Training Guide
For Practitioners in Early Years Settings

SEND code of Practice 0-25,
July 2014
Introduction

- Guidance on duties, policies & procedures
- Relates to children with SEN & Disabilities (SEND)
- Various bodies must have regard to the Code
- Various changes since CoP 2001
- Implemented 1st September 2014
- Definitions:
  - xiii. Definition of SEN
  - xiv. Learning difficulty or disability
  - xvi. Definition of SEN in a child under compulsory school age

The Special Educational Needs & Disability Regulations 2014
The Special Educational Needs (Personal Budgets) Regulations 2014
The Order setting out transitional arrangements

Relates to children with SEN & Disabilities (SEND)
‘Must’ refers to a statutory requirement under primary legislation, regulations or case law
Various bodies must have regard to the code
The bodies listed in paragraph iv. must have regard to the Code of Practice, they cannot ignore it.
  - Local Authorities (education, social care & relevant housing, employment & other services)
  - Governing bodies of schools, including non-maintained schools, further education & sixth form colleges
  - The proprietors of academies
  - The management committees of pupil referral units (PRU)
  - Independent schools & independent specialist providers approved under section 41 of the Children & Families Act 2014
  - All early years providers in the maintained, private, voluntary & independent sectors, that are funded by the local authority
  - The National Health Service (NHS) Commissioning Board (NHSCB)
  - Clinical Commissioning Groups (CCGs)
  - NHS Trusts
  - NHS Foundation Trusts
  - Local Health Boards
  - Youth Offending Teams & relevant youth custodial establishments
  - The First-tier Tribunal (SEND)
Various changes since the CoP 2001
- Now covers 0-25 and includes guidance on children with disabilities as well as those with SEN
- Clearer focus on participation of C&YP & parents in decision making at individual & strategic level
- Stronger focus on high aspirations & on improving outcomes for C&YP
- Includes guidance on joint planning & commissioning of services to ensure close cooperation between education, health & social care (EHC)
- Guidance on publishing a Local Offer of support for C&YP with SEND
- School Action (SA) & School Action Plus (SA+) to be replaced with new guidance for education & training settings on taking graduated approach to identifying and supporting pupils with SEND
- Statements & Learning Difficulty Assessments (LDAs) to be replaced with the new 0-25 EHC plan assessment process for C&YP with more complex needs
- Greater focus on support that enables C&YP with SEND to succeed in education & make successful transitions
- Information on the relevant duties under the Equality Act 2010
- Information of the relevant provisions of the Mental Capacity Act 2005

Implemented 1st September 2014
The majority of Part 3 of the Children & Families Act 2014, the associated regulations & the Code of Practice will come into force.
Subject to transitional arrangements made, from 1st September, various legislation will cease to have effect:
- SEN Code of Practice (2001)
- Inclusive Schooling (2001)
  - Section 139A Learning Difficulty Assessments Statutory Guidance (2013)

Definitions
The code includes some key definitions relating to what SEN is and the provision that is needed.

xiii. Definition of SEN
“A child or young person has SEN if they have a learning difficulty or disability which calls for special provision to be made for him or her.”
Key phrase – special provision

xiv. Learning difficulty or disability
“A child of compulsory school age or a young person has a learning difficulty or disability if he or she:
Has a significantly greater difficulty in learning than the majority of others of the same age, or
has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.”
Key phrase - When compared with others of the same age

xvi. Definition of SEN in a child under compulsory school age
“A child of compulsory school age has special educational needs if he or she is likely to fall within the definition in paragraph xiv. above when they reach compulsory school age or would do so if special educational provision was not made for them.” – (Section 20 Children & Families Act 2014)
If under school age there is an element of estimating what the child’s needs are likely to be
For children aged 2 or more, special educational provision is educational or training provision that is additional to or different from that made generally for other children of the same age
For a child under 2 years, special educational provision means educational provision of any kind.
Activity 1
Code of Practice Definitions

