SEN and disability in the early years:
A toolkit

Introduction

Each section of the toolkit provides a briefing on a particular aspect of the SEN and disability reforms as they apply to early years providers. Each section is based on the statutory requirements and the guidance from the early years, the SEN and the disability frameworks, and draws on a range of relevant practice guidance and other materials to provide an accessible guide to SEN and disability in the early years, there is some material that is relevant to more than one section. Where this is the case, that material appears more than once.

Towards the end of most of the sections of the toolkit is a useful tool, an activity or a reflective task to support practitioners in applying the particular topic to their own setting.

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Section 6: The Role of the Early Years SENCO

This section of the toolkit is about the role of the Early Years SENCO (Special Educational Needs Coordinator). It outlines the SENCO’s main responsibilities.

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[1] In this section and throughout the toolkit, there are excerpts from the *SEN and disability Code of Practice*. The Code of Practice uses ‘**must**’ (in bold) to refer to a statutory requirement under primary legislation, regulations or case law. Where the toolkit quotes directly from the Code, ‘musts’ are shown in bold, as they appear in the Code.

Section 7: Involving Parents and Carers

This section of the toolkit is about working in partnership with parents and carers. The Code of Practice expects practitioners to engage parents in decision-making throughout the SEN process.

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Section 9: Education, Health and Care Needs Assessments and Plans

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Section 10: Transitions for children with SEN and disabilities

This section of the toolkit is about transitions for children with SEND: from home into an early years setting, changing settings, or from a setting into school.

Section 1: Question and answer

This section of the toolkit provides some answers to frequently asked questions about the SEN and disability reforms in the early years.

What difference does the Children and Families Act really make in the early years?

The Act removes statements and introduces Education, Health and Care plans, it brings in a requirement to publish information about all the services available locally, and it requires a joined up approach between education, health and care. But the culture change that is intended is bigger than any of these elements: the Act requires a focus on children's outcomes and much higher levels of participation in decision-making about SEN, for parents and children from the earliest stages. This culture change is built into a set of principles set out in the legislation, see *Section 2: Statutory requirements*.

In the early years there is a strong focus on early identification and intervention as being key to improving outcomes for children with SEND. The SEND Code of Practice encourages us to look at three sets of requirements together: the SEN requirements, the Early Years Foundation Stage Framework and the duties under The Equality Act 2010, see *Section 2: Statutory requirements*. These requirements, taken together, strengthen the importance of high quality early years provision for all children.

Why do we no longer have Early Years Action and Early Years Action Plus?

The Code of Practice changed because the government wanted to make sure that there is no delay in getting specialists involved in settings, when their advice and expertise is needed. The graduated approach set out in the Code encourages settings to bring in additional expertise at any point. With a strong focus on early action to address identified needs, calling on expertise at any point is seen as critical to the future progress and improved outcomes that are essential in helping the child to prepare for adult life. There is more about working with professionals in *Section 8: Working with other professionals and other sources of information and support* . There is more about the graduated approach to meeting children's needs in *Section 5: SEN Support in the Early Years – A Graduated Approach.*

What are the biggest changes for early years SENCOs?

The Code consistently refers to the early years practitioner, *working with the setting SENCO*. The SENCO is very much in the role of supporting and advising colleagues, with all practitoners continuing the day to day support for children with SEN and disabilities. There is also a clearer focus on the use of evidence in making decisions about interventions and on the need for staff development and training on SEN and disability. The SENCO also has an important role in promoting these two strands of work within the setting, see *Section 6: The Role of the Early Years SENCO.*

Why aren't IEPs mentioned in the SEND Code of Practice?

The use of IEPs has been changing and practitoners, and particularly SENCOs, have come to see IEPs as a paper exercise rather than as an active tool for planning and reviewing progress for individual children. The EYFS framework and the SEND Code of Practice both point to the requirement that *Practitioners must maintain a record of the children under their care…Such records must be available to parents and must include how the setting supports children with SEN and disabilities*. So, records must be kept, but the way they are kept must serve the process not dominate it. The Code of Practice chapter for schools talks about *a note of the discussion with parents.* This needs to be shared with parents and kept as a record.

Can you have an EHC plan for a child under the age of 2?

Yes. Education, health and care plans can go from birth and up to the age of 25.

Does the two year-old offer include children with SEN?

Since September 2013, the free 2-year-old offer has been available to young children who are disadvantaged; some disabled children and children with SEN have been entitled to this provision because of disadvantage. Since September 2014, the offer has also been available to children who are disabled or have SEN, if they have a statement or an EHC plan or if they are entitled to Disability Living Allowance.

The 2-year old offer covers 15 hours of education and care a week over 38 weeks of the year.

What are special education needs for young children?

A child who is under compulsory school age has a special educational need if they are likely to have a learning difficulty or disability that calls for special educational provision when they reach compulsory school age or they would do, if special educational provision was not made for them.

For children under the age of two, *special educational provision* means educational provision of any kind.

My child is disabled. Does a setting have to take my child?

For a young disabled child without an EHC plan, refusing to admit a disabled child may amount to discrimination, if the reason is related to the nature of the child's disability.
For a child with an EHC plan, there is a difference between maintained schools and private, voluntary and independent provision. A maintained school can be named in an EHC plan and, if it is, the school must admit that child. For private voluntary and independent provision, the local authority can ask the provider if they are willing to admit that child. The provider can say no.

What is a local offer?

The local offer sets out in one place information about provision the local authority expects to be available across education, health and social care for local disabled children and children with SEN, including those who do not have an Education, Health and Care Plan. Local authorities must publish a local offer and must keep it under review.

What is the purpose of the Local Offer?

The Local Offer has two key purposes:

- To provide clear, comprehensive, accessible and up-to-date information about the available provision and how to access it, and
- To make provision more responsive to local needs and aspirations by directly involving disabled children and those with SEN and their parents, and disabled young people and those with SEN, and service providers in its development and review

SEN and disability code of practice, para 4.2

How is SEN support funded in the early years?

The DfE funds local authorities to provide the free entitlement for 3 and 4 year-olds and some 2 year-olds. This is funded through the early years block of the Dedicated Schools Grant (DSG).

All settings make some provision for young children with SEN from their core funding, for example more frequent and intensive engagement with parents, more frequent observations of children, group interventions such as early language programmes. This provision should be set out in the local offer and should be agreed across all providers.

Over and above what settings provide from their core funding, the local authority can supplement this in order to increase the capacity of settings to respond to young children with SEN. They do this in different ways. There are 3 blocks of funding in the DSG: the early years block; the schools block; and the high needs block. Local authorities can move funding between these blocks and, because of this, fund additional support in the early years in a number of different ways. It may be funded:

- by money that is retained from the early years block
- from the high needs block
- through a fund (which may be called an early years inclusion fund or something similar) that draws on either the early years block or the high needs block or both; this funding may be allocated to top up funding for settings or for individual children
- through the provision of services to work with settings, for example: Area SENCOs, specialist peripatetic teachers or home visiting services such as Portage, which are usually funded from the high needs block
- by a combination of funding and services

Funding for provision in a statement or an EHC plan comes from the high needs block.

Section 2: Statutory requirements

This section of the toolkit is about the law, the regulations and the statutory guidance relating to young disabled children, young children with SEN and young children with medical conditions in early years settings.

This is important because all early years providers have to work within the statutory framework. Those who are responsible for early years provision, proprietors, management groups, governing bodies, need to ensure that staff are aware of and understand these duties.

Please note: settings that are schools and, in particular, settings that are maintained schools must meet additional requirements. These are explained in notes at the end of this section of the toolkit.

The United Nations Convention on the Rights of the Child

The UK ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1991. The rights set out in the UNCRC apply to all children. Particularly relevant for young disabled children and young children with SEN are:

- Article 2: All the rights in the Convention apply to children without discrimination
- Article 3 : The best interests of children should always be a top priority
- Article 12 : Every child has the right to express his or her views and these views must be taken seriously
- Article 18: Parents are the most important people in children's lives and must always do what is best for them. Governments must do all they can to help parents look after children well
- Article 23: Disabled children should enjoy a full and decent life in conditions which ensure dignty, promote self-reliance and facilitate the child's active participation in the community
- Article 31: Every child has the right to rest, play, and to do things they enjoy

The United Nations Convention on the Rights of People with Disabilities

The UK ratified the United Nations Convention on the Rights of People with Disabilities (UNCRPD) in 2009. The UNCRPD includes the following:

- Article 3 sets out the general principles of the Convention, including: full and effective participation and inclusion in society; respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.
- Article 7: Children with Disabilities: includes all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

The UN conventions are reflected in UK legislation, in particular, for disabled children and children with SEN, into the Equality Act 2010 and the Children and Families Act 2014.

The Statutory Framework for the Early Years Foundation Stage (2014)

The Early Years Foundation Stage (EYFS) provides a framework that brings together two sets of requirements:

- the learning and development requirements; and
- the safeguarding and welfare requirements.

These requirements have their legal basis in section 39(1) of the Childcare Act 2006 and apply to all early years providers.

Key points

EYFS is based on a set of guiding principles and seeks to provide:

> equality of opportunity and anti-discriminatory practices, ensuring that every child is included and supported
>
> DfE (2014) *Statutory Framework for Early Years Foundation Stage*

EYFS:

- sets out an inclusive approach designed to be responsive to individual needs;
- requires settings to have arrangements in place to identify and support children with SEN or disabilities;
- requires all providers to make information available to parents about how the setting supports disabled children and children with SEN;
- requires practitioners to review children's progress and share a summary with parents;
- requires all settings to promote the good health of children attending the setting and to have and implement a policy, and procedures, for administering medicines[i];
- expects all settings to appoint a Special Educational Needs Co-ordinator (SENCO)[ii];
- focuses on delivering improved outcomes and closing the achievement gap between disadvantaged children and others.

This includes involving parents in identifying needs, deciding outcomes, planning provision and seeking expertise at whatever point it is needed. For more detailed information:
www.foundationyears.org.uk/**eyfs**-statutory-framework
https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2

The Equality Act 2010

Key points

> Definition: A person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

The definition of disability is wider than many might presume and so covers a greater number of children than many realise.

Early years settings must promote equality of opportunity and must not discriminate against, harass or victimise disabled children. Settings must not discriminate:

- directly;
- indirectly;
- for a reason arising in consequence of a disability; or
- by failing to make a reasonable adjustment. Settings must make reasonable adjustments to ensure that disabled children are not at a substantial disadvantage compared with their peers. This includes adjustments to any provision, criterion or practice, making physical alterations[iii] and providing auxiliary aids and services. 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.

Essential reading and more detailed information can be found at:
http://www.councilfordisabledchildren.org.uk/resources/disabled-children-and-the-equality-act-2010-for-early-years
https://shop.pre-school.org.uk/A134/guide-to-the-equality-act-and-good-practice

The Children and Families Act 2014 (Part 3)

Key points

Definition of SEN: a child has a special educational need if they have a learning difficulty or disability that calls for special educational provision.

A learning difficulty is a significantly greater difficulty in learning than the majority of children of the same age.

A disability is a disability that prevents or hinders a child from taking advantage of the facilities generally available.

Special educational provision is provision that is additional to or different from that which is normally available in mainstream settings. For a child under the age of 2, special educational provision means provision of any kind.

A child under school age has SEN if he or she is likely to have SEN when they reach school age, or would do so if special educational provision were not made for them.

The Act sets out principles that underpin Part 3 of the Children and Families Act. These principles:

- recognise the importance of the wishes, views and feelings of children, young people and their parents;
- promote their participation in decision-making;
- recognise the importance of information and support; and
- focus on the best possible outcomes for children and young people with SEND.

The Act:

- requires a joint approach across education, health and social care to commission services and co-operate at a local level to meet children and young people's needs;
- requires local authorities to publicise these services as a local offer so that parents and young people are clear what support is available locally;

- establishes a framework from birth to 25 years, with Education Health and Care Plans replacing statements of SEN;
- sets out a new framework for SEN[1] and a new SEN and Disability Code of Practice.

All early years providers must:

- have regard to the SEN and disability Code of Practice. This means that they must take it into account whenever they make decisions about young children;
- co-operate with the local authority in meeting its duties to children with SEN[iv].

Special Educational Needs and Disability Code of Practice: 0-25 years (2015)

This is statutory guidance for organisations who work with and support children and young people with special educational needs and disabilities.

