

CHILDREN AND YOUNG PEOPLE'S LEARNING SCRUTINY PANEL

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Special Educational Needs and or Disabilities

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PURPOSE

1. The purpose of the paper is to:
 - provide an overview of how Early Years providers work with the Local Authority to identify and support children with Special Educational Needs or Disabilities and promote equality of opportunity for children in their care.

BACKGROUND

- 2 The Children and Families Act and the Special Educational Needs and Disabilities (SEND) Code of Practice (2014 updated 2015, Appendix 1) pushed forward the Government's commitment to improve services for vulnerable children and young people 0-25 and support strong families.
- 3 The principles that the SEND Code of Practice works to ensure that SEND provision has regard to the views, wishes and feelings of the child or young person and their parents, the importance of the child or young person participating as fully as possible in decisions, and the need to support the child or young person and their parents to help them achieve the best possible outcomes
- 4 Educational settings have responsibilities to support children and young people 0-25 as outlined in the SEND Code of Practice. This includes Early Year Providers who must have arrangements in place to support children with SEN or disabilities. These arrangements should include a clear approach to identifying and responding to SEN. (For full details see Appendix 2: Early Years Guide to the SEND Code of Practice)
- 5 Within Early Years it is particularly important 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 a child to prepare for adult life.
- 6 Where an Early Years setting identifies a child as having SEN they **must** work in partnership with parents to establish the support the child needs. Where an Early Years setting makes special educational provision for a child with SEN they should

inform the parents. All settings should adopt a graduated approach with four stages of action: assess, plan, do and review.

- 7 Early Years providers should regularly review and evaluate the quality and breadth of the support they offer or that they can access for children with SEN or disabilities. Providers should work in partnership with other local education providers to explore how different types of need can be met most effectively.
- 8 All Early Years providers also have duties under the Equality Act 2010. In particular, they must not discriminate against, harass or victimise disabled children, and they must make reasonable adjustments, including the provision of auxiliary aids and services for disabled children, to prevent them being put at substantial disadvantage. This duty is anticipatory, it requires thought to be given in advance to what disabled children might require and what adjustments might need to be made to prevent that disadvantage.
- 9 All Early Years providers should also take steps to ensure that children with medical conditions get the support required to meet those needs.
- 10 The Early Years Foundation Stage (EYFS: Appendix 3) is the statutory framework for children aged 0 to 5 years. All Early Years providers must follow the safeguarding and welfare requirements of the EYFS and the learning and development requirements, unless an exemption from these has been granted. All those who work with young children should be alert to emerging difficulties and respond early. In particular, parents know their children best and it is important that all practitioners listen and understand when parents express concerns about their child's development. They should also listen to and address any concerns raised by children themselves.
- 11 Early Year settings should provide support through a graduated response to meet the child's needs. A focus should move to a SEN Support Plan if greater support is identified, however if this is not sufficient in meeting the child's needs then a request for an Education, Health and Care Assessment should be actioned.
- 12 The majority of children with SEN are likely to receive special educational provision through the services set out in the Local Offer. A local authority must conduct an Education Health and Care Assessment (EHCA) for a child under compulsory school age when it considers it may need to make special educational provision in accordance with an Education, Health and Care Plan (EHCP).
- 13 For children who are under the age of 2, parents, health services, childcare settings, Children's Centres or others may identify young children as having or possibly having SEN. For most children under two who's SEN are identified early, their needs are likely to be best met from locally available services, particularly the health service,

and for disabled children, social care services provided under Section 17 of the Children Act 1989.

- 14 For very young children local authorities should consider commissioning the provision of home-based programmes such as Portage, or peripatetic services for children with hearing or vision impairment.
- 15 When a child is aged between 2 and 3, Early Years practitioners must review progress and provide parents 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 behind expected levels. 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's SENCO or the Area SENCO, as appropriate. The summary must highlight
 - 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)
- 16 Health Visitors currently check children's development milestones between ages two and three as part of the universal Healthy Child Programme. The Early Language Identification Measure (ELIM) has been trialled in Middlesbrough and is about to be launched as an additional assessment tool for Health Visitors to use where there is concern about speech, language and communication.
- 17 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 expected levels, 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 SEN. All the information should be brought together with the observations of parents and considered with them.
- 18 A delay in learning and development in the Early Years may or may not indicate that a child has SEN, 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 SEN. 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.