Resources needed
Discussion cards
Definition of SEN
Definitions of learning difficulty or disability and SEN in a child under compulsory school age
Code of Practice

Instructions
Group people in 2 or 3s
Give out the discussion cards & code of practice
If there is time, repeat this activity for the other key definitions, i.e. Learning difficulty or Disability

Discussion card:
Activity 1: Code of Practice Definitions
  a. In groups of 2 or 3 discuss what you think constitutes a special educational need?
  b. Now read the Code of Practice definition of SEN. What is the defining feature of what constitutes a special educational need or disability?
  c. How does the definition of SEN and learning difficulty and/or disability differ for children under compulsory school age to that of a child who is at compulsory school age?

xiii. Definition of SEN: Page 15 code of practice
“A child or young person has SEN if they have a learning difficulty or disability which calls for special provision to be made for him or her”

Key phrase – special provision, additional to or different from

xiv. Learning difficulty or disability:
“A child of compulsory school age or a young person has a learning difficulty or disability if he or she:
• Has a significantly greater difficulty in learning than the majority of others of the same age, or
• Has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post 16 institutions.”

Key phrase - When compared with others of the same age

xv. If under school age there is an element of estimating what the child’s needs are likely to be
For children aged 2 or more, special educational provision is educational or training provision that is additional to or different from that made generally for other children of the same age.
For a child under 2 years, special educational provision means educational provision of any kind.

xvi. Definition of SEN in a child under compulsory school age
“A child under compulsory school age has special educational needs if he or she is likely to fall within the definition in paragraph xiv. (ie a learning difficulty or disability) above when they reach compulsory school age or would do so if special educational provision was not made for them” (Section 20 Children & Families Act 2014)

• Key difference is that it is anticipatory because with very young children professionals and parents are trying to predict what the child’s needs will be at 5.
• Special Educational provision means educational provision of any kind eg Home teaching, Day Nursery
Equality Act 2010

- Many children with SEN may have a disability under the Equality Act 2010
- The Equality Act sets out the duties early years providers & local authorities have towards disabled children
- All providers must make ‘reasonable adjustments’

Many children with SEN may have a disability under the Equality Act 2010
“...a physical or mental impairment which has a long term and substantial adverse effect on their ability to carry out normal day-to-day activities”
This includes more children than one may realise:
‘long-term’ – defined as ‘a year or more’
‘substantial’ – defined as ‘more than minor or trivial’
It includes sensory impairments such as those affecting sight or hearing
And long term health conditions such as asthma, diabetes, epilepsy & cancer
Children with such conditions may not have SEN but if their needs require special educational provision, they will be covered by the SEN definition

The Equality Act sets out the duties early years providers & local authorities have towards disabled children
They must not directly or indirectly discriminate against, harass or victimise disabled C&YP.
They must make reasonable adjustments, including the provision of auxiliary aids and services, to ensure that disabled C&YP are not at a substantial disadvantage compared with their peers – this requires thought to be given to what such children might need and what adjustments might need to be made to prevent disadvantage.
Public bodies, including further education institutions, local authorities, maintained schools, maintained nursery schools, academies and free schools are covered by the public sector equality duty and;
must eliminate discrimination, promote equality of opportunity & foster good relations between disabled & non-disabled C&YP.
Information demonstrating their compliance must be published and they must prepare and publish objectives to achieve core aims of the general duty.
Objectives must be specific and measurable.
These duties cover the services provided by education, including admissions & exclusions.

All providers must make reasonable adjustments
- To procedures, criteria & practices
- The provision of auxiliary aids
- Making physical alterations
They must also publish accessibility plans, including details of how they plan to increase access for disabled pupils to the curriculum, the physical environment and to information. Governing bodies & proprietors must also publish the steps taken to ensure that the admission of C&YP with disabilities includes plans to prevent them being at a disadvantage or being treated less favourably than other children.
Where a C&YP is covered by SEND legislation, reasonable adjustments & access arrangements should be considered as part of SEN planning & review.
Activity 2
Reasonable Adjustments

Resources
Discussion cards
Case studies
Case studies with some answers

Instructions
Give out the discussion cards & case studies
Draw out the key adjustments needed for each child and take a selection of views on whether these adjustments are reasonable.

