

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



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 Childcare - SEND Support in North Tyneside

The majority of early years children with additional educational needs will be able to make good progress based on the providers existing resources. North Tyneside has a pathway for children in their early years who have additional educational needs that require additional expertise of resources (see AEN Flowchart).

The table shows the support available to support children accessing their early years childcare entitlement:

Level of Need	Early Years Childcare - Support Can Include
Child Without an Education, Health and Care Plan who are able to make good progress within a mainstream early years childcare setting	<p>15 hours of free childcare for eligible 2 year olds (if they meet eligibility criteria).</p> <p>15 hours of free childcare for 3 and 4 year olds.</p> <p>Extended 15 hour of free childcare for eligible working parents (30 hours entitlement)</p> <p>Childcare providers meet need from own resources.</p> <p>Disability Access Fund (if child is eligible for Disability Living Allowance)</p>

<p>Child Without EHC Plan who requires additional support to make good progress within a mainstream setting</p>	<p>In addition to the above. Support will depend on the identified needs of the child but could include:</p> <p>a) Specialist Support / Advice / Guidance</p> <ul style="list-style-type: none"> - North Tyneside Sensory Service - North Tyneside Educational Psychology Service <p>b) Resources / capacity</p> <p>Local Early Intervention and Prevention Support (LEAPs) 2, 3 & 4 year olds accessing funded early education. SEN Inclusion Funding to support eligible 3 & 4 year olds.</p> <p>SMILES service</p> <ul style="list-style-type: none"> - Specialist equipment
<p>Children who are unable to make good progress within a mainstream setting with additional support</p>	<p>3 and 4 year olds may be allocated an Assessment Nursery placement where they will receive specialist support and intervention and ongoing multi-agency assessment.</p>
<p>Child With Education, Health and Care Plan or a current statement of special educational needs</p>	<p>Support will reflect the needs identified within the Education, Health and Care Plan.</p>

Local Early Intervention and Prevention Support (LEAPS)

The Local Early Intervention and Prevention Support panel is responsible for considering applications for

- Special Educational Needs Inclusion funding;
- Additional support for eligible 2 year olds, 3 and 4 year olds accessing funded early education offers;
- Additional Educational Needs applications for Specialist Nursery Provisions;

LEAPS funding is allocated to settings who are able to demonstrate that the child requires additional adult support, to implement specific strategies and interventions to support the child to make good progress

The LEAPS support should be over and above support provided by the childcare provider from their own resources.

All applications for the LEAPS panel should be sent to Lynn Scorer at Beacon Hill school – Courier code E73. Application and Re-application forms are available on request from ruth.brennan@northtyneside.gov.uk

Support for 3 / 4 year olds

Funding is available to 3 / 4 year olds who are accessing 'funded early education'.

The maximum level of LEAPS funding allocated is 7.5 hours (if a child is accessing the full 15 hours of funded education) for each entitlement. This is reduced, on a pro-rata basis, if a child is accessing fewer hours.

Support for 2 year olds

Additional funding will be considered for eligible 2 years olds in the following circumstances:

- A child attending a mainstream setting who requires a highly differentiated play environment – e.g., a child requiring a high level of sensory stimulation
- A child demonstrating significant challenging behaviours which are unsafe and untypical for a child of this age. This may include children who have Autistic Spectrum Disorder (ASD) although this is rarely diagnosed at this age.
- A child who has a significant sensory impairment
- A child who has a high level of physical needs and requires individual support to access a range of play activities.
- A child who has a high level of medical need, requiring a high level of supervision to keep them safe and/ or administer interventions that require high levels of individual support. (e.g. Oxygen, NG feeding tube)

Applications will be considered on an individual basis and funding allocated accordingly. Children with highly complex needs may require up to 100% 1:1 support.

Staff in settings will be trained and supported, additional personnel may be recruited to facilitate this.

Special Educational Needs Inclusion Fund

North Tyneside's Special Educational Needs Inclusion Fund (SENIF) augments the LEAPS support and aims to support the inclusion of children attending an Ofsted registered Early Years setting in North Tyneside (i.e. private, voluntary and independent settings, local authority nurseries, nursery classes and childminders or school based provision).

The majority of 3 and 4 year old children with additional educational needs will be able to access their flexible free entitlement (universal and additional element) and make good progress based on the existing resources of their early education / childcare provider.

North Tyneside Council recognise that some 3 and 4 year olds with low level and / or emerging special educational needs may require additional support to access their flexible free entitlement (Universal and / or Additional entitlement), which cannot reasonably be met by the provider.

The Special Educational Needs Inclusion Fund is not available to children in school Reception classes.