- 19 Early and accurate identification of need, together with carefully tailored, sensitively delivered, person-centred intervention, is therefore of vital importance in ensuring the best possible outcomes for this very vulnerable group of children and young people.
- 20 The EYFS framework also requires Early Years providers to have arrangements in place for meeting children's SEN. 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 SEN and the setting's approach to identifying and meeting SEN
- 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

- 21 To fulfil their role in identifying and planning for the needs of children with SEN, Local authorities should ensure that there is sufficient expertise and experience amongst local Early Years providers to support children with SEN. 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.

- 22 The Area SENCO helps make the links between education, health and social care to facilitate appropriate early provision for children with SEN and their transition to compulsory schooling. The role of the Area SENCO 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 SEN
- 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 of and working with local impartial information, advice and support services, to promote effective work with parents of children in the Early Years
- supporting planning for children with SEN to transfer between Early Years provision and schools.

- 23 Local authorities must ensure that all providers delivering funded early education places meet the needs of children with SEN and disabled children. In order to do this local authorities should make sure funding arrangements for early education reflect the need to provide suitable support for these children.
- 24 Providers can also claim an annual figure of £615 to help them to support any child in receipt of Disability Living Allowance. Funding can be used to provide specialist equipment or resources, training and/or additional staffing.
- 25 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.

EVIDENCE/DISCUSSION

- 26 Nationally there are approximately 431,000 children and young people across the whole 0-25 age range with an Education, Health and Care Plan (EHCP). Within Middlesbrough, there are approx. 4800 children and young people classed as SEND, of this figure, approximately 1300 have an EHCP.
- 27 Nationally, of these children and young people with an EHCP there are around 325,000 children and young people who attend state-funded nursery, primary, secondary and special schools, non-maintained special schools, pupil referral units and independent schools. This represents 3.7% of the population. In Middlesbrough, this figure is 3.7% which is on par with the national figure, and slightly lower than the regional figure of 3.81%.
- 28 Within Middlesbrough 51 children under 5 have an EHCP, this represents 4.6% of children which is higher than the national figure of under 5's which is 3.8%. There are many more children classed as SEN Support. These children are supported in a mainstream nursery, PVI setting or in one of Middlesbrough's specialist assessment nurseries. A small number of children with SEN have their Early Years provision with childminders. There are no children with EHCPs placed with childminders.

- 29 We have recently developed a new Early Years and Primary Support Service (previously Early Years Specialist Support Service) which is currently working with 149 Early Years children. Of these children 87 are aged 3 and over, 55 are aged 2-3 years and 7 are aged under 2 years. There are also 36 children attending Middlesbrough's specialist assessment nurseries.
- 30 Across Middlesbrough there are 38 PVI settings and 42 school nurseries. Middlesbrough does not have any maintained nursery schools but there are 21 full time equivalent places across 5 specialist assessment nurseries. These include two special schools, two mainstream schools with resourced bases and the Cleveland Unit which is a Child Development Centre and has been judged by Ofsted as Outstanding 5 times in a row. These places provide specialist assessment and support as part of a small group with high staffing ratios. The staff in these nurseries are trained and experienced in supporting children with the most significant need. Most children who attend specialist assessment nursery provision go on to attend special school or bases in mainstream schools.
- 31 To ensure that we have the right provision and support within Early Years we have worked, and continue to work, with families and key stakeholders to develop early identification and assessment of need alongside support to increase and improve access and inclusion in mainstream Early Years settings.
- 32 The Early Years Specialist Support Service (EYSSS) which is now the Early Years and Primary Inclusion & Outreach Support Service, was developed in 2017 and extended the existing work of the Cleveland Unit Child Development Centre (CUCDC) to enable Early Years settings to request support from the local authority in assessing and meeting the needs of young children with, or likely to have, SEND. In addition to continuing the work of the CUCDC, the EYSS Service provided:
- outreach and inclusion support into Early Year settings to help to further assess needs
 - delivery and modelling of appropriate interventions for children
 - introduction of Inclusion Development Funding to contribute towards the cost of additional staffing, equipment and/or training
 - support and challenge to the Early Years workforce
 - targeted support and challenge for SENCoS in PVI settings, fulfilling the Area SENCo role to assist them in meeting their statutory obligations re SEND and
 - training for the Early Years workforce.
- 33 The introduction of this service resulted in an increase in the number of children being supported to remain in their local provision as indicated by the increased take-up of Inclusion Development Funding, (**55% more EY settings using this fund between 2017 and 2020**), an increase in the number of EY settings accessing support from the EYSS Service, (**64% more settings accessing support between 2017 and 2020**), and