Discussion card:
Activity 2: Reasonable adjustments
a. Read the case studies in groups of 2 or 3
b. Are the adjustments listed ‘reasonable’?
c. Can you think of any other adjustments the setting might be expected to make to accommodate the child’s needs?
Promoting participation
Huge focus on supporting children & parents, to participate in decisions about their support
Involving children & parents in planning, commissioning & reviewing services, including Parent Carer Forums. (see glossary)

Identifying needs
Anyone can bring a child who they believe has SEN or disability to the attention of the Local Authority.
The legal test of whether a child requires an EHC plan remains the same as under the Education Act 1996.
Therefore all those with statements will continue to have EHC plans.
Local authorities must keep their education and training provision and social care provision under review (Section 27 Children & Families Act 2014).
In turn, early years providers must cooperate with local authorities by providing information to the local authority on children with SEND.

Greater choice
More control over support given to parents & young people.

Collaboration education, health and social care
Services now working collaboratively to plan and deliver support through EHC plans.

High quality provision
Through high ambitions, setting stretching targets, tracking progress, reviewing additional or different provision, promoting wider outcomes of personal & social development, ensuring that approaches are based on the best possible evidence & having the required impact on progress.

Inclusive practice and removing barriers to learning
Representative of UK Government’s commitment to the inclusive education of children with disabilities and the progressive removal of barriers to learning and participation in mainstream education.
A general presumption of mainstream education embedded in the law.
Protection from discrimination
As per the Equality Act 2010. (see resources)

Supporting successful preparation for adulthood
An emphasis on successful preparation for adulthood from the earliest opportunity.
**Information, advice & support**

- Extensive duties on local authorities to provide information and advice
- Effectiveness should be reviewed and published
- Support may take various different forms
- Key working approach
- Children’s Education Advisory Service (CEAS)

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**Extensive duties to provide information and advice**

A huge emphasis on enabling parents to participate, particularly in making decisions

The local offer should include details of how information, advice and support can be accessed and how it is resourced

The services providing this should be impartial, confidential and accessible, using face-to-face, telephone and electronic communication

Parents & children should be involved in the commissioning of services providing information, support and advice in order to make sure they are meeting local needs

Joint arrangements in commissioning services should include considering and agreeing what information about education, health & care is to be provided and how

Information, advice & support provided should be free, accurate, confidential, impartial and accessible

Local Healthwatch provides information on health services

**Effectiveness should be reviewed and published** - annually

Information may often be given to parents but should be made accessible to children wherever possible and appropriate

Information and advice should be provided on the identification of potential SEND, support & provision & possible EHC plans.

This should include:
- Local policy & practice
- The Local Offer
- Personal Budgets
- The relevant law
- Advice on gathering, understanding & interpreting information and applying it to their own situation
- Information on Local Authority processes for resolving disagreements & complaints procedures
Support may take various different forms

- Signposting
- Individual casework & representation, including support with meetings, assessments, reviews, decisions & directing to other support services
- Help when things go wrong, e.g. Supporting in arranging or attending resolution meetings, managing mediation, appeals, exclusions & complaints
- Families may get support from an independent supporter, recruited locally with accredited training, to support with EHC process

Key working approach
Means a single point of contact, holistic provision & coordination of services & support.
This may be provided by education, health or social care services or by the voluntary, community, private or independent sector.
The key worker approach should include the following:
- Emotional & practical support
- A trusting relationship
- Enabling & empowering decision-making and the use of Personal Budgets
- Coordinating practitioners & services
- A single point of regular & consistent contact
- Supporting planning & assessment
- Identifying strengths & needs of the family
- Providing information, signposting & advocating

There are various references to support using the Key Worker approach and guidance on delivering information, advice & support available. (see resources)

