children develop and learn at different rates'. Framework covers all children, including children with SEN and disabilities
- Cause for concern, in any prime area, discuss with parents and agree support; consider whether SEN and specialist support needed
- Assessment: address any learning and development needs in partnership with parents
- Use of progress checks and targeted plans to support child's future learning and development



## EYFS requirements (2)

- Medicines: providers 'must promote the good health of children'
- Must have and implement policy and procedures for administration of medicines
- Expected to identify a SENCO
- Information: settings must provide information on how they support children with SEN and disabilities
- Role of the key person



# SEN and disability Code of Practice

- Early action
- Identify needs with parents: 4 broad areas of need
- 'SEN Support': graduated response; 4 stages of action: assess, plan, do, review
- Plan: agree with parents: outcomes, interventions and support, expected impact, date for review
- Use of evidence and practitioners with relevant skills and knowledge
- External specialists at any point
- Records must be available to parents, must include how setting supports children with SEND
- Evidence of relevant and purposeful action



## SEND Code of Practice (2)

### Setting SENCO:

- Ensuring all staff understand responsibilities and the approach to identifying and meeting SEN
- Advising and supporting colleagues
- Ensuring parents' involvement
- Liaising with professionals beyond the setting

### Area SENCO:

- Advice and practical support
- Develop and disseminate good practice
- Training
- Link with SENCO networks and support transition
- Inform parents of local impartial information, advice and support services

### Practitioner



# Transferring statements to EHC plans

- Regulations set out the process for transferring all statements to EHC plans
- September 2014 – March 2018
- A transfer review with a meeting
- Requires an EHC needs assessment
- Young people approaching transfer to college or apprenticeship, required 2014-2015
- Children and young people with a non-statutory EHC plan and no statement, required 2014-15
- Children approaching other transitions will have priority, early years settings to schools, required 2015-16 & onwards
- Local transition plans



# Transitional arrangements, no EHC plans

- Review how parents and children are engaged in the SEN process
- Plan how to discuss the changes with parents and children who are currently on Early Years Action/ Early Years Action Plus
- Implementation of 'SEN Support' for most children by spring 2015, all children by Sept 2015
- Consider how to track progress of children with SEN: Early Years Outcomes, Development Matters



# Principles

In particular have regard to:

- views, wishes and feelings of children and their parents, and young people
- importance of participating 'as fully as possible' in decision-making
- importance of information and support to support participation
- support children's development and best possible educational and other outcomes

Disability in Part 3 Children and Families Bill



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# Appendix: Schools' duties



# Schools' duties

Schools must:

- have regard to the SEND Code of Practice
- comply with the Equality Act 2010
- use 'best endeavours'
- have a SENCO
- inform parents if they are making special educational provision for a child
- include children with SEN in the activities of the school with other children
- publish information on how they meet the needs of children with SEN, the SEN Information Report