> The leaders of early years settings, schools and colleges should establish and maintain a culture of high expectations that expects those working with children and young people with SEN or disabilities to include them in all the opportunities available to other children and young people so they can achieve well
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 1.31

The Code requires:

- early identification and an early response to SEND
- identification of SEND with parents
- a graduated approach to responding to SEND
- a cycle of assess, plan, do, review
- the involvement of specialists where a child continues to make less than expected progress

For more detailed information, see:

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

https://www.gov.uk/government/publications/send-code-of-practice-0-to-25

Finding your way around the SEND Code

Chapter 1: Principles

Chapter 2: Impartial information, advice and support

Chapter 3: Working together across education, health and care for joint outcomes

Chapter 4: The Local Offer

Chapter 5: Early years providers

Chapter 6: Schools

Chapter 7: Further education

Chapter 8: Preparing for adulthood from the earliest years

Chapter 9: Education, Health and Care needs assessments and plans (EHCP)

Chapter 10: Children and young people in specific circumstances

Chapter 11: Resolving disagreements

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[1] http://www.councilfordisabledchildren.org.uk/resources/summary-of-the-children-and-families-act

Reflecting on your setting

All providers need to know and understand the statutory framework and what it means for their responsibilities to children, staff, parents/carers and visitors. Consider:

- How do managers ensure that all staff are aware of their responsibilities to disabled children and children with SEN?
- How do managers know how well the setting is meeting its responsibilities to disabled children and children with SEN?
- How do managers ensure that they seek the views and hear the voice of the child?

The other sections of this toolkit will help you to think about this in more detail.

Endnotes: Additional and different requirements for maintained schools

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[i] Under section 100 of the Children and Families Act, maintained schools must make arrangements for supporting pupils at the school with medical conditions must have regard to guidance issued by the Secretary of State.

[ii] Early years settings that are maintained schools, including maintained nursery schools, must appoint a suitably qualified and experienced SENCO

[iii] Early years settings that are schools, including maintained nursery schools, do not have to make reasonable adjustments to physical features, but must publish an accessibility plan to show how the school will make more accessible:

- the physical environment;
- the curriculum; and
- information for disabled children.

Accessibility plans must be published every three years and reviewed and revised as necessary.

[iv] In addition to the duties listed at the foot of page 3 , maintained schools, including maintained nursery schools, must:

- use their *best endeavours* to ensure that special educaotional provision is made for children with special educational needs;
- appoint a suitably qualified and experienced SENCO;
- publish information on how they meet the needs of children with SEN, the SEN Information Report;
- 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.

Section 3: Universal inclusive practice

This section of the toolkit is about high quality inclusive practice for all children.

This is important because high quality inclusive practice is responsive to individual children and differentiates and personalises provision to meet the needs of all children including disabled children and children with SEN.

Every child

Every child deserves the best possible start in life and the support that enables them to fulfil their potential (*Statutory Framework for Early Years Foundation Stage*, para 1)

The EYFS Statutory Framework provides the framework for all young children. There are four guiding principles:

- every child is a **unique child**, who is constantly learning and can be resilient, capable, confident and self-assured;
- children learn to be strong and independent through **positive relationships**;
- children learn and develop well in **enabling environments**, in which their experiences respond to their individual needs and there is a strong partnership between practitioners and parents and/or carers;
- **children develop and learn in different ways and at different rates**. The framework covers the education and care of all children in early years provision, including children with special educational needs and disabilities.

DfE (2014) *Statutory Framework for Early Years Foundation Stage,* para 6

High quality teaching

The Code of Practice: High quality provision to meet the needs of children

High quality teaching that is differentiated and personalised will meet the individual needs of the majority of children and young people. Some children and young people need educational provision that is additional to or different from this….

DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 1.24

High quality teaching is key to children's learning and development and forms the basis for any *additional or different* provision for children with SEN. High quality teaching is based on the highest expectations for individual children, draws on what staff know about children's learning and development, is differentiated for individual children and uses a range of pedagogic approaches.

Practitioners must consider the individual needs, interests, and the stage of development of each child in their care, and must use this information to plan a challenging and enjoyable experience for each child in all areas of learning and development.

DfE (2014) *Statutory Framework for Early Years Foundation Stage,* para 1.6

High quality teaching is adapted to the different ways in which children learn. Dr Lovaas put it this way:

> *If they can't learn the way we teach, we teach the way they learn.* O. Ivar Lovaas

In planning and guiding children's activities, practitioners must reflect on the different ways that children learn and reflect these in their practice. Three characteristics of effective teaching and learning are:

- playing and exploring - children investigate and experience things, and 'have a go';
- active learning - children concentrate and keep on trying if they encounter difficulties, and enjoy achievements; and
- creating and thinking critically - children have and develop their own ideas, make links between ideas, and develop strategies for doing things.

DfE (2014) *Statutory Framework for Early Years Foundation Stage,* para 1.9

Ofsted makes it clear that the term *teaching* should be thought of as being all the ways in which adults help young children to learn.

Teaching should not be taken to imply a 'top down' or formal way of working. It is a broad term which covers the many different ways in which adults help young children learn. It includes their interactions with children during planned and child-initiated play and activities: communicating and modelling language, showing, explaining, demonstrating, exploring ideas, encouraging, questioning, recalling, providing a narrative for what they are doing, facilitating and setting challenges. It takes account of the equipment they provide and the attention to the physical environment as well as the structure and routines of the day that establish expectations. Integral to teaching is how practitioners assess what children know, understand and can do as well as take account of their interests and dispositions to learning (characteristics of effective learning), and use this information to plan children's next steps in learning and monitor their progress.

Ofsted (2014) *Evaluation schedule for inspections of registered early years provision*

Key person

Each child must be assigned a key person. This is an EYFS learning and development requirement and an EYFS safeguarding and welfare requirement.

Providers must inform parents and/or carers of the name of the key person, and explain their role, when a child starts attending a setting.

- The key person must help ensure that every child's learning and care is tailored to meet their individual needs.
- The key person must seek to engage and support parents and/or carers in guiding their child's development at home.
- They should also help families engage with more specialist support if appropriate.

DfE (2014) *Statutory Framework for Early Years Foundation Stage,* para 1.10

Observation, assessment and planning

Observation, assessment and planning are central to tailoring every child's learning to meet their individual needs. The non-statutory *Early Years Outcomes* can be used throughout the early years as a guide to making best-fit judgements about whether a child is showing typical development for their age, may be at risk of delay or is ahead for their age. Based on the *Early Years Outcomes*, *Development Matters* supports practitioners in planning ways to extend children's learning and encourages a cycle of action:

- Observation: Look, listen and note. Describing.
- Assessment: Analysing observations and deciding what they tell us about children.
- Planning: What next? Experiences and opportunities, learning environment, resources, routines, practitioners' role.

> On-going formative assessment is at the heart of effective early years practice. Practitioners can:
>
> - Observe children as they act and interact in their play, everyday activities and planned activities, and learn from parents about what the child does at home (observation).
> - Consider the examples of development in the columns[1] headed *Unique Child: observing what children can do* to help identify where the child may be in their own developmental pathway (assessment).
> - Consider ways to support the child to strengthen and deepen their current learning and development, reflecting on guidance in columns headed *Positive Relationships* and *Enabling Environments* (planning). These columns contain some examples of what practitioners might do to support learning. Practitioners will develop many other approaches in response to the children with whom they work.
> - Where appropriate, use the development statements to identify possible areas in which to challenge and extend the child's current learning and development (planning).
>
> Early Education (2012) *Development Matters*

Every child included and supported

EYFS sets the standards for all early years providers. One of the purposes of the EYFS is to provide:

> *Equality of opportunity and anti-discriminatory practice, ensuring that every child is included and supported*

The SEN and disability code of practice highlights the UK Government's commitment, under the United Nations Convention on the Rights of Persons with Disabilities, to inclusive education of disabled children and the progressive removal of barriers to learning and participation in mainstream education. These rights are secured in the Children and Families Act 2014 and the Equality Act 2010, see *Section 2: Statutory requirements*.

Rights are enshrined in the legislation but the experiences of disabled children and their families are determined by the people with responsibilities towards them, including those in early years settings. The Council for Disabled Children has an inclusion policy based on 6 key principles, see activity page 5. It encourages settings to consider the quality of their provision in the light of children's experiences.

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[1] The columns referred to are those in: Early Education (2012) *Development Matters*

Reflecting on your own setting and practice

Good practitioners are by definition reflective practitioners – they strive for progression in their practice, they challenge and question themselves and look for new and better ways of working. We know that young children are affected by everything around them. Practitioners who are in the habit of reflecting on their own practice, hold the key to the continuous improvement of children's experiences.

A good place for practitioners to begin to reflect is by asking some simple questions such those found on the following chart. The manager might undertake this review with key colleagues or it might be undertaken with all staff.

Use the diagram to RAG rate your setting. **Colour the circle**

- **RED if this area needs attention**
- **AMBER if some consolidation is needed in this area**
- **GREEN if you feel sure your setting does this already**

Date the diagram and follow up with an action plan.

Review this regularly

How inclusive are policies and practices?

In some areas of the review activity, above, more information may need to be gathered. The Council for Disabled Children Inclusion Policy can be used to provide a framework for gathering and reflecting on the experiences of disabled children and their families.

> Inclusion is a journey with a clear direction and purpose: equality of opportunity for all children and young people. CDC believes that the following factors are crucial to the development of inclusion:
>
> - a welcome for all disabled children, secure relationships and support for families when they need it;
> - respect for difference and a commitment to building friendships and community to the benefit of everyone;
> - equality of access to play, learning, leisure and all aspects of life;
> - the active participation of children and their families in decision-making;
> - a proactive approach to identifying and removing barriers;
> - timely access to information and to people with empowering attitudes, supportive skills and expertise.
>
> Council for Disabled Children (2008) *Inclusion Policy*

How do disabled children, children with SEN and their families experience our setting? How do we know?

Do disabled children, children with SEN and their families experience	**How do we know?**
…a welcome, secure relationships and support for families when they need it?	
…respect for difference and a commitment to building friendships and community to the benefit of everyone?	
…equality of access to play, learning, leisure and all aspects of life?	
…the active participation of children and their families in decision-making?	
…a proactive approach to identifying and removing barriers?	
…timely access to information and to people with empowering attitudes, supportive skills and expertise?	

http://www.councilfordisabledchildren.org.uk/resources/inclusion-policy

Section 4: First concerns and early identification

This section of the toolkit is about how settings should respond to initial concerns about a child's progress and how to identify special educational needs.

This is important because an early response to a concern and early identification and intervention are key to helping children to reach their potential.

Early responsiveness

High quality teaching is the foundation for children's learning and development and is the starting point for any additional or different provision for children with SEN, see *Section 2: Statutory requirements.* The *Statutory Framework for Early Years Foundation Stage* and the *SEN and disability code of practice: 0-25 years* emphasise the importance of:

- the responsiveness of early years settings to any cause for concern; and
- the setting's approach to identifying and responding to special educational needs.

> …throughout the early years, if a child's progress in any prime area gives cause for concern, practitioners must discuss this with the child's parents and/or carers and agree how to support the child. Practitioners must consider whether a child may have a special educational need or disability which requires specialist support. They should link with, and help families to access, relevant services from other agencies as appropriate.
>
> DfE (2014) *Statutory Framework for Early Years Foundation Stage,* para 1.6

> Providers **must** have arrangements to support children with SEN or disabilities. These arrangements should include a clear approach to identifying and responding to SEN. The benefits of early identification are widely recognised - identifying need at the earliest point, and then making effective provision, improves long term outcomes for children.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 5.4

The *SEN and disability code of practice* is clear that the setting's approach to assessing SEN should be firmly based in the setting's overall approach to monitoring the progress and development of all children.

First concerns, a holistic approach

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 (*SEN and disability code of practice*). All the information should be brought together and considered with the child's parents/carers. This should include information about:

- the child's learning and development, within and beyond the setting;
- practitioner observations, formal checks, any more detailed assessment, any specialist advice;
- progress in the prime areas: communication and language, physical development, social and emotional development.

