

Early Years Funded Childcare – Support for Children with Special Educational Needs and Disabilities



North Tyneside Council

Introduction

There is a range of support available to enable children aged 2, 3 and 4 years with special educational needs and disabilities to access their funded childcare entitlements.

Legislation

The role of early years childcare providers regarding special educational needs and disabilities is set out in legislation.

The **Children and Families Act 2014** requires that all early years providers offering funded childcare places must:

- have regard to the Special Educational Needs and Disability Code of Practice. This means that they must take it into account whenever they take action for children with Special Educational Needs, for example, by putting Special Educational Needs Support in place,
- co-operate with the local authority when making special educational provision for a child in meeting its duties to children with special educational needs,
- in the case of maintained nursery schools, appoint a suitably qualified Special Educational Needs Co-ordinator (SENCO).

The **Equality Act 2010** is clear that early years childcare settings:

- must not discriminate against, harass or victimise disabled children;
- must not discriminate directly, indirectly, or for a reason arising in consequence of a disability; and
- must make reasonable adjustments for disabled children. This duty is anticipatory: settings must look ahead and anticipate what disabled children might need and what adjustments might need to be made to prevent any disadvantage.

The Department for Education's 'Special Educational Needs and Disability (SEND) Code of Practice' provides the statutory guidance on duties, policies and procedures relating to children and young people with special educational needs or disabilities.

Providers of early years education, (which is all early years providers in the maintained, private, voluntary and independent sectors that the local authority funds), are required to have regard to the SEND Code of Practice.

The Code of Practice alongside the Early Years Foundation Stage Framework set out how childcare providers should support children with special educational needs and disability to achieve good outcomes.

Responsibilities of Early Years Childcare Providers

Special Educational Needs and Disabilities Code of Practice

All early years childcare providers are expected to:

- Follow the Special Educational Needs and Disability Code of Practice.
- Have arrangements to support children with special educational needs or disabilities. Including a clear approach to identifying and responding to special educational needs or disabilities.
- Have a written Special Educational Needs and Disability policy that families can access.
- Inform parents / carers if special educational needs support is to be offered to their child.
- Explain to the parents or carers of a child with special educational needs or disabilities how they will support the needs of the child.
- Regularly review the quality and breadth of support they offer or can access for children with special educational needs or disabilities.
- Work in partnership with the parents / carers of a child with special educational needs to ensure their needs are met.
- Record how children with special educational needs and disabilities are being supported.
- Adopt a graduated approach to support children with special educational needs or disabilities, with four stages of action:
 - Assess
 - Plan
 - Do
 - Review
- Take steps to ensure children with medical conditions get the support they need.
- Support the transition of children with special educational needs or disabilities to other childcare settings or school. The childcare provider should agree with parents / carers the information to be shared as part of the planning process.
- Consider requesting an Education, Health and Care Plan Assessment if a child is not making the expected progress despite the relevant action being taken to address special educational needs or disabilities.

Special Educational Needs Coordinators (SENCO)

Maintained Nursery Schools

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 special educational needs. This individual should also have the prescribed qualification for SEN Co-ordination or relevant experience.

Other Early Years Settings

The Early Years Foundation Stage framework requires early years providers to have arrangements in place for meeting children's special educational needs. Those in group provision (i.e. daycare nursery, playgroups) 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.

Role of the SENCO

The role of the SENCO involves:

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

Early Education Free Entitlements for Eligible 2 Year Olds

Two-year-old-children with special educational needs and / or disabilities are entitled to the 15 hours of free early education if they:

- have a statement of special educational needs;
- an Education, Health and Care plan; or
- are entitled to Disability Living Allowance

Eligible children are entitled to 570 hours of early education a year spread over 38 weeks of the year (which equates to 15 hours a week for 38 weeks).

Early Years Inclusion Support

North Tyneside's Early Years Inclusion Fund will support children aged 3 and 4 years, with lower level or emerging SEN. North Tyneside's Early Years Inclusion Fund will also support two year old children with more complex / significant needs.