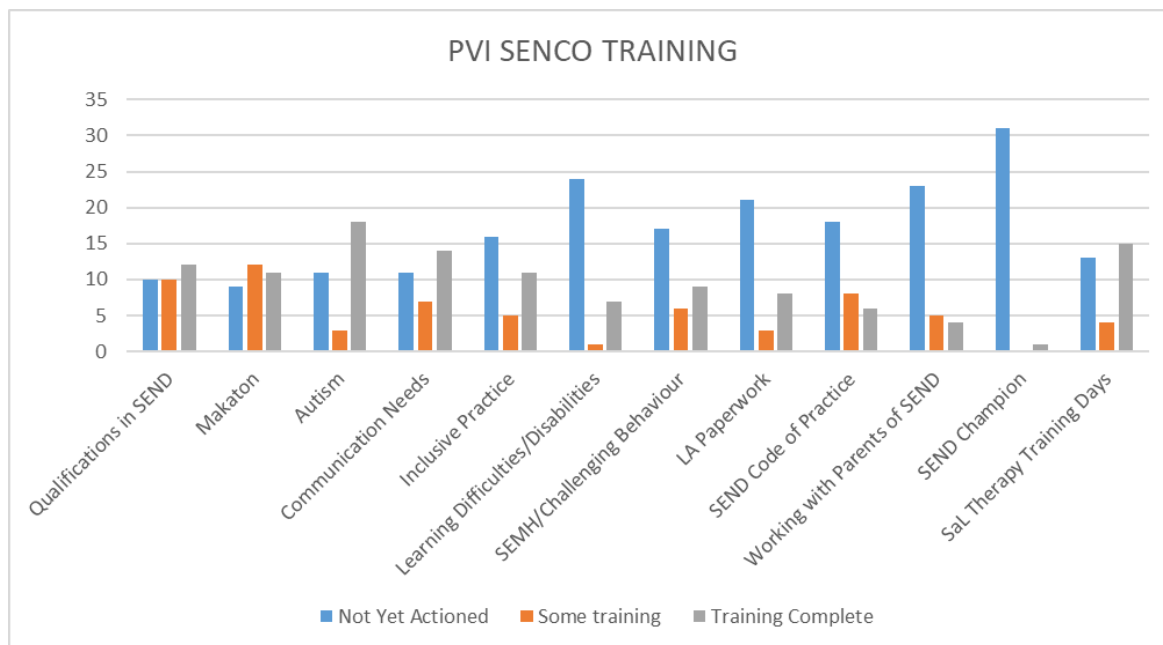
a corresponding reduction in young children requiring specialist nursery provision, (28% reduction between 2017 and 2020 and **41% reduction** when we consider data just prior to the development of the EYSS Service) *see data table below.

EY Data Showing Improvements To Available Support & Impact (Academic Years)					
Support	2017/18	2018/19	2019/20	2020/21	2021/2022 (Sep-Oct only)
Inclusion support sessions (per week) for children in mainstream Early Years settings	41	56	48	0 (due to Covid but support funded through IDF instead)	18 (only half capacity because of covid restrictions)
Children on the waiting list for the above	7 (37 in 2016)	0	0	0	0
Early Years settings receiving support (across the year)	27	33	50	71	51
Children attending Early Assessment/ Intervention Groups (across the year)	92	121	30	11 (due to Covid)	25
Early Years PVI settings in Middlesbrough receiving Area SENCO support (across the year)	0	All PVI settings (35)	All PVI settings (39) Light touch because of Covid	All PVI settings (39) Light touch because of Covid	0
EY Settings accessing Inclusion and Development Funding (across the year)	2	16	28	44	26
Children attending specialist Early Years provision (in Cleveland Unit)	33 (41 in 2016)	33	27	24	13
Two year olds attending specialist Early Years provision (in Cleveland Unit)	6	10	4	4	2

34 The further understand and to support practice across Middlesbrough the local authority led on SEND Peer Reviews across all settings from Early Years to Post 16. These reviews supported settings to identify areas of strengths and areas for development in regards to the SEND Code of Practice. SEND Peer Reviews were carried out with PVI Early Year settings between 2019 and 2020.

35 These SEND Peer Reviews identified that settings' strengths were in the areas of *policy* (71% had a SEND Policy in place), *identification of additional need* (100% had systems in place to identify children not meeting age related expectations and to regularly monitor their progress), and working in partnership with parents (100% discussed concerns and planned next steps together with parents).

36 The main area where further development was identified was *workforce development* (across different areas of SEND between 31% and 69% of settings reported that they required training). This information has been used to inform the local authority planning for workforce development.



37 Following the SEND Peer Reviews all settings co-produced an action plan with the Area SENCo and have been working on these. Action plans will be further reviewed this year.