In the next paragraphs, we consider the range of information available to settings:

Information from parents

Key principles underpinning the SEN reforms are the importance of taking into account the wishes, views and feelings of parents and of promoting their participation in decision-making. Parents have a wealth of knowledge about their children not only in their home environment but in a variety of other situations. In some cases it is parents who may first voice a concern about their child's learning or development. The child's key person is likely to be parents' first port of call. Parents' concerns should be gathered together with the other information and considered with parents.

> 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.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 5.5

Discussions with parents can give practitioners insights into a child's personality, feelings or interests outside the setting. There may be changes in a child's life which parents may not have mentioned, perhaps because they did not feel that they were important or because they are very personal, for example: illness or bereavement in the family; parents separating; a change of carer or child-minder; living in temporary or unsuitable accommodation; the child's disturbed sleeping pattern; or a new baby. Any such changes may affect a child's behaviour, progress or development and need to be taken into account in planning support.

The voice of the child

A key principle underpinning the SEN reforms is the importance of taking into account the wishes, views and feelings of children themselves. Children may express their wishes, views and feelings for themselves in a range of ways and practitioners can support interactions and dialogue with children by using visual prompts and photos to get them to show you what they like doing and what they find difficult. Practitioners can also understand children's views by observing the choices they make: what they like to do and what they avoid.

Observations within the setting

General observations are a purposeful part of everyday practice and it may be these that will initially alert practitioners to a delay in a particular area. Equally important are young children's attitude, disposition and engagement with learning, which need to be observed so that they can be taken into account in planning.

Themed observations: observation is a powerful tool for gathering information about a young child. A themed observation focuses on one particular aspect of a child's learning or development. The observation needs to be carefully planned; a particular game or activity may need to be 'set up' in advance; the practitioner needs to be undisturbed for up to twenty minutes; the support of other staff is essential; and it may be necessary to rearrange staff or enlist extra help, for example from the SENCO. Following the observation, it is important to analyse and reflect on the information. The views and observations of other members of staff are helpful as significant points can then be discussed together.

EYFS Outcomes and tracking

The EYFS expects that all early years settings monitor the progress and development of all children. Every setting will record this in different ways and an increasing number are using the latest technology to do so. For children age three to four years of age practitioners will assess their learning and development across all seven areas of learning, although much of the focus remains on the three prime areas. A key consideration in determining whether or not a child has SEN is whether they are making expected process.

> In assessing progress of children in the early years, practitioners can use the non-statutory *Early Years Outcomes* guidance as a tool to assess the extent to which a young child is developing at expected levels for their age.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 5.21

The progress check at age two

When a child is aged between two and three, early years practitioners must review progress and provide parents with a short written summary of their child's development, focusing in particular on the prime areas: communication and language, physical development, social and emotional development. There is no prescribed format for the check. The *Know How* guide provides a set of principles and useful guidance for practitioners carrying out the check[1].

Generally a child's key person drafts a summary of the child's stage of development in the three prime areas. The summary must highlight areas where:

- 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).

If there are significant 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. The progress check summary must describe the activities and strategies the provider intends to adopt to address any issues or concerns.

Health and development review at age two

The health and development review at age two is part of the Healthy Child Programme[2]. Health visitors gather information on a child's health and development, allowing them to identify any developmental delay and any particular support from which they think the child/family might benefit.

> The progress check and the health and development review should inform each other and support integrated working. This will allow health and education professionals to identify strengths as well as any developmental delay and provide support from which the child/family might benefit. Providers must have the consent of parents and/or carers to share information directly with other relevant professionals.
>
> DfE (2014) *Statutory Framework for Early Years Foundation Stage,* para 2.5

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[1] https://www.gov.uk/government/publications/a-know-how-guide-the-eyfs-progress-check-at-age-two

[2] https://www.gov.uk/government/publications/healthy-child-programme-pregnancy-and-the-first-5-years-of-life

From September 2015 it is proposed to introduce an integrated review that will cover the development areas in the Healthy Child Programme two-year health and development review and the EYFS two-year progress check[3]. There are anticipated benefits in terms of improving early identification and providing parents with more consistent messages.

Bringing it all together

> All the information should be brought together alongside parents' observations and considered with parents.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 5.28

This discussion would normally be between the practitioner, usually the key person, and the parents, with the support of the setting SENCO, the Area SENCO, or other professional, as appropriate. The discussion considers whether the child has a special educational need or whether there are other explanations for the concerns expressed or the delay observed. The *SEN and disability code of practice* encourages the consideration of a number of factors:

> 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.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 5.29

The discussion may highlight the need for more specialist expertise to identify the nature of the child's needs; specialist teachers, educational psychologists or health, social services or other agencies may need to be involved. Where they are not already working with the setting, they may be identified through the local offer, see *Section 6: The role of the early years SENCO;* and *Section 8: Working with other professionals and other sources of information and support*.

Deciding whether a child has SEN

The key questions that need to be decided are:

- Does the child have a learning difficulty, that is, a significantly greater difficulty in learning than their peers? A key consideration, but not the sole consideration in this, is whether the child is making expected progress; or
- Does the child have a disability that prevents or hinders them from making use of the facilities in the setting? and
- Does the learning difficulty or disability call for special educational provision, that is, provision that is additional to or different from the provision normally made available?

Where a setting identifies a child as having SEN, they must work in partnership with parents to establish the support the child needs. Where a setting makes special educational provision for a child with SEN they should inform the parents and a maintained nursery school must inform the parents. All settings should adopt a graduated approach with four

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[3] http://www.foundationyears.org.uk/2014/11/guidance-for-practioners-on-the-integrated-review/

stages of action: assess, plan, do, review, see *Section 5: SEN Support in the early years – A Graduated Approach*.

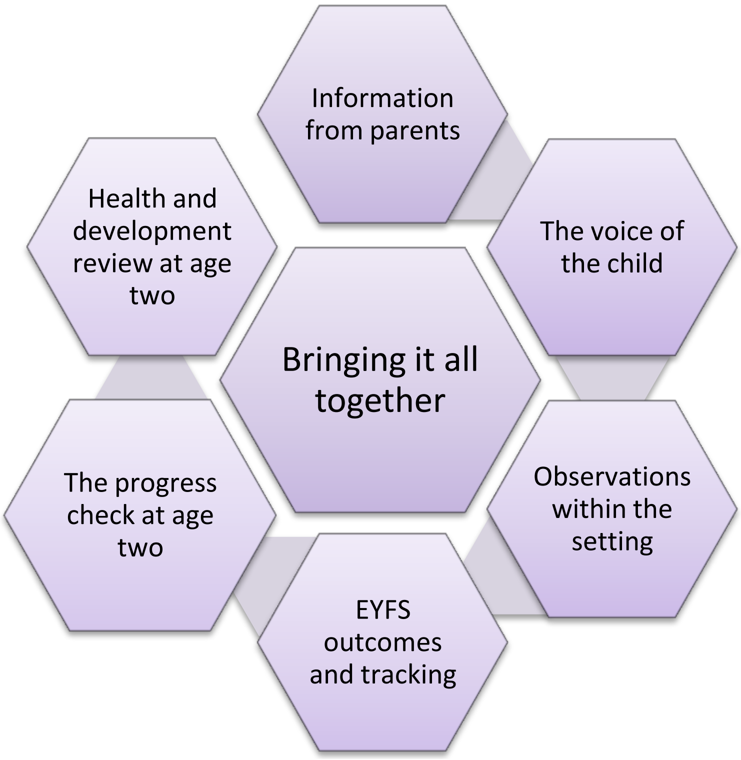
> *In all cases, early identification and intervention can significantly reduce the need for more costly interventions at a later stage.*
>
> *SEN and disability code of practice,* para 5.31

Medical needs: the EYFS requires all providers to promote the health of children attending the setting; and providers must have and implement a policy and procedures for administering medicines. Children with a range of medical needs may also count as disabled and providers will also be subject to the requirements of the Equality Act, see *Section 1: Statutory requirements.* Where a child is covered by the SEN and the disability legislation, reasonable adjustments and access arrangements should be considered as part of SEN planning and review.

Note: difficulties related solely to learning English as an additional language are not SEN.

Early identification: a review

Settings might review how well they gather information through the following routes:



Consider:

- How well does the setting gather information through the different routes?
- How well does the setting bring the information together and analyse it?
- How well does he setting manage conversations with parents and the decision-making process?

Section 5: SEN Support in the Early Years – A Graduated Approach

This section of the toolkit describes what settings need to do when parents and practitioners have agreed that a child has a special educational need and requires special educational provision.

Settings are required to *have regard to* the Code of Practice. The Code explains the approach that settings should adopt. SEN Support in the early years includes a graduated approach and a cycle of Assess, Plan, Do, Review.

SEN Support

> Providers **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.
>
> Where a setting identifies a child as having SEN they **must** work in partnership with parents to establish the support the child needs.
>
> It is particularly important in the early years that there is no delay in making any necessary special educational provision.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 5.4, 5.36- 5.38

SEN Support builds on high quality teaching which has been differentiated and personalised for individual children, see *Section 3: Universal inclusive provision,* and should be firmly based in the setting's approach to monitoring the progress and development of all children. The graduated approach should be informed by EYFS materials, the Early Years Outcomes guidance and the Early Support resources.

SEN Support is designed to provide a graduated approach based on a cycle of action that can be revisited with increasing detail, increasing frequency and with the increased involvement of parents. Throughout the graduated approach, the practitioner, usually the child's key person, remains responsible for working with the child on a daily basis and implements agreed interventions. The SENCO supports individual practitioners and leads and co-ordinates the graduated approach across the setting.

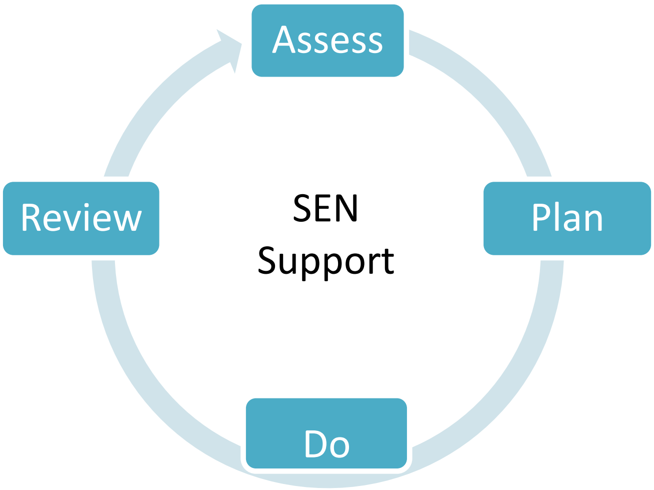
All settings should adopt a graduated approach with four stages of action: assess, plan, do and review. This cycle of action:

- Is usually led by the key person, supported by the setting SENCO
- Parents are engaged throughout
- Action is informed by the child's views throughout
- The cycle can be revisited in order to identify the best way of securing good progress

Throughout the cycle, children's views can be represented by parents and practitioners, but in order to ensure the child's views inform the process directly, these need to be captured before any discussion. Whether children communicate verbally or by other means, pictures and objects of reference can be used to promote communication with children about their views and their preferences, both at home and in the setting. These views can be brought to inform discussion and decisions at each stage.

Disability: at the same time as assessing special educational needs, the Code of Practice encourages settings to consider whether a child may count as disabled under the Equality Act and may require reasonable adjustments as well as special educational provision, *SEN and disability code of Practice*, para xxii.

Assess, plan, do, review



Assess

The early years practitioner works with the setting SENCO and the child's parents and:

- Brings together all the information
- Analyses the child's needs

This discussion will build on, and may be held at the same time as, the discussion with parents about their child's SEN and the decision to make special educational provision for them, see *Section 4: First concerns and early identification.*

Special educational needs are generally thought of in 4 broad areas of need and support:

- Communication and interaction
- Cognition and learning
- Social, emotional and mental health
- Sensory and/or physical needs

SEN and disability code of practice, para 5.32 and para 6.28 onwards

These broad areas of need are not definitive; the Code recognises that individual children often have needs that cut across all of these areas and that children's needs may change over time. The *SEN and disability code of practice* is clear that the purpose of identification is to work out what action is needed, not to fit a child into a category.

Where there is a need for more specialist expertise to identify the nature of the child's needs, or to determine the most effective approach, specialist teachers, educational psychologists or health, social services or other agencies may need to be involved.