Childcare / early education providers based in North Tyneside can apply for early years inclusion support if a child is taking up:

- a. is attending a registered early year provision in North Tyneside;
- b. is taking any part of their Government funded childcare entitlement for 2, or 3 and 4 year olds; and
- c. meets the relevant early years inclusion fund criteria.

The early years inclusion funding is available to eligible children who are attending a registered early years setting in North Tyneside, regardless of where they live.

The early years inclusion support enables registered early years providers to address the needs of individual children with low level and emerging SEN and ensure they can access their early years entitlement.

The early years inclusion support will:

- a) provide support to settings to enable children to access their early years entitlements for 3 and 4 year olds (extended and / or universal), who:
 - a. have low level and / or emerging special educational needs; and
 - b. are falling below the expected ages and stages despite appropriate interventions by the setting.
- b) provide time limited support to 3 and 4 year old children whose low level or emerging special educational needs means they require additional support to make a successful transition into their funded early years place; and
- c) support children with emerging significant / complex special educational needs to access their 2 year old entitlement.

Early years inclusion support includes:

- a) up to 7.5 hours of funding to support children aged 3 and 4 years, with low level and emerging special educational needs. A maximum of 7.5 hours of support will be available for children accessing the full 15 hour entitlement each week;
- b) up to 7.5 hours of support for children aged 3 and 4 years, with low level and emerging special educational needs, who are accessing the 'extended' hours. A maximum of 7.5 hours of support will be available for children accessing the full 15 hour entitlement each week; and
- c) up to 15 hours of funding for children accessing the 2 year old entitlement in a North Tyneside setting, where children have significant or complex needs.

Any requests for support that exceed the early years inclusion funding available for children with low level and emerging needs will be referred to the SEND Panel for consideration.

Early years inclusion funding can be used by providers to:

- a. build capacity within the setting by securing additional staffing to support specific interventions / strategies for the child with SEND;
- b. arrange specialist or one-off training for staff member(s) to meet the needs of a child / children taking up early years entitlement during that term; or
- c. reduce the child to adult ratio in order to support child with SEN.

Support is available to children taking any number of funded hours, however support will be issued on a pro rata basis to reflect the hours being accessed.

Providers must be able to demonstrate that they have sought to meet a child's additional needs within the provision routinely available, as part of a graduated response, prior to requesting Early Years Inclusion Funding UNLESS;

- A child's low level / emerging SEN means they would not be able to access their entitlement without additional resourcing being available to support their transition to a funded childcare placement. There must be sufficient evidence of emerging or low level special educational need, which cannot reasonably be met from the setting's existing resources, prior to the child taking up a place at the setting.

Disability Access Fund

Registered early years providers can claim a one-off annual payment of £615 for children receiving their 3 and 4 year early years entitlement (universal 15 hours and 30 hours), who are also in receipt of the Disability Living Allowance.

What is the Disability Access Fund?

The £615 Disability Access Fund supports disabled 3 and 4 year olds to access their free early years entitlement.

The Disability Access Fund can be used by providers to make reasonable adjustments and / or to help build capacity to support children with disabilities.

Children do not have to take up the full 570 hours of early to qualify for the Disability Access Fund payment.

The money is paid to the childcare / early education provider.

The Disability Access Fund will not be offset against any other funding which the local authority may ordinarily be providing for children eligible for the Disability Living Allowance.

The Disability Access Fund is payable as an annual lump sum per eligible child. If a child eligible for the Disability Access Fund is splitting their free entitlement across two or more providers, the parent(s) / carer(s) will select which setting receives the Disability Access Fund payment.

If a child who has received a Disability Access Fund payment moves to a new setting within year of being funded, the funding will not transfer. The new setting cannot apply for DAF funding until after the year.

Eligibility for Disability Access Fund Funding

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

- the child is in receipt of child Disability Living Allowance (DLA) and;
- the child is taking Government funded early years entitlement hours within a North Tyneside early years provider (includes universal 15 hours and / or extended 15 hours).

Children who are reception pupils are **NOT** eligible for Disability Access Fund funding.

Children become eligible for free early education entitlement the 'term' after their 3rd birthday.