38 A further review of the Early Years Specialist Support Service, began in 2020, via an Early Years Task Group including representatives from our parent's forum Parents4Change, Early Years settings, schools, specialist settings, therapists, health visitors, LA officers and other health and social care colleagues (including the Designated Clinical Officer). This group have completed an extensive piece of work considering local data, feedback from families and professionals to review and improve the entire Early Years pathway from initial identification of need, through assessment, support and intervention, appropriate provision and transitions.

39 The task group looked at alternative ways to deliver specialist provision and meet needs within the local area. This partnership work has resulted in an increase in support and changes to where specialist assessment nursery places are located, (see table below), ensuring that more children are able to receive the most appropriate support as soon as possible whilst also reducing the number of transitions for young children in Middlesbrough.

Number and location of Specialist Assessment Nursery places (full time equivalent)			
2020		2021	
Cleveland Unit	15	Cleveland Unit	7
Beverley	2.5	Beverley	5
Pennyman	2.5	Pennyman	3.5
		Discovery	3.5
		Hemlington Hall	2
TOTAL	20	TOTAL	21

- 40 Through the work of the task group we have further improved our multi agency referral and assessment for children and families who require support.
- 41 Children who are identified as requiring assessment and support within Early Years are referred to a multi-agency panel. Once these referrals are reviewed and agreed at panel this will lead onto the Early Years Pathway which results in multi-disciplinary assessment and intervention groups, based on the Portage model. Portage is a model of support for children and families which can be adapted and used effectively both in the home and in Early Years settings. It builds on identified strengths to support needs and places great importance on support for parents and carers.
- 42 Referrals to Portage can be made for children prior to them attending an Early Years setting, by any professional or practitioner working with a pre-school child who has significant concern about their learning or development. The early intervention of the Portage service will help to support timely decisions around appropriate placement and support before a child joins an Early Years setting and will also ensure earlier access to Education Health and Care needs assessment where this is appropriate.
- 43 The Early Years Specialist Support Service has also been part of the development of the new Neurodevelopmental pathway in partnership with Health which has been in place for school-aged children as from 1st September 2021 and will be implemented for under 5s in March 2022. This pathway provides greater support for families of children who are on the autistic spectrum without the need for waiting for a diagnosis.
- 44 Alongside this we have worked in partnership with Health in the review of Speech and Language support across Middlesbrough. A new model of delivery will be in place from April 2022
- 45 In 2020, the Inclusion and Specialist Support Service initiated a wider review and restructure of services across the 0-25 age range in response to local data and feedback from settings, schools and families. This review resulted in the Early Years Specialist Support Service being renamed the Early Years and Primary Inclusion & Outreach Support Service. The new service provides a more seamless transition across the key transition point from nursery into school and supports long term

planning to meet the needs of the youngest children with SEND. The service is now based permanently at Hemlington Initiative Centre which is more accessible and welcoming for families and is being developed as a SEND & Inclusion Hub. The new model is currently in a phased implementation.

46 The service has continued to offer a range of support throughout the pandemic. It has been important to develop creative and innovative ways of ensuring support for Early Years children, their families and Early Years settings and responding to increasing and changing needs.

47 There are concerns for our youngest children, many of whom have not benefitted from any of the usual socialisation they would have experienced before they attended an Early Years setting. The social isolation, reduced learning opportunities and delayed assessments that arose from this. We expect to be seeing the impact of the pandemic on Early Years children for many years to come.

CONCLUSIONS

48 We can see from the report that early identification and assessment of Special Educational Needs and/or Disabilities is a priority in Middlesbrough and that health and education are working effectively in partnership to ensure that young children's additional needs are identified as early as possible in order to provide the most appropriate support and intervention in line with parents' and carers' wishes.

49 As a local area there have been significant improvements to support services which have upskilled and built the confidence of the Early Years workforce to be able to identify and support children with SEN or disabilities and promote equality of opportunity for children in their care. These developments have significantly increased access and inclusion in the Early Years.

50 As a local area we continue to work together to ensure that the needs of our youngest children are met in a timely manner and continue to develop our services in partnership with our families to meet needs and our statutory requirements.

51 Through the implementation of the new Early Years and Primary support service we continue to move forward to meet the needs of our youngest children and have through the new model systems and support in place to address the impact of COVID and future demands.

BACKGROUND PAPERS

Appendix 1: SEND Code of Practice: <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Appendix 2: Early Years: guide to the 0-25 SEND code of practice:

<https://www.gov.uk/government/publications/send-guide-for-early-years-settings>

Appendix 3: Statutory Framework for the Early Years Foundation Stage:

<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>

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