Plan

Where the broad approach to SEN Support has been agreed, the practitioner and the SENCO should agree, in consultation with the parent:
- The outcomes they are seeking for the child
- The interventions and support to be put in place
- The expected impact on progress, development, behaviour
- Date for review

Plans should:
- Take into account the views of the child
- Select the interventions and support to meet the outcomes identified
- Base interventions and support on reliable evidence of effectiveness[1]
- Be delivered by practitioners with relevant skills and knowledge
- Identify and address any related staff development needs

SEN and disability code of Practice, para 5.40

Do

The practitioner, usually the child's key person:
- Remains responsible for working with child on daily basis
- Implements the agreed interventions or programmes

The SENCO supports the key person in:
- Assessing the child's response to action taken
- Problem solving
- Advising on effective implementation

SEN and disability code of Practice, para 5.42

Review

On the agreed date, the practitioner and SENCO working with the child's parents, and taking into account the child's views, should:
- Review the effectiveness of the support
- Review the impact of the support on the child's progress
- Evaluate the impact and quality of support

In the light of child's progress, they agree:
- Any changes to the outcomes
- Any changes to the support and
- Next steps

SEN and disability code of Practice, para 5.43

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[1] Two starting places for evidence of effectiveness are:
The Education Endowment Foundation Early Years Toolkit:
https://educationendowmentfoundation.org.uk/toolkit/early-years/
The Communications Trust, What works: http://www.thecommunicationtrust.org.uk/whatworks

SEN support: what next?

At each cycle the key person and SENCO consider, with the parents, and informed by the child's views, whether the child is making expected progress, and whether:

- Special educational provision and SEN support continue to be required
- To revisit the cycle in more detail or with increased frequency
- More specialist assessment may be called for
- Staff require more specialist advice or the child requires more specialist support
- More specialist expertise is needed to inform reasonable adjustments and access arrangements for a disabled child
- The child requires an EHC needs assessment

Keeping records and sharing information

> Practitioners **must** maintain a record of children under their care as required under the EYFS framework. Such records about their children **must** be available to parents and they **must** include how the setting supports children with SEN and disabilities.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 5.50

There are a number of key requirements in relation to record-keeping and sharing information:

- EYFS requires practitioners to maintain records;
- The progress check at 2 requires settings to review progress and provide parents with a short written summary of their child's development; and
- Settings will need to be able to provide a range of evidence if they, or the parent, request an EHC needs assessment at any point.

The EYFS is clear about the importance of avoiding excessive paperwork - there is a risk that paperwork swamps or substitutes for the participative decision-making process that is key to improving outcomes for children with SEN. The Schools chapter of the Code of Practice recommends that a short note is made of the discussions with parents and is shared with them. The Early years chapter recommends that this discussion with parents should cover:

- The outcomes they are seeking for the child
- The interventions and support to be put in place
- The expected impact on progress, development, behaviour
- Date for review

A short note that captures the key points of this discussion is a helpful way of thinking about what is *necessary to promote children's successful learning and development;* and can ensure that, at the review point in the *assess, plan, do, review* cycle, there is a record of what was planned and done at each stage.

A further guide to what is strictly necessary is what the local authority will require if the setting or the child's parents request an EHC needs assessment. The local authority will consider whether, *despite relevant and purposeful action by the early years setting to identify, assess and meet the special educational needs of the child, the child has not made expected progress*. The local authority will consider a range of evidence, including evidence of:

- The child's developmental milestones and rate of progress
- The nature, extent and context of the child's SEN
- The action taken by the early years provider

- Any evidence that, where progress has been made, it has only been achieved by support that is more than that which is normally provided
- The child's physical, emotional, social development and health needs

SEN and disability code of practice: 0-25 years, para 9.14

Settings will want a standard approach to record-keeping and a standard format to capture the essential evidence. The key test for any standard format is whether it enables the setting to:

- Focus on outcomes and impact
- Focus on the participative *assess, plan, do, review* process without excessive paperwork
- Capture the essential evidence
- Meet the setting's needs for information
- Meet parents' needs for information
- Capture parents' views
- Capture children's views

Does the setting's paperwork meet these tests?

SEN Support: A Graduated Approach in the Early Years

Section 6: The Role of the Early Years SENCO

This section of the toolkit is about the role of the Early Years SENCO (Special Educational Needs Coordinator). It outlines the SENCO's main responsibilities.

This is important because the setting SENCO has a key role in supporting colleagues and co-ordinating the response of the setting to children with SEN.

SEN responsibilities: having a SENCO

> Providers must have arrangements in place to support children with SEN or disabilities. Maintained nursery schools and other providers who are funded by the local authority to deliver early education places must have regard to the Special Educational Needs (SEN) Code of Practice. Maintained nursery schools must identify a member of staff to act as Special Educational Needs Co-ordinator and other providers (in group provision) are expected to identify a SENCO.
>
> DfE (2014) *Statutory Framework for Early Years Foundation Stage,* para 3.67

Respective responsibilities

The provider
The legal responsibilities for disabled children and children with SEN lie with the *responsible body* (Equality Act duties) or the *appropriate authority* (Children and Families Act duties). In both cases this is the *governing body* for a maintained school, including a maintained nursery school, and the *proprietor*, that is the owner or the management committee, of a private, voluntary or independent nursery.

The manager
The manager or head of the setting has responsibility for the day-to-day management of all aspects of the setting's work, including work with children with SEN. The manager agrees policies with the provider; works closely with the SENCO on the implementation of SEN and disability policies; and has an important role in enabling the SENCO to meet their responsibilities.

The SENCO
The SENCO works closely with the manager and with all practitioners in the setting; has responsibility for the day-to-day operation of the setting's SEN policy, and for coordinating provision across the setting; and for supporting colleagues in all aspects of their work with children with SEN.

All practitioners
In addition to the setting's manager and the SEN coordinator (SENCO) all members of staff have responsibilities to disabled children and children with SEN and need to understand these and the setting's approach to identifying and meeting SEN. Where a child is identified as having SEN, the Code of Practice envisages that the individual practitioner, usually the child's key person, will lead the engagement with the child and the child's parents, with the support of the SENCO, and remains responsible for working with the child on a daily basis.

The role of the SENCO

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

DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 5.54

Each of these elements of the role is considered below. Many of the elements of the SENCO role are explored more fully in other sections of the toolkit. This section brings the elements together and refers throughout to other relevant sections where there is more detail.

1

All practitioners understand their SEN responsibilities

Ensuring all practitioners in the setting understand their responsibilities to children with SEN

All settings must have regard to the *SEN and disability code of practice*[1]. The SENCO supports practitioners in understanding their responsibilities to young children with SEN and disabilities, as set out in the Code. A shorter *Early Years Guide to the SEND Code of Practice*[2] is published on the Department for Education website and a brief summary of the statutory responsibilities is set out in *Section 2: Statutory responsibilities.*

There may be training and other sources of support available locally to SENCOs to help them in explaining the duties to colleagues. There are also resources explaining different aspects of the responsibilities on the Council for Disabled Children[3] and the Foundation Years website[4].

2

All practitioners understand the approach to identifying and meeting SEN

Ensuring all practitioners in the setting understand the setting's approach to identifying and meeting SEN

The SENCO has a role in leading and co-ordinating the graduated approach across the setting; and supporting individual practitioners in implementing the approach for individual children. In particular, the SENCO needs to ensure that all practitioners understand how the setting:

- responds to any cause for concern and identifies and responds to special educational needs, see *Section 4: First concerns and early identification;*
- focuses on improving children's progress and outcomes;

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[1] https://www.gov.uk/government/publications/send-code-of-practice-0-to-25

[2] https://www.gov.uk/government/publications/send-guide-for-early-years-settings

[3] www.councilfordisabledchildren.org.uk

[4] www.foundationyears.org.uk

- implements SEN support and the cycle of action: assess, plan, do, review, see *Section 5: SEN Support in the Early Years – a graduated approach;* and
- meets the requirements for record-keeping in a way that supports the participative decision-making process and, at the same time, avoids excessive paperwork, see *Section 5: SEN Support in the Early Years – a graduated approach.*

There are some areas of policy and practice where SENCOs may need to provide particular support to colleagues. These are likely to include:

- how the setting works in partnership with parents to identify a child as having SEN, see *Section 7: Involving parents and carers*;
- how the practitioner and the SENCO agree, in consultation with the parent, the outcomes they are seeking for the child, see *Section 7: Involving parents and carers*;
- how plans for support, within the setting, should take into account the views of the child, see *Section 4: First concerns and early identification*.

3 Advising and supporting colleagues

The SENCO works with the practitioner and with parents throughout SEN Support. The SENCO's advice and support to colleagues is integral to each stage of the cycle of action: assess, plan, do, review. In addition, the Code of Practice highlights the importance of:

- drawing on interventions supported by reliable evidence of effectiveness and
- practitioners having the relevant skills and knowledge.

> **Reliable evidence:** the support and intervention provided should be …based on reliable evidence of effectiveness
>
> **Relevant skills and knowledge:** the support and intervention should be … provided by practitioners with relevant skills and knowledge
>
> **Staff development needs identified and addressed:** any related staff development needs should be identified and addressed
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 5.40

Reliable evidence of effectiveness: SENCOs can draw on a range of sources to inform their advice and support to colleagues on the effectiveness of different approaches to improving children's progress:

- SENCOs themselves will be able to draw on their own understanding of effectiveness, based on the evidence from their own setting.
- The Area SENCO has a role in developing and disseminating good practice and will be able to support the SENCO in identifying approaches that are supported by reliable evidence of effectiveness.
- Other local services, such as early years advisory teachers, specialist teachers for children with a sensory impairment, Portage workers, educational psychologists or speech and language therapists will be able to provide advice.
- The Communications Trust What Works database of evidenced interventions to support children's speech language and communication[5];

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[5] http://www.thecommunicationtrust.org.uk/whatworks

- The Education Endowment Foundation has developed an early years toolkit that brings together a range of evidence about the impact of different approaches on children’s progress[6].

Relevant skills and knowledge: in addition to the sources identified above, the Trusts funded by the Department for Education have brought together a range of resources and provide advice, information and training in relation to particular impairments:

- The Communications Trust, referred to above;
- The Autism Education Trust[7] for children on the autism spectrum;
- The National Sensory Impairment Partnership, Natsip[8], for children with vision impairment, hearing impairment and multi-sensory impairment.

The Early Years Foundation Stage Inclusion Development Programme[9] provides e-learning resources to support the development of practice in relation to young children with: behavioural, emotional and social difficulties; autism; and speech, language and communication needs.

Nasen hosts an online portal, the SEND Gateway, which provides access to information, resources and training to meet the needs of children with SEN and disabilities[10]. See *Section 8: Working with other professionals and other sources of information and support.*

Staff development needs identified and addressed: the SENCO has an important role in working with colleagues to identify and address staff development needs within the setting. To meet these needs SENCOs should link with Area SENCOs who have a role in supporting the development and delivery of training both for individual settings and on a wider basis.

Some of the sources identified above provide a framework for professional development and a means for practitioners to assess their skills and competencies, identify any gaps and next steps in professional development in relation to particular impairments.

4

Parents are closely involved

Ensuring parents are closely involved throughout and that their insights inform action taken by the setting

The SENCO is responsible for making sure that parents are involved in the discussion of any early concerns, in identifying any SEN, and agreeing:

- The outcomes they are seeking for the child
- The interventions and support to be put in place
- The expected impact on progress, development, behaviour
- Date for review

Parents’ insights should inform action taken by the setting and they should feel that their wishes, views and feelings are taken into account, in line with the principles in the Children and Families Act.

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[6] https://educationendowmentfoundation.org.uk/toolkit/early-years/

[7] http://www.autismeducationtrust.org.uk/resources.aspx

[8] https://www.natsip.org.uk/

[9] www.**idp**online.org.uk

[10] http://www.sendgateway.org.uk/

SENCOs can help by making sure parents receive the information, advice and support that they need in order to participate in the SEN decision-making process. Settings can put parents in touch with their local information, advice and support service (IASS) which all local authorities must arrange. Information about the local IASS can be found in the local offer – local authorities must ensure that the local offer includes this information. There is more about involving parents closely in *Section 7: Involving parents and carers*.