Children’s Education Advisory Service (CEAS)
Offers support specifically for parents in HM Armed Forces. (see resources)
More information available in the resources section.
The Joint Commissioning Cycle

Clear assessment, support prevention, identification, assessment & early intervention and joined up approach.
Build on existing structures.
Specific objectives, including the offer of personal budgets.
Enabling best use of resources available, Improving outcomes for all in the most efficient, effective, equitable and sustainable way.
Partners must agree how they will work together.
Aiming to provide integrated support, delivering positive outcomes, bringing together support across education, health & care right from early childhood.
Improves planning, particularly for transition points.
Need to eliminate discrimination.
Promote equality of opportunity, and foster good relations between disable and non-disabled people.
Objectives must be specific and measurable.

Improving outcomes for 0-25
Joint commissioning must cover services for 0–25 year olds.
Both with and without EHC plans.
Must also include arrangements for EHC assessments, provision and agreeing personal budgets.
Local joint commissioning arrangements are more specific - Including information on what advice and information is to be provided and by whom, how complaints can be made, and procedures for ensuring disagreements are resolved as quickly as possible.

Effective partnerships
The various legislation sets out duties on agencies and partners to work together in partnership to promote the integration of education, health and care services.
As well as involving children, young people and their parents, at a strategic level, in the commissioning of services.
Specific roles & responsibilities with joint commissioning.
Designated medical officer.
A designated role for a specific point of contact for LAs, schools and colleges seeking health advice and CCGs or health providers identifying children with SEND under compulsory school age.
**Children’s social care** should provide a specific point of contact for social care advice for children with SEND, particularly for LAC & post-LAC children.

**Health Services** have specific duties relating to early identification, assessment & diagnosis, intervention & review for children with long-term conditions & disabilities.

Health services support early identification of children with SEND through neonatal screening, the Healthy Child Programme and specialist health and developmental assessments where concerns have been raised.

**Local Accountability**

This is published on pages 56-58 of the Code including details of each agencies key responsibilities for SEND and accountability details. (see resources)

**Joint understanding**

All involved, including parents have a shared understanding.

**Joint planning**

Deciding on shared outcomes – at 3 levels:

- individual outcomes, for example in an EHC plan;
- service level outcomes, e.g. paternal mental health has improved in 10 families;
- strategic outcomes, e.g. there has been a 10% increase in children supported to access mainstream education;

Focus on making best use of resources.

**Deciding Personal Budgets**

Can be direct payments, arrangement where the LA, school etc hold the money, or a combination of the above.

**Joint delivery**

Services being involved in delivery but also in the skills sharing so that those working directly with children can be more highly skilled to meet individual children’s needs.

Commissioning ‘key working’ roles particularly at key points like diagnosis, EHC plan development and transitions.

**Joint review**

Joint commissioning is an ongoing improvement cycle. The review process should be focussed on changing provision based on the needs of local children and how well they are achieving the desired outcomes.

Review should also be used to ensure smooth transitions between different services and different life phases.
Joint strategic needs assessment (JSNA)/Joint Health & Wellbeing Strategy
Delivered by Health and Well Being Board. (see glossary)

Joint commissioning
Local authority and CCG apply the Joint Strategic Needs Assessment (JSNA) (see glossary) analysis to establish joint commissioning.

Local offer
The local authority publishes a Local Offer setting out what support is available for 0-25 year olds with SEND.

EHC plan
An EHC plan focuses on outcomes that are important to the individual. Any EHC provision needed to meet the child’s individual needs should be included in the plan. Individual plans should inform the JSNA process.
**Local Offer**

New statutory duties on Local Authorities to develop and publish their Local Offer setting out the support they expect to be available to local children.

- The Local Offer has 2 key purposes:
  - To provide clear, comprehensive, accessible and up-to-date information about the available provision & how to access it
  - To make provision more responsive to local needs and aspirations by involving children with SEND, their parents & service providers, in its development and review

There are new statutory duties on Local Authorities to develop and publish their Local Offer setting out the support they expect to be available to local children.