Funding for additional support

Where a setting cannot reasonably offer the necessary additional support to a child with low level or emerging special educational needs from within their own resources, an application for the Special Educational Needs Inclusion Fund can be made.

Early years providers who are delivering the funded 3- and 4- year - old early education / childcare entitlement can apply to the SEN Inclusion Fund.

The Special Educational Needs Inclusion Fund will support children with low level or emerging special educational needs to access their Early Years Entitlement (EYE) i.e.15 hours per week (or 30 hours per week for children in receipt of the additional entitlement).

Decisions about the level of support will be taken by the LEAPS Panel, based on the evidence provided.

North Tyneside's Special Educational Needs Inclusion Fund (SENIF) can provide additional support for:

- Staff training
- Children who are newly accessing their Early Years provision and require time limited support during the early stages to ensure they can access their early education / childcare entitlement and / or allow an assessment to be carried out.
- specialist equipment to ensure a child's inclusion in an Early Years provision, which cannot be met by existing services.

Applying for the Special Educational Needs Inclusion Fund

Applications for Special Educational Needs Inclusion Funding should be made by an Ofsted registered early years provider in the borough of North Tyneside (i.e. private, voluntary and independent settings, maintained nurseries, school based provision and childminders). The existing LEAPS application form is to be used (see applications to LEAPS above).

Eligibility Criteria

The SEN Inclusion Fund can support children who:

- are / will be accessing their free flexible early education entitlement for 3 and 4 year olds (universal and / or additional elements);
- are / will be attending an Ofsted registered early education / childcare provider within the borough of North Tyneside; and
- have low level or emerging special educational needs that requires additional support.

The Allocation of SEN inclusion Funding will be considered in the following circumstances:

- Additional time limited support (1 term maximum) is required to support the transition of a child with low level of emerging SEN who is newly accessing their Early Years provision. This could include support while a LEAPs assessment is carried out.
- A child requires access to additional specialist equipment (maximum of £750), following the advice of the appropriate services, such as Occupational Therapy or Physiotherapy.
- Staff require access to additional support to initiate and implement recommended strategies to support the transition of a specific child, within the setting (Maximum of 1 terms funding).
- Staff require training to enhance their ability to meet the needs of a specific child within their setting (maximum £750).

Disability Access Fund

What is the Disability Access Fund

Childcare / early education providers can receive a one off annual payment of £615 for each eligible 3 and 4 year old child they identify as being in receipt of Disability Living Allowance.

The funding can be claimed for children receiving all / part of their free childcare entitlement for 3 / 4 year olds, who are in receipt of the Disability Living Allowance.

The Disability Access Fund can be used by the childcare provider to make reasonable adjustments to their settings and / or to help building their capacity to support children with disabilities.

- Providers will be entitled to receive a one off payment of £615 per financial year.
- The Disability Access Fund is not based on an hourly rate and is an additional entitlement.
- The money is paid directly to the childcare provider.

Eligibility for Disability Access Fund Funding

3- and 4-year olds qualify for a Disability Access Fund payment if they meet the following criteria:

- the child is in receipt of child disability living allowance (DLA) and;
- the child receives free early education at a North Tyneside childcare provider.

Note: Four-year olds in primary school reception classes are NOT eligible for Disability Access Fund funding. Children become eligible for free early education at different points in the year depending on when they turn 3 years.

Identifying eligible children

Early years providers are responsible for identifying eligible children. Providers are encouraged to speak to parents in order to find out who is in receipt of Disability Living Allowance.

Providers will be able to use the parent declaration form (available on North Tyneside Council's childcare web page) to help them identify eligible 3 and 4 year olds attending their setting. The form includes a box for parents to tick if their child is in receipt of disability living allowance (DLA).