5

Liaising beyond the setting

Liaising with professionals or agencies beyond the setting

Links with Area SENCO or other local authority support service, such as an early years advisory teacher, will be an important source of advice and support to the SENCO. Such services will be able to advise on good practice, on training and professional development, on other sources of support for settings and families, see below.

It is important that the SENCO is aware of the local offer. On the next page, there is a summary of some of the key elements of the local offer that are relevant to early years settings and to families. As well as drawing on the information that is in the local offer, settings and families should be involved in the development and review of the local offer.

Early years settings also need links with the local authority. This will include appropriate links for liaising over individual children and links on wider strategic issues such as securing sufficient expertise and experience on SEN and disability locally and how funding supports settings in meeting children's SEN.

There is a further range of professionals with whom SENCOs will need to develop appropriate links across health and social care, IASS and local voluntary agencies who provide support to families. There is more information on working with professionals or agencies beyond the setting in *Section 8: Working with other Professionals and other sources of information and support.*

Reflecting on your setting

A reflective task for the SENCO working with the manager of the setting:
Review the SEN and disability policy and practice within the setting and consider:

- How well children with SEN are learning and developing; what progress they are making; and how good outcomes are for them;
- How well practitioners understand their responsibilities to children with SEN or disabilities;
- How well practitioners understand the setting's approach to identifying and meeting SEN;
- How well supported colleagues feel, in terms of information, advice and support in identifying and meeting the needs of individual children; and training in SEN and disability;
- How closely parents feel they are involved and how well their insights inform action taken by the setting; and
- How well the setting liaises with professionals or agencies beyond the setting and how well this supports the SENCO and other practitioners in the setting.

Appendix 1: The Area SENCO

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. Typically, 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
- strengthening the links between the settings, parents, schools, social care and health services
- 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

The Area SENCO plays an important part in planning for children with SEN to transfer between early years provision and schools.

Where there is an Area SENCO in place, they will want to work with early years providers who are registered with either Ofsted or a childminder agency. They should consider how they work with and provide advice to childminder agencies and their registered providers in supporting children with SEN.

DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 5.55- 5.58

Appendix 2: The local offer in the early years

The local offer must include a description of the provision that the LA expects to be available from providers of all relevant early years education.

It must also include information about the support available across education, health and social care services for disabled children and children with SEN, including information about:

- services assisting providers to support young children with medical conditions;
- childcare for disabled children and children with SEN;
- Information, Advice and Support Services: services providing parents and children with information, advice and support on SEN and disability;
- support groups who can support parent carers of disabled children.

The *local offer* should also include information about:

- provision such as Area SENCOs, SEN support or learning support services, sensory support services or specialist teachers, therapies such as speech and language therapy;
- support available to parents to aid their child's development at home, including such services as Portage;
- arrangements for identifying and assessing children's needs in the early years;
- arrangements for reviewing children's progress including health and development reviews between the ages of 2 and 3;
- the LA's arrangements for providing top-up funding for children with high needs;
- the arrangements for EHC needs assessments and plans.

Section 7: Involving Parents and Carers

This section of the toolkit is about working in partnership with parents and carers[1]. The Code of Practice expects practitioners to engage parents in decision-making throughout the SEN process.

It is important because parents know and understand their child best and the participation of parents is vital to ensure that all those involved with their child are working towards shared and agreed outcomes for the individual child.

Strong partnership between practitioners and parents

Central to high quality practice in the early years is the setting's policy and practice in relation to working in partnership with parents and carers. The impact of high quality early years provision is significantly linked to the effectiveness of partnership with parents.

> EYFS overarching principle:
> …children learn and develop well in **enabling environments**, in which their experiences respond to their individual needs and there is a strong partnership between practitioners and parents and/or carers.
>
> DfE (2014) *Statutory Framework for Early Years Foundation Stage*

Settings are expected to engage with the parents of all the children in the setting, but the focus on parents' participation increases where there is a cause for concern about the child's progress.

> …throughout the early years, if a child's progress in any prime area gives cause for concern, practitioners must discuss this with the child's parents and/or carers and agree how to support the child. Practitioners must consider whether a child may have a special educational need or disability which requires specialist support. They should link with, and help families to access, relevant services from other agencies as appropriate.
>
> DfE (2014) *Statutory Framework for Early Years Foundation Stage,* para 1.6

Principles in the Children and Families Act

Practice for children with SEN should be firmly based in good practice for all children. Key principles written in to the Children and Families Act build on the requirements of the EYFS and include principles that set the direction for parental participation. Particularly relevant are the principles that focus on the importance of:

- the wishes, views and feelings of children and their parents;
- promoting the participation of parents in decision-making; and
- information and support to enable parents to participate in decision-making.

These three principles work together and settings bring them together in their working partnership with parents. The three elements are considered in turn, below:

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[1] Throughout the toolkit, 'parent' is used to include mothers, fathers, and anyone who has parental responsibility for a child and who cares for the child.

1 Wishes, views and feelings of children and their parents

Parents have a wealth of knowledge about their children not only in their home environment but in a variety of other situations. It may be parents who first voice a concern about their child's learning or development.

> Local authorities, early years providers and schools should enable parents to share their knowledge about their child and give them confidence that their views and contributions are valued and will be acted upon.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 1.7

The child's key person is likely to be parents' first port of call. Each child must be assigned a key person. This is an EYFS learning and development requirement and an EYFS safeguarding and welfare requirement.

> Providers must inform parents and/or carers of the name of the key person, and explain their role, when a child starts attending a setting.
> - The key person must help ensure that every child's learning and care is tailored to meet their individual needs.
> - The key person must seek to engage and support parents and/or carers in guiding their child's development at home.
> - They should also help families engage with more specialist support if appropriate.
>
> DfE (2014) *Statutory Framework for Early Years Foundation Stage,* para 1.10

The requirement for a key person for each child provides a starting point from which to build a trusting and open relationship between the setting and parents. If at any point there are emerging concerns, these can be raised within the context of an existing relationship.

> 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.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 5.5

The Children and Families Act promotes children's participation and the principles highlight the importance of taking into account the wishes, views and feelings of children themselves. Children express their wishes, views and feelings in a range of ways. Practitioners should establish the child's preferred means of communication and, whether the child uses spoken language or alternative forms of communication, can support interactions and enhance dialogue by using visual prompts, objects and pictures to encourage children to show what they like doing and what they find difficult. Practitioners can also understand children's views by careful observation of their behaviour, the choices they make, their disposition and engagement with learning. There is more about observations in *Section 4: First concerns and early identification*. It is vital to the success of any action taken through SEN support that it is informed by the views of children themselves. Their views need to inform discussion and decisions at each stage.

It is also important that, from an early age, children are encouraged to reflect on the choices they make and communicate them. From the point where children reach the end of compulsory schooling, they themselves take on the right to participate in decision-making.

Unless children are encouraged to make choices from an early age, they will find it difficult to take on the responsibilities at 16.

2 Promoting the participation of parents in decision-making

The Code is clear that parents should participate in the earliest decisions about children with SEN including in the initial decision about whether or not a child has a special educational need. To inform this decision, all the information about the child should be brought together and considered with the child's parent/carer. The discussion would normally be between the key person, the SENCO and the parent/carer and, where appropriate an Area SENCO or other professional. The meeting considers whether the child has a special educational need or whether there are other explanations for the concerns expressed or the delay observed. There is more information in *Section 4: First concerns and early identification.*

> Where a setting identifies a child as having SEN they **must** work in partnership with parents to establish the support the child needs… Parents should be involved in planning support and, where appropriate, in reinforcing the provision or contributing to progress at home.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* paras 5.37/5.41

Where a child is identified as having SEN, parents are part of the decision-making process about the next steps and the graduated approach, through SEN Support[2]. The practitioner and the SENCO should agree, in consultation with the parent:

- The outcomes they are seeking for the child
- The interventions and support to be put in place
- The expected impact on progress, development, behaviour
- Date for review

Parents should be engaged throughout the cycle of action: assess, plan, do, review. Their views should inform decisions about how their child should be supported in the setting, whether special educational provision through SEN support is still required, whether more specialist external assessment may be called for, whether staff require more specialist external advice or the child requires more specialist support, or whether their child may require an EHC needs assessment. There is more about the involvement of parents in the graduated approach in *Section 5: SEN Support in the Early years – A Graduated Approach.*

3 Information and support to enable parents to participate in decision-making

One of the key principles in the Children and Families Act and the Code of Practice is the importance of the child or young person, and the child's parents, being provided with the information and support necessary to enable them to participate in decision-making.

The EYFS requires all providers to make information available to parents about how the setting supports disabled children and children with SEN. As well as policy and practice information, there is a range of information that settings share with all parents. Information is shared informally, on a daily basis, and more formally at key points, such as the two-year

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[2] The Code of Practice promotes person-centred approaches. Helen Sanderson Associates have a wide range of resources to support this approach: http://www.helensandersonassociates.co.uk This includes practical tools that are useful in exploring with parents 'What is important to my child?' 'What is important for my child?' 'How best to support my child?' and the use of One Page Profiles.

old check. Where the setting thinks a child has, or may have, SEN they must bring information together and consider it with the child's parents, see *Section 4: First concerns and early identification*. Thereafter and throughout the SEN process and whether children are supported through SEN Support or through an EHC plan, it is essential to effective decision-making that information has been shared fully with parents.

Where a child is identified as having SEN, parents and children are entitled to impartial information, advice and support from a local service. Settings can help parents by giving them information about their local Information, Advice and Support Service. Settings can find out about their local Service through the Local Offer or though the Information, Advice and Support Services Network[3].

> Local authorities **must** arrange for children with SEN or disabilities for whom they are responsible, and their parents, and young people with SEN or disabilities for whom they are responsible, to be provided with information and advice about matters relating to their SEN or disabilities, including matters relating to health and social care. This **must** include information, advice and support on the take-up and management of Personal Budgets.
>
> Local authorities **must** take steps to make these services known to children, their parents and young people in their area; [and to others].
>
> [Local authorities] **must** ensure that their Local Offer includes details of how information, advice and support related to SEN and disabilities can be accessed and how it is resourced.
>
> In carrying out their duties under Part 3 of the Children and Families Act 2014, local authorities **must** have regard to the importance of providing children and their parents and young people with the information and support necessary to participate in decisions.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* paras 2.1- 2.3

When offering advice and support to parents it is important for settings to be aware of the range of information in the Local Offer and to be able to support parents in finding information they may need.

Effective parental participation

> At times, parents, teachers and others may have differing expectations of how a child's needs are best met. Sometimes these discussions can be challenging but it is in the child's best interests for a positive dialogue between parents, teachers and others to be maintained, to work through points of difference and establish what action is to be taken.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* paras 1.7

Parental responses to conversations about their child can be varied and complex. It is important that parents feel supported throughout and it may help parents to have a friend or supporter with them in a discussion. Each child and each family is unique and a 'one size fits all' approach will rarely be effective. Ensuring the setting's approach to parental engagement is underpinned by a set of values and principles can help to steer practitioners and can enable settings to approach each discussion, each meeting and each situation sensitively.

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[3] http://www.iassnetwork.org.uk/

The National Portage Association and Early Support both promote approaches based on values and principles. The values and principles established by the National Portage Association[4] provide a framework for working with parents of children with SEND.

The National Portage Association Values Statement:

- Every child and every family should be valued for their individuality as diversity brings strength to us all.
- Inclusion and participation of every individual in our community is a right that should be supported and nurtured.
- Parents play the key role in supporting their young child's development.
- Families have the right to make informed choices and decisions for themselves about things that are important to them now and in the future, whilst remaining the child's first ally.
- All children have the right to enjoy the widest range of play experiences, as these are the foundation of learning and development.
- Early childhood is the foundation on which children build the rest of their lives: it is not just a preparation for the next stage – it is vitally important in itself.
- Everyday contacts, relationships and activities are fundamental in nurturing development, quality of life and experience.
- Services for families are most useful when they support everyday living and are delivered within the child's natural environment.
- All children are able to learn. Building on abilities and strengths, rather than focusing on difficulties, best supports their progress.

The Early Support principles[5] and resources also provide a useful starting point for developing an understanding of effective support for parents. The Early Support principles have been mapped across to the principles of The Children and Families Act[6].

Some practicalities in effective communication with parents

It is important that all practitioners have time to communicate with parents, and the skills and confidence to carry out this part of their role. The SENCO may keep skills and confidence under review with the manager of the setting and plan relevant professional development opportunities.