What they ‘expect’ to be available but also what they believe will actually be available across education, health and social care for children with SEND. Including children with or without EHC plans.

The Local Offer is not simply a directory of services.

It may also include provision outside the local authority, if it is expected to be used by children from within the local authority’s area, including relevant regional and national specialist provision, for example for children with low-incidence and more complex SEN.

The Local Offer should be widely accessible, and on a website, enabling those without internet access to get the information and enable access for different groups including those with SEND.

**The Local Offer has 2 key purposes:**
- **To provide clear, comprehensive, accessible and up-to-date information about the available provision & how to access it.**
- **To make provision more responsive to local needs and aspirations by involving children with SEND, their parents & service providers, in its development and review.**

This process is aimed at working together to improving provision.

Local authorities are required to comply with the Equality Act 2010 when preparing, developing and reviewing the Local Offer.
Principles of the Local Offer

The Local Offer should be:

- Collaborative
- Accessible
- Comprehensive
- Up-to-date
- Transparent

The Local Offer should be:

**Collaborative**
This can lead to ‘better fit’ of what is being provided and meeting needs, higher satisfaction and reduced costs, better valued for money and better relationships between those providing services and those using them. Children & parents should feel they have participated in the process and have a sense of co-ownership. The local authority should ensure that they are consulting with a broadly representative group of the children with SEND. The ways local authorities involve children and parents in the development and review process should be publicised in the local offer, as well as how support enables them to contribute to decision making at a strategic level. Local partners are required to cooperate with the local authority in developing and reviewing the Local Offer, including governing bodies, management committees and proprietors of the respective institutions and all others making special provision for children with SEND. The Local Authority should engage with the providers of the relevant early years education, particularly those in receipt of early years funding.

**Accessible**
Easy to understand, factual and jargon free. Published in a variety of formats.

**Comprehensive**
It should detail the support available across education, health & social care, from 0-25, and how to access it. It needs to include eligibility criteria, where to go for information, advice & support as well as how to make a complaint about provision and appeal against a decision.

**Up-to-date**
Through review, local authorities must pay consideration to the sufficiency of their provision, any reorganisation of provision must make clear that the alternative is likely to lead to improvements in standards, quality or range of provision. Reviews should be linked to the reviews of education, health and social care provision, ensuring that the Local Offer is responsive to the needs of children with SEND.

**Transparent**
The Local Offer should be clear about how decisions are made and who is accountable and responsible for them.
**What’s to be included?**

The Local Offer must include details of the provision from:
- Education
- Health
- Social Care

It should cover the support available to children from:
- Universal services
- Targeted services
- Specialist services

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**Education**

Including what providers have in place for identifying children with SEND, consulting with parents, securing services, provision & equipment, supporting children to move between phases, approaches to teaching, enabling access, assessing and reviewing pupils, securing expertise, assessing and evaluating effectiveness, activities that are available, supporting emotional, mental and social development & the support for LAC children.

Schools must publish more detailed information about their arrangement for identifying, assessing and making provision for pupils with SEND & arrangements for admission Early years providers, when securing 2-, 3- and 4-year old funding, **must** promote equality of opportunity for SEND children. Local authorities must ensure there is sufficient childcare for working parents and that this is published in their Local Offer, including the range of expertise available to support children with SEND.

**Health**

Services assisting relevant early years providers to support children with medical conditions.
Arrangements for making services available to all children, accessible to children with SEND.
Speech and language therapy, physiotherapy, occupational therapy and mental health, where the provision is aimed at educating the child.
Wheelchair services, community equipment, children’s community nursing & continence services
Palliative and respite care.
Emergency care provision and rehabilitation support.
Provision for continuing care arrangements.