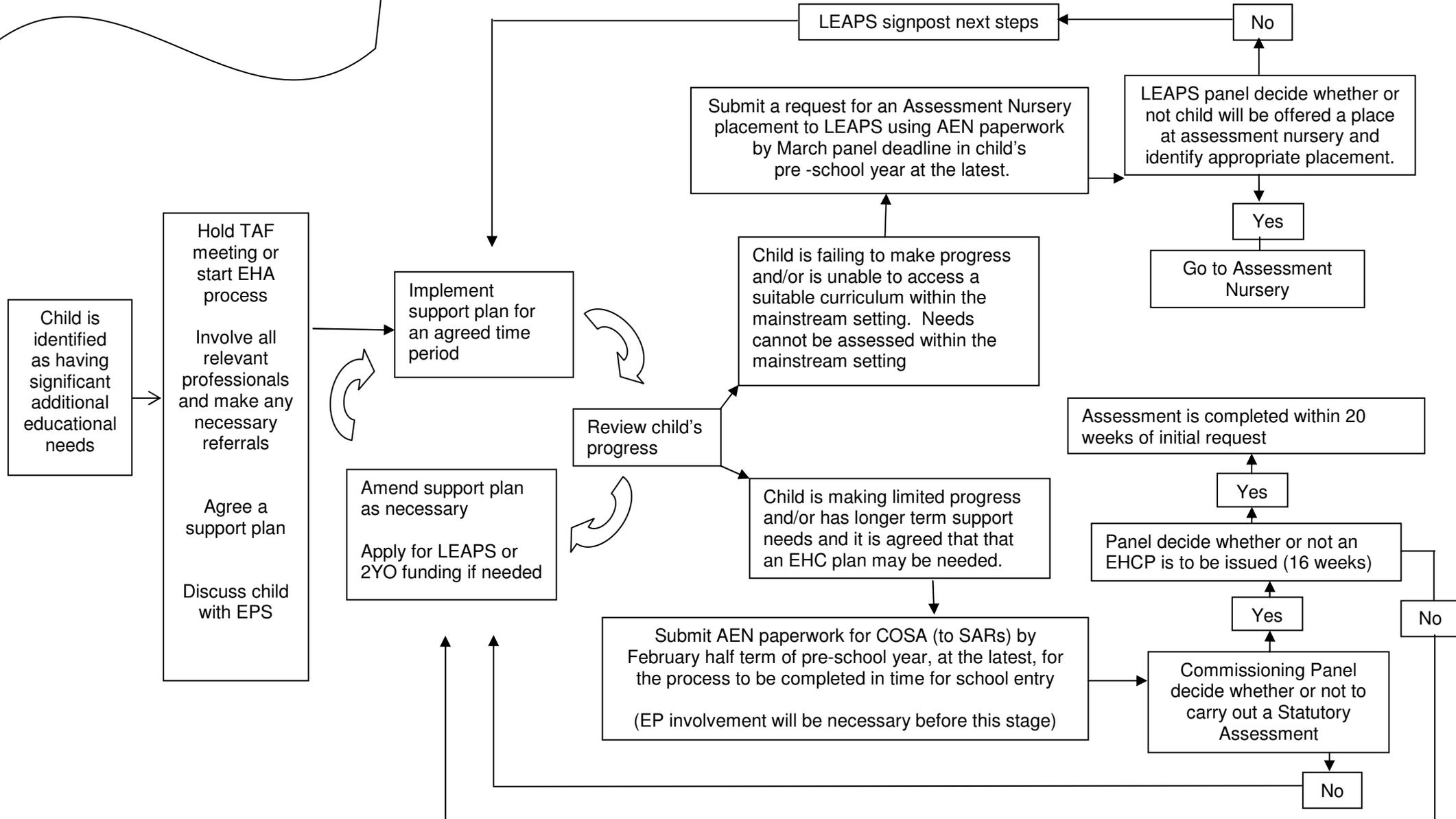
The provider must ensure that children who have been confirmed as DAF eligible are added to the January Early Years census and have been flagged as DAF eligible, in order to receive a payment.

How early years providers will receive Disability Access Fund funding

- The Disability Access Fund is payable as a lump sum (£615) per eligible child, within each financial year.
- The Disability Access Fund will not be offset against any other funding which the local authority may ordinarily be providing for 3 and 4 year old children eligible for the Disability Access Fund.
- If a child eligible for the Disability Access Fund is splitting their free entitlement across two or more providers who both claim the DAF funding, the local authority will ask parents / carers to nominate the main setting. The setting selected by the parents / carers is where the local authority will pay the Disability Access Fund for the child.
- If the Authority makes a Disability Access Fund payment for a child who then moves to another setting within the same financial year, the new setting is not eligible to receive a Disability Access payment, until the following financial year. The Authority will not seek to recoup Disability Access Fund payments where a child subsequently moves to an alternative provider.
- Where a child lives in one authority area but attends a provider in a different local authority, the provider's local authority is responsible for funding the Disability Access Fund payment.

Parents should be at the centre of this process. They should be included at every step and nothing should be completed without their agreement

Early Years AEN Pathway



TAF – Team Around the Family; EHA – Early Help Assessment; AEN – Additional Educational Needs; EHC – Education, Health and Care; COSA – Consideration of Statutory Assessment; EP – Educational Psychologist; SARs – Statutory Assessment and Review Service; LEAPS - Local Early Interventions and Prevention Support