Effective two way communication includes:

- ✓ Actively seeking and using a variety ways in which parents can contribute their insights to the assessment and planning, interventions and next steps; for some parents this may be a gradual process requiring support from someone they trust.
- ✓ Encouraging parents to think about the outcomes which are important for their child prior to the meeting, this may mean meeting with either the key person or SENCO prior to a meeting.
- ✓ Being aware of all of the ways in which practitioners convey messages, whether face to face, over the phone, by text or email; and through the body language, facial expressions, tone of voice and choice of words used.
- ✓ Demonstrating empathy by acknowledging the way a parent may be feeling or emotions they may be showing in their responses. Be careful not to pre-empt these!

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[4] http://www.hub.portage.org.uk

[5] http://www.councilfordisabledchildren.org.uk/earlysupport

[6] http://www.councilfordisabledchildren.org.uk/

- ✓ Maintaining respect and professionalism.
- ✓ Giving your full attention.
- ✓ Recognising that your own perceptions and experiences are likely to be different from those of the parents; they have unique knowledge of their child.
- ✓ Model an open and non-judgemental style of discussion, using open-ended questions to encourage parents to do as much of the talking as possible.
- ✓ Reflecting back what a parent has said e.g. “I think you may be saying…..” or, “Can I just clarify what you mean…?”
- ✓ Asking parents about their child’s views and taking these into account in discussions and decisions.

How confident are staff about listening to parents, being able to engage them in decision-making about their child, and enabling them to access information and support?

Section 8: Working with other professionals and other sources of support and information

This section of the toolkit is about working with professionals beyond the setting and making use of sources of information and support available locally.

It is important because there may be a range of professionals whom early years settings might come into contact with in their day to day work with children with SEND. The collaboration between these professionals and parents is essential to improving outcomes for individual children.

> Practitioners must consider whether a child may have a special educational need or disability, which requires specialist support. They should link with, and help families to access, relevant services from other agencies as appropriate.
>
> DfE (2014) *Statutory Framework for Early Years Foundation Stage,* para 1.6

Involving specialists

> 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……. 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.
>
> DfE and DH (2015) *SEN and disability code of practice; 0-25 years,* para 5.48

The Code of Practice makes it clear that whilst all practitioners are responsible for working with children with SEN, it is the role of the SENCO to co-ordinate the support across the setting and specifically to *liaise with professionals or agencies beyond the setting* (Code of Practice, para 5.54).

For children identified as having SEN, the cycle of *assess, plan, do, review* may indicate the need for additional input from those with more specialist expertise. This may include more specialist assessment of the child's needs to make sure that provision is matched to the child's needs as well as advice on *effective strategies, equipment, programmes or other interventions to enable the child to make progress towards the desired …outcomes.*

> In identifying a child as needing SEN support, the early years practitioner, working with the setting SENCO and the child's parents, will have carried out an analysis of the child's needs. This initial assessment should be reviewed regularly to ensure that support is matched to need. Where there is little or no improvement in the child's progress, more specialist assessment may be called for from specialist teachers or from health, social services or other agencies beyond the setting. Where professionals are not already working with the setting, the SENCO should contact them, with the parents' agreement.
>
> DfE and DH (2015) *SEN and disability code of practice; 0-25 years,* para 5.39

The early years SENCO would normally contact the external specialist, with the parents' agreement. Different professionals provide support in different ways: some professionals will work with staff, some with children directly; many will observe children in the setting and talk to staff as part of their assessments; some may be able to provide training for staff; some will model strategies or demonstrate how to best use resources to support individual children.

The local authority should ensure there is sufficient expertise amongst local providers to support children with SEN.

> 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.
>
> DfE and DH (2015) *SEN and disability code of practice; 0-25 years,* para 5.55

The Local Offer

Local Authorities must publish a 'local offer' of information about the provision available for children in their area who have SEN or disabilities. This information is across education, health and social care. Key elements, relevant to the early years are summarised below (drawn from chapter 4 of the Code of Practice).

> The local offer must include a description of the provision that the LA expects to be available from providers of all relevant early years education.
> It must also include information about the support available across education, health and social care services for disabled children and children with SEN, including information about:
> - services assisting providers to support young children with medical conditions;
> - childcare for disabled children and children with SEN;
> - Information, Advice and Support Services: services providing parents and children with information, advice and support on SEN and disability;
> - support groups who can support parent carers of disabled children.
>
> The *local offer* should also include information about:
> - provision such as Area SENCOs, SEN support or learning support services, sensory support services or specialist teachers, therapies such as speech and language therapy;
> - support available to parents to aid their child's development at home, including such services as Portage;
> - arrangements for identifying and assessing children's needs in the early years;
> - arrangements for reviewing children's progress including health and development reviews between the ages of 2 and 3;
> - the LA's arrangements for providing top-up funding for children with high needs;
> - the arrangements for EHC needs assessments and plans.

The local offer is a valuable resource for practitioners and a way of signposting parents to available support. It will be important for the setting SENCO to become familiar with the local offer for their area.

Professionals who may be in your support and advice network

Area SENCO

Local authorities often make use of Area SENCOs to provide advice and guidance to early years providers on the development of inclusive early years environments. Other titles may be used for those fulfilling this role, for example, Inclusion adviser.

Typically, 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
- strengthening the links between the settings, parents, schools, social care and health services
- 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

DfE and DH (2015) *SEN and disability code of practice; 0-25 years,* para 5.56

There are other professionals who may work directly with children or provide advice and guidance to settings and to families in the early years:

Specialist teachers/Advisory teachers

Teachers who can give advice and support on children with particular needs, for example, children with a hearing or vision impairment. Some are involved in direct teaching whilst others fulfill an advisory role.

Speech and Language Therapist

Speech and language therapists work with children who have difficulties with speech, language and communication or with eating, drinking and swallowing. They work with children in clinics, schools and other settings and provide advice to families and those working with children on a daily basis.

Health Visitor

Health visitors are experienced and qualified registered nurses or midwives. They work in the community to promote good health and prevent illness. They visit people at home, especially new mothers and children, provide physical and developmental checks, may run clinics on specific issues, such as sleep, and can provide or access more specialist support.

Educational Psychologist

An Educational Psychologist (EP) provides specialist assessment of learning difficulties. EPs provide advice on teaching and management strategies and behaviour management. The local authority must seek psychological advice and information from an educational psychologist if they carry out an Education, Health and Care needs assessment.

Portage home visitor / worker

Portage provides planned home-based educational support for pre-school children with special educational needs.

Settings may also link with a range of other professionals such as community paediatricians, physiotherapists, occupational therapists, clinical psychologists, social workers.

Getting the most from working with other professionals

General points

If you have a regular group of professionals who work with your setting, make sure that they are introduced on your notice board and in your prospectus.

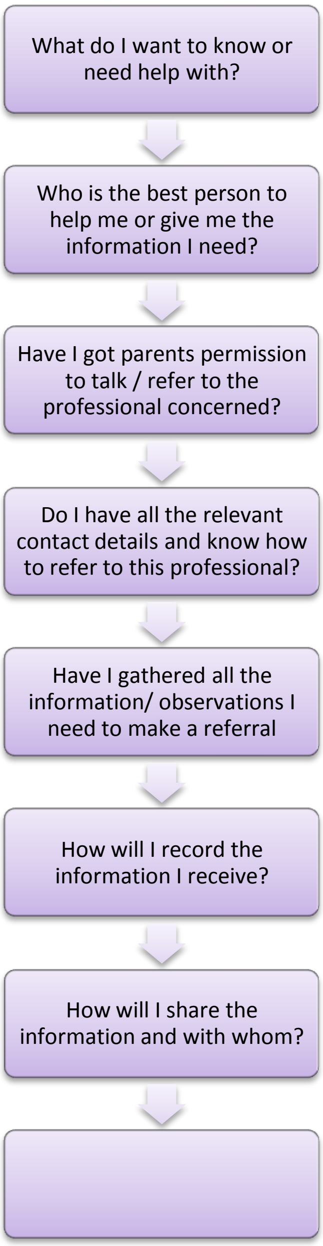
Make a directory of their contact details – this makes it easier when arranging meetings and sending letters/emails.

Take note of their working days and hours, so you don't waste time ringing on a day they are not at work.

Find out their preferred method of communication - emails are often convenient for enquiries if the person is office-based.

If speaking on the phone, prepare a list of questions or information you would like before you speak to them. This will help to keep the conversation focussed and ensure that you don't forget the point of your call.

Be prepared to be persistent and patient.



What do I want to know or need help with?

Who is the best person to help me or give me the information I need?

Have I got parents permission to talk / refer to the professional concerned?

Do I have all the relevant contact details and know how to refer to this professional?

Have I gathered all the information/ observations I need to make a referral

How will I record the information I receive?

How will I share the information and with whom?

Information and support beyond the local area

There are many organisations that provide reliable and up-to-date information for those working with disabled children, children with special educational needs, and their families. Some offer advice and support specific to an aspect of special educational needs, others offer more general information. The links and information below are provided as suggestions rather than being an exhaustive list. Many organisations have freely downloadable information and resources. You may find it useful to sign up to newsletters and updates from organisations that are of particular interest.

PLEASE NOTE websites and links change over time. If the link provided does not work, use a reliable search engine to find what you are looking for.

Council for Disabled Children

Information and resources relating to disabled children, young people and their families and host to materials from other SEND partners: www.councilfordisabledchildren.org.uk

Foundation Years

A one stop shop for information and news in relation to the early years and childcare sector. A specific section for resources: www.foundationyears.org.uk

Early Support Materials

Resources and information developed as part of the Early Support programme including the Early Support developmental journals: www.ncb.org.uk/early-support/resources

Relevant to particular groups of children

Autism Education Trust

Information about training, early years autism standards, early years autism competency framework: www.aettraininghubs.org.uk/early-years/

Communication Trust

Information about children's communication development and how to identify and support children with speech, language and communication needs.
www.thecommunicationtrust.org.uk

ICAN

Information, resources and training to support children’s communication development.
www.**ican**.org.uk

Talking point

Talking Point provides information on children’s communication, a database of resources, a progress checker for language development, and a searchable map for services in your area.
www.talkingpoint.org.uk

The National Portage Association

National Portage Association supports Portage Services and promotes service standards and training. http://www.hub.portage.org.uk

CEAS
Children’s Education Advisory Service (CEAS) is an organisation funded by the Ministry of Defence to provide information and support to Service families on all aspects of the education of their children in the UK and overseas.
https://www.gov.uk/childrens-education-advisory-service

For parents in particular:

Information, Advice and Support Services Network
The Information, Advice and Support Services Network (IASS Network) supports and promotes the work of Information, Advice and Support (IAS) Services across England. Local IAS services can be identified through the IASSN website: http://www.iassnetwork.org.uk/

Contact a Family
Wide ranging information and advice for parents and practitioners: www.cafamily.org.uk

NNPCF
The National Network of Parent Carer Forums (NNPCF) promotes good practice in parent participation and supports local parent carer forums across England.
http://www.nnpcf.org.uk/.

PALS
The Patient Advice and Liaison Service (PALS) offers confidential advice, support and information on health-related matters. They provide a point of contact for patients, their families and their carers. The website provides a facility for finding PALS in your local hospital. http://www.nhs.uk/chq/Pages/1082.aspx?CategoryID=68

Particularly focused on professional support and professional development

Inclusion development Programme
On line resources developed to support early years providers and schools to support: children with speech language and communication difficulties; children on the autism spectrum; and children with behaviour, emotional and social difficulties (now referred to as social, emotional and mental health difficulties): www.idponline.org.uk/

NASEN
SEND Gateway: an online portal providing access to information, resources and training for meeting the needs of children with special educational needs. Includes a specific search facility for early years: www.sendgateway.org.uk

Advanced training
Online training materials for autism; dyslexia; speech, language and communication; emotional, social and behavioural difficulties; moderate learning difficulties.
www.advanced-training.org.uk/

SSAT
Online training materials and downloadable fact sheets and briefing packs in relation to children with complex learning difficulties and disabilities. complexld.ssatrust.org.uk

NatSIP
NatSIP**,** the **Nat**ional **S**ensory **I**mpairment **P**artnership is a partnership of organisations working together to improve outcomes for children and young people with sensory impairment. www.**natsip**.org.uk

pdnet
pdnet provides support for professionals in education who promote positive outcomes for children with a physical disability. http://www.pdnet.org.uk/home

Section 9: Education, Health and Care Needs Assessments and Plans

This section of the toolkit is about Education, Health and Care Needs Assessments and Plans (EHCP). EHCPs are replacing Statements of Special Educational Needs.

This is important because some young children may require an EHC needs assessment and Early Years SENCOs need to be aware of the legal framework. This is set out in Part 3 of the Children and Families Act 2014 and is explained in the *SEN and disability code of practice: 0-25 years*.

EHC Needs Assessments and Plans

> The majority of children and young people with SEN or disabilities will have their needs met within local mainstream early years settings, schools or colleges […]. Some children and young people may require an EHC needs assessment in order for the local authority to decide whether it is necessary for it to make provision in accordance with an EHC plan.
>
> The purpose of an EHC plan is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 9.1

The local authority must identify, assess and make provision for children with SEN in accordance with an EHCP, where necessary. The Children and Families Act provides a set of principles that must inform any action taken by local authorities under the SEN duties in the Act. These principles:

- recognise the importance of the wishes, views and feelings of children, young people and their parents;
- promote their participation in decision-making;
- recognise the importance of information and support; and
- focus on the best possible outcomes for children and young people with SEND.

This means that parents and children, as far as possible, must be involved throughout the process and take part in decision-making. Their feelings, aspirations and wishes, as well as the outcomes they hope to achieve must be taken into account in planning their support.

There are clear requirements set out in the legislation on: who is involved in the assessment and planning process, when and how; how a child's needs are assessed; the content of an EHC plan and how it is finalised; timings for the overall process and for the different stages of the assessment and planning process, see below; which decisions of the local authority parents can appeal against; and how EHC plans are maintained and kept under review. This section of the toolkit provides a brief summary of the aspects of the assessment and planning process that are most relevant to early years settings. A full account is provided in chapter 9 of the *SEN and disability code of practice: 0-25 years.* The DfE provides a short guide to the Code of Practice for early years providers. The Council for Disabled Children provides a short guide to EHC plans[1].

Information, Advice and Support for parents and children

> The Local Authority **must** provide all parents, children and young people with impartial information, advice and support in relation to SEN to enable them to take part effectively in the assessment and planning process.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 9.29

The principles in the Children and Families Act recognises that parents need information and support in order to be able to participate in decision-making in the assessment and planning process. Settings can put parents in touch with the local Information, Advice and Support Service (IASS). Information about the local service must be available in the local offer and is also available through the Information, Advice and Support Services Network website[2]. For more information see *Section 7: Involving parents and carers*.

Requesting an EHC needs assessment

In the early years, the child's parent or someone acting on behalf of an early years setting, usually the SENCO or Manager, can request an EHC needs assessment. In addition, anyone else can bring a child who has (or may have) SEN to the attention of the local authority, particularly where they think an EHC needs assessment may be necessary.

The local authority has 6 weeks to decide whether or not to carry out an EHC needs assessment.

Gathering evidence to inform the decision about an EHC needs assessment

> In considering whether and EHC needs assessment is necessary, the local authority should consider whether there is evidence that despite the early years provider….having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child.., the child has not made expected progress.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 9.14

To inform their decision, the local authority will need to take into account a wide range of evidence, including evidence from the early years setting. The local authority will pay particular attention to:

- evidence of the child's developmental milestones and rate of progress;
- information about the nature, extent and context of the child's SEN;
- evidence of the action already being taken by the early years provider to meet the child's SEN;
- evidence that, where progress has been made, it has only been as the result of much additional intervention and support over and above that which is usually provided;
- evidence of the child's physical, emotional and social development and health needs, drawing on relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies.

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[1] http://www.councilfordisabledchildren.org.uk/resources

[2] http://www.iassnetwork.org.uk/find-your-iass/

It will be important that the setting has kept records and can draw on these to provide evidence to the local authority, for example:

- tracking information showing progress over time
- EYFS outcomes and the child's level of development
- a description of the child's needs and how the parents' views have informed the setting's understanding of the child's needs
- evidence of how the assess, plan, do, review cycle was put into practice, including records of:
    - outcomes that were sought for the child
    - interventions and support put in place
    - expected impact on progress, development, or behaviour
    - how and when plans were reviewed
- how activities and routines were adapted and what reasonable adjustments were made
- any alternative methods of communication used
- any specialist expertise drawn on, any advice sought beyond the setting and how it was implemented in the setting
- strategies which have been successful or unsuccessful
- any small group work or 1:1 sessions provided

Deciding whether or not to carry out an EHC needs assessment

Local authorities may develop criteria and guidelines to help them decide whether or not to carry out an EHC needs assessment. However, the request for each child must be considered individually and on its merits and local authorities must not operate 'blanket' policies that exclude particular groups of children, particular age groups, or particular types of need.

The parents and all parties who contributed evidence at this stage, must be informed of the decision. Parents have a right of appeal against a local authority decision not to assess.

EHC Needs assessment

If the local authority decides to carry out an EHC needs assessment it must then gather *advice and information* from:

- the child's parent
- educational advice and information from the early years setting
- medical advice and information
- psychological advice and information from an educational psychologist
- social care advice and information
- advice and information from any other person the local authority thinks is appropriate
- advice and information from any person the child's parent or young person reasonably requests

If there is recent assessment advice, new assessments do not need to be gathered if everyone agrees that it is *sufficient for an EHC needs assessment*. The local authority, the parents and the original giver of the advice, all need to agree that the advice is *sufficient*, otherwise new assessment advice must be sought. Advice and information must be provided within 6 weeks of the request from the local authority and sooner wherever possible. It must include advice about outcomes relevant to the child's age and phase of education and strategies for achieving those outcomes.

Deciding whether or not to issue an EHC plan

Drawing on the assessment advice and information the local authority then decides whether or not to issue an EHC plan. The Code of practice provides guidance on how this decision should be made, paragraphs 9.54-9.56.

> Where, in the light of an EHC needs assessment, it is necessary for special educational provision to be made in accordance with an EHC plan the local authority **must** prepare a plan.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 9.53

If the local authority decides not to issue a plan parents have a right to appeal against that decision.

Preparing an EHC plan

Where the local authority decides to issue an EHC plan it then prepares a draft plan. This must include lettered sections covering:

A. The views, interests and aspirations of the child and his or her parents
B. The child's special educational needs
C. The child's health needs which are related to their SEN
D. The child's social care needs which are related to their SEN or to a disability
E. The outcomes sought for the child including the arrangements for setting shorter term targets by the early years provider
F. The special educational provision required by the child
G. Any health provision reasonably required by the child
H. Sections H1 and H2 cover different elements of social care provision
I. The name and type of the school, maintained nursery school, or other institution to be attended by the child
J. Where there is a Personal Budget, the details of the Personal Budget
K. The advice and information gathered during the EHC needs assessment must be attached in appendices to the EHC plan.

In the draft plan that is sent to the parents, Section I is left blank so that the parents can request a placement, see below.

Naming the placement in an EHC plan

Parents of children under compulsory school age can ask for a particular maintained nursery school to be named in their child's plan. The local authority must name the school unless it would be unsuitable for the age, ability, aptitude or SEN of the child, or the attendance of the child there would be incompatible with the efficient education of others or the efficient use of resources.

Placement in a private, voluntary or independent setting works differently: the child's parents can *make representations* for their child to be placed in a private, voluntary or independent setting. If the local authority considers that placement appropriate, it can specify this in the plan and, if it does, it must fund the provision. However, the local authority cannot require an independent, private or voluntary setting to admit a child, unless the setting agrees. The local authority should ensure that parents have full information on the range of provision available locally and may wish to offer parents the opportunity to visit such provision.

Finalising the EHC plan

The parents have 15 days consider and respond to the draft EHC plan and to request a particular placement. The local authority then has 15 days in which to consult the named setting and finalise the plan. The whole process must be completed in 20 weeks from when the request to assess was made to the issue of an agreed EHC Plan.

If parents disagree with the placement, the provision or the description of the child's needs set out in the plan they can appeal to the SEND Tribunal but are required to consider mediation before doing so.

Children under compulsory school age

For children under compulsory school age, there is a precautionary aspect to the definition of SEN: they have SEN if they are likely to have SEN when they reach school age, or would do so if special educational provision were not made for them.

Children aged under 2

For older children, special educational provision is provision that is additional to or different from that which is normally available in mainstream settings. For a child under the age of 2, special educational provision means provision of any kind.

The Code of Practice envisages that most children under the age of 2 will have their needs met from locally available services, but that:

> Children aged under two are likely to need special educational provision in accordance with an EHC plan where they have particularly complex needs affecting learning, development and health and are likely to require a high level of special educational provision which would not normally be available in mainstream settings.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 9.145

Children aged 2-5 who are not attending a setting

For children in an early years setting, the local authority seeks advice and information as discussed, above. For children who are not attending a setting, the local authority should collect as much information as possible before deciding whether to assess. The local authority will then consider whether the child is likely to require special educational provision in accordance with an EHC plan, and:
*…**must** decide this in consultation with the child's parent, taking account of the potential for special educational provision made early to prevent or reduce later need.* (Code, para 9.147)

EHC assessments and plans during the transitional period from statements to plans

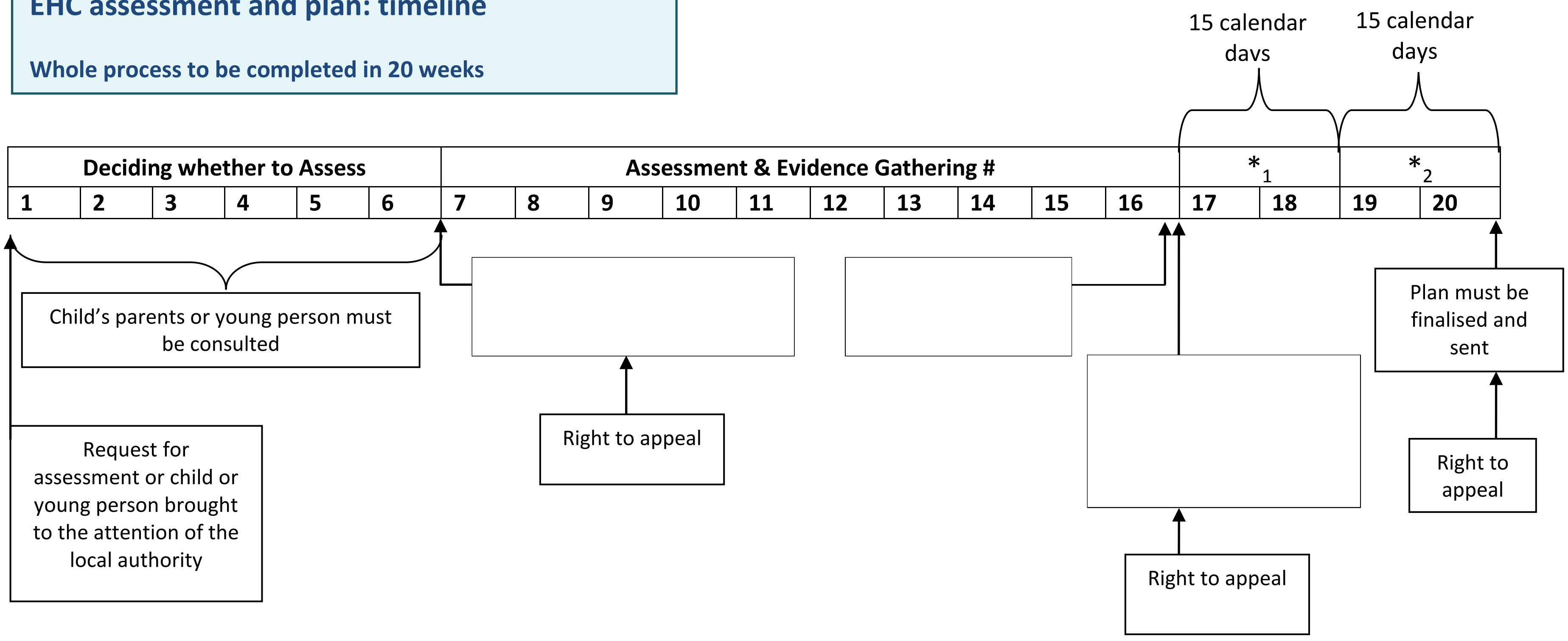
During the transitional period, from September 2014 to April 2018, statements are gradually being transferred to EHC plans through a *transfer review*. A *transfer review* is an EHC needs assessment and is subject to the same requirements as are set out above. However, as the child already has a statement and the threshold for an EHC plan is the same as for a statement, the process starts with a decision to assess (6 weeks in to the process set out above) and the total time for a transfer review is therefore 14 weeks not 20.

Maintaining and reviewing the EHC plan

Where the local authority issues an EHC plan it must then maintain it and make the special educational provision set out in the plan. It must keep the plan under review and the first review must be carried out within 12 months of the date that the plan was issued.

EHC assessment and plan: timeline

Whole process to be completed in 20 weeks



\# No new advice if existing assessment information:

- Is sufficient for EHC needs assessment
- LA, advice giver and parent or young person agree it is sufficient

*1: Parent:

- Can comment
- Can request a particular school or setting to be named in plan

*2: Consultation with school or setting about being named in the plan

Section 10: Transitions for disabled children and children with SEN

This section of the toolkit is about transitions for disabled children and children with SEN: from home into an early years setting; changing between providers; or moving from a setting into school.

It is important that when children start in a setting, move on to another setting or to school, that they have the best possible chance of a smooth transition and a successful placement.

Transition for all children

> Transitions should be seen as a process not an event, and should be planned for and discussed with children and parents. Settings should communicate information which will secure continuity of experience for the child between settings.
>
> *Early Years Foundation Stage Practice Guidance,* 2008

If transition is a process, the key to its success lies in the preparation and planning beforehand and the settling in, or follow up, afterwards.

The voice of the child

Transition is a time of change and can be a source of both excitement and anxiety for children and for parents. Throughout the transition process, young children need to feel secure and confident that their needs, wants, likes and dislikes will be understood.

> Early years providers […] should know precisely where children and young people with SEN are in their learning and development. They should ensure decisions are informed by the insights of parents and those of children […] themselves.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 1.25

Young children are dependent on the adults around them to share this important information. Practitioners and parents should be encouraged to share their observations of children's choices, and the preferences reflected in these, at every stage. Respecting the different ways in which children communicate, toys, pictures, photos of people and settings, creative role play using puppets and dolls in different scenarios, can all be used to promote communication and enable children to express their views.

Transition into the setting

Planning and preparation for transition may involve a range of different elements, though these are not necessarily separate activities. They are likely to include:

- establishing relationships
- sharing information
- visits
- creating continuities
- preparation in the setting
- training and support
- settling in and follow up

Successful transition for disabled children and children with SEN has its foundation in good practice for all children. Where a child's needs have been identified before they are admitted to the setting, transition is likely to require more detailed planning, the closer participation of parents and the sharing of a wider range of information. The period of planning and preparation is likely to involve the SENCO as well as the allocated key person and, for some children, the involvement a wider range of professionals. Different settings plan transition in different ways and leaders decide how to support the process. In the sections below, it is assumed that the key person is leading the transition process with the support and involvement of the SENCO. At different stages and for different children and families, the SENCO may be more involved.

Establishing relationships: Successful transition preparation begins early so that there is time to establish good communication and build a trusting relationship between home and setting by the time the child starts attending the setting.

Sharing information: Information is shared through the completion of admissions and registration forms, and well-designed forms can support smooth transitions, but information also needs to be gathered face-to-face in order to benefit from parents' insights. The range of information gathered needs to include sufficient detail for the setting to understand the child's stage of learning and development, their likes, dislikes, who and what is important to them, their routines, and, importantly, how the child communicates.

Settings can benefit from parents' insights into what has really helped and supported their child's learning and development to date. For a child whose needs have already been identified, the setting will want to know which other professionals have already been involved in working with the family, for example a health visitor, a Portage worker or a speech and language therapist. The setting may ask parents to share information from other professionals, and may want to seek parents' permission to work with other professionals, to gain a fuller picture of different aspects of the child's development and to better prepare the setting for the child's start there.

Settings may encourage parents to gather information in an 'All about me' book, with photos showing important aspects of the child's life: the child involved in a favourite activity; the child using pictures, signs or symbols to communicate; or the detail of how a child with a physical impairment needs to be positioned in order to engage in a particular activity.

Settings need to use the period of planning and preparation to gather information to feed into their approach to SEN Support when the child starts attending the setting. Settings should have in mind the discussions they have at different stages of the *assess, plan, do, review* cycle and should seek to cover as much as they can of *assess,* and *plan* so that they can *do* and *review* when the child starts, see *Section 5: SEN Support in the Early Years – A Graduated Approach.*

The other part of information-sharing is about giving parents a good picture of the setting: everything from the setting's approach to teaching and learning to the daily routines. For disabled children and children with SEN it is important that parents understand the setting's approach to SEN and disability, their policies, and their underlying commitment to equality of opportunity and including children in every aspect of the life of the setting.

Visits: Visits to the child's home provide an opportunity for the parent to share information in an environment where both they and the child feel more comfortable. For the setting, it will be important: to see the child playing in their own home; to learn from skills or techniques used by parents to support their child at home; to gain an insight into the wishes, views and feelings of the child and of their parents; to gain a fuller picture of the child's stage of learning and development; and to gain insights into how they may need to adapt arrangements in the setting to match or mirror aspects of the home. A home visit is an opportunity to gather much of the information that is needed and to plan for the child's start in the setting.

Inviting parents to visit the setting provides an opportunity for parents to consider, with the key person and SENCO, how the child may respond to different aspects of the setting: to different toys and activities; what they may enjoy, what they may find difficult. This is an opportunity for the key person to identify with the parent any reasonable adjustments that may need to be made for a disabled child – making reasonable adjustments is an anticipatory duty, so adjustments need to be made before the child could be *placed at a disadvantage*, see *Section 2: Statutory responsibilities*.

Where parents have concerns about the setting's ability to provide a suitable learning environment for their child, a detailed audit of the setting with the parent may help both the parents and the setting: the parents' concerns may be allayed; and the setting will be better able to make the necessary adjustments to include the child in the full range of activities.

Creating continuities: Familiar books, pictures, comforters or other objects can help to provide continuity of experience between home and setting. Home visits provide an opportunity for the setting to identify things that are important to the child at home that might be available or be made available in the setting. Photos of family in the setting and of the setting at home can help to create familiarity and act as prompts for discussion with the child.

Preparation in the setting: The information gathered during the period of preparation and planning from all these sources can give the setting a good picture of what they may need to do to prepare the setting for the child. This may range from physical changes to the layout or location of particular activities, to changes in policies and practices or daily routines.

Training and support: Preparation within the setting includes careful consideration of staff skills and whether training may be needed, for example: in the use of particular sign or symbol systems of communication; or in particular procedures for supporting a child's health needs in the setting.

Settling in and follow up: Careful preparation will make for a smooth transition but the process continues when the child starts in a setting, and *starting* itself may be a staged process with the amount of time in the setting gradually building up.

Promoting continuity between home and setting and good communication will be vital to making adjustments in the first few days. Communication may need to be more frequent and more detailed for children with SEN and a child's key person may need time allocated to daily feedback to parents and the opportunity to seek parents' input on how their child is supported in the setting.

Settings normally wait until the child is settled into the setting before carrying out the progress check, between the ages of 2 and 3. Information gathered through the check should inform how the setting is working with the child through SEN Support. Where SEN Support has been put in place, any new insights from the progress check may trigger an early review of the child's progress and a consideration with parents of the interventions and support for the child, see *Section 5: SEN Support in the Early Years – A Graduated Approach.*

Leadership of transition

The resources involved in preparing for smooth transitions are significant and dependent on the commitment of leaders and managers and on a good understanding of the positive benefits for children. As one setting puts it: *We believe that smooth transitions support the personal social and emotional development, learning and future success of every child.*

Children who already have an Education, Health and Care Plan

Where a child is admitted to the setting with an EHC plan, the setting will have been consulted by the local authority before the setting is named in the child's plan, see *Section 9: Education, Health and Care Needs Assessments and Plans*. There is significant information gathered together through the Education, Health and Care needs assessment and planning process and the provision to be made for the child will be specified and quantified in detail in the EHC plan.

It is likely that before requesting a particular setting or making representations to have their child placed in the setting, the parents will have visited and discussed their child with the setting. There may well be opportunities for discussion and an exchange of information during this time.

The setting will want to make broadly the same arrangements for the child's transition as for any other child with SEN. The SENCO may have greater involvement and it is likely that there will be more professionals involved with the child. The involvement of the professionals who contributed to the EHC assessment and plan is likely to be important to the child's successful transition into the setting and to early planning and adjustments within the setting.

Transition into school

The process of transition into school tends to be more standardised than transition into a setting and many local authorities have standard transition policies and procedures. Local authorities may have standard paperwork and may ask for information about special educational needs, disabilities, medical needs and other aspects of children's individual circumstances.

Schools themselves will vary in their approach to transition but many allocate time to outreach visits to settings in order to prepare for children's transition into school. Schools and settings may also agree shared learning projects and this will help to create continuities for children with SEN, along with others. It is helpful if arrangements for moving into school can also recognise friendship groups, for example, through the co-ordination of visits.

> Early years providers and schools should support children so that they are included in social groups and develop friendships. This is particularly important when children are transferring from one phase of education to another (for example from nursery to primary school)
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 8.8

Transition into school needs to cover similar ground to that outlined above for transition into the setting. Settings should expect to gather together their records of how they have supported children at SEN Support and agree with parents what needs to be shared as part of the transition process.

There may be opportunities for mutual visits and settings will want to welcome Reception Class teachers and school SENCOs to see how children are learning and developing in the setting. Where parents are involved at the same time, this can be a helpful way of introducing them to school staff and of building up new relationships.

> SEN Support should include planning and preparation for transition, before a child moves into another setting or school. This can include a review of the SEN 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
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 5.47

Within the arrangements for transition into school, the Area SENCO may play a more significant role in planning and co-ordinating transition across a number of settings and schools.

> The Area SENCO plays an important part in planning for children with SEN to transfer between early years provision and schools
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 5.57

Children who have an Education, Health and Care Plan

For children with an EHC plan before they move into school, planning needs to start at the annual review prior to transition into primary school and consider the school that the parents would like to request is named in the EHC plan.

> An EHC plan must be reviewed and amended in sufficient time prior to a child or young person moving between key phases of education, to allow for planning for and, where necessary, commissioning of support and provision at the new institution.
>
> The review and any amendments must be completed by 15 February in the calendar year of the transfer at the latest for transfers into or between schools.
>
> DfE and DH (2015) *SEN and disability code of practice: 0-25 years,* para 9.179

The practical arrangements for transition, discussed above, need to sit alongside these statutory arrangements.

Checklist of action for transition to setting or school

3.	Arrange a transition meeting with parents setting or school staff, parents and any professionals involved before the child starts	
4.	Think about who would be a suitable key person. Support and create opportunities for them and the SENCO to build a relationship with the child and parents	
5.	Ensure staff receive any training that may be needed before the child starts at the setting or school	
6.	Have in place any specialist equipment the child may need, plan ahead as this may take time to source	
7.	Audit toys, books and other resources to ensure they are suitable and accessible for the child	
8.	Consider the room layout to ensure mobility, the provision of a quiet area, toilet adaptations, changes to lighting, flooring or furniture	
9.	Where a child has an EHCP or top-up funding, plan for any additional staff who may need to be recruited, inducted and given the opportunity to get to know the child and parents	
10.	Agree an admission and settling in plan with parents	

Ideas to support transition to school

Transitions for disabled children & children with SEN

- Arrange for staff to visit the home, setting or school and vice versa
- Invite setting staff, other professionals and parents to meet to plan SEN support
- Plan extra familiarisation visits to the nursery/school with parent or key person
- Put together a plan to address any barriers before and when the child starts
- Plan activities and talk about moving on. Give children a chance to ask questions
- Highlight resources, equipment or training which might be needed
- Pass on records, reports and contact details for other professionals
- Encourage parents to look around before choosing a placement
- Be aware of the child's friendship group and talk about this with parents and school staff
- A photo album of the setting, school, staff etc for the child to look at with parents at home prior to starting