**Social Care**

Childcare
Leisure activities
Support for children when moving between care services.
Short breaks must be provided for children with disabilities and their families.
Parents of children with significant needs often have significant needs for support to enable them to support their children effectively. The Local Offer must include details of support groups. Parents have a right to have their own needs assessed and have support provision put in place, including a regard for their wellbeing.
The Local Offer must include information on where advice, support and information can be obtained:
Clear, comprehensive, accessible, opportunities to participate in strategic decision-making.
Providers should tell parents about the availability of impartial information, advice and support.

**Universal services** - The support available to all children with SEND, such as GPs and schools
**Targeted services** - For children requiring additional, short-term, over and above that provided by universal services
**Specialist services** - For those who require specialised longer term support
Activity 3
Local Offer

Resources
Discussion cards
Case studies
Case studies with answers
Access to internet via computer/tablet inorder to access the Local Offer

Instructions
Give out the discussion cards and case studies
Draw out which services would be available to each child under the 3 headings of EHC

Discussion card:
Activity 3: Local Offer
  a. Read the case studies
  b. What services might be available to this child under the Local Offer, including:
     • Education
     • Health
     • Social care
Early years providers

- There is an expectation on all providers to meet the needs of and report on children with SEND
- Importance of early identification
- Extensive additional duties on maintained nurseries
- All children are entitled to an education that enables them to:
  - Achieve the best possible educational and other outcomes
  - Become confident with an increasing ability to communicate their own wishes and make the transition to compulsory education

Early Years Providers
There is an expectation on all providers to meet the needs of and report on children with SEND.

Providers in the maintained, private, voluntary and independent sectors funded by the local authority, are required to have regard to this code.

EYFS is the statutory framework for children aged 0-5.

All providers must follow the safeguarding & welfare requirements and the learning & development requirements, unless an exemption has been granted.

Providers must have in place arrangements to support children with SEND, including a clear approach to identifying and responding to SEND.

Importance of early identification

The benefits of early identification are widely recognised – recognising needs and providing for them improves long-term outcomes.

All should be aware of emerging difficulties and respond early.

Parents know their children best and they should be listened to and understood, particularly when they are expressing concerns.

Extensive additional duties on maintained nurseries

Maintained nursery schools must:
- Ensure the child with SEND gets the support they need
- Make sure that they engage in activities alongside children who do not have SEND
- Designate a teacher to be responsible for coordinating provision (SENCO)
- Inform parents that they are making special educational provision

They must also prepare a report on:
- Implementation of SEN policy
- Arrangements for admission of disabled children
- Steps taken to prevent disabled children being disadvantaged
- Facilities provided to enable access for disabled children
- Their accessibility plan showing how they intend to improve access over time

Providers should regularly review and evaluate the quality & breadth of provision

Maintained nursery schools **must** co-operate with local authorities in developing the Local Offer.
SEN in the Early Years

- Funded early education for 2-, 3-, and 4-year olds
- Equality Act 2010
- Medical conditions
- ‘Early years outcomes’

SEN in the Early Years

- All providers must have arrangements in place to identify and support children with SEND and to promote equality of opportunity. These requirements are set out in the EYFS framework.
- The EYFS framework also requires practitioners to review children’s progress and share a summary with parents.
- Some children need support for their SEND needs at home, as well as in informal settings, before or as well as the support they receive from an early years provider – this should all form part of the Local Offer

Funded early education for 2, 3, and 4 year olds

- Should promote equality and inclusion for children with SEND.
- This includes removing barriers that prevent children from accessing early education and working with parents to give each child support to fulfil their potential.
- Specialist support required following assessment, should be provided as quickly as possible. Joint commissioning arrangements should ensure that there are sufficient services available to meet the likely need in an area.

Medical conditions

- Children with medical conditions should get the support they need to meet their needs.

‘Early years outcomes’

- An aid for practitioners, including nurseries, childminders and inspectors, to understand the outcomes they should be working towards.
Birth to 2 – Early identification

• Support can take a number of forms:
  o Specialist support
  o Training for parents
  o Home based programmes
• 2+ year old free entitlement

Birth to 2 – Early identification

• Parents’ early observations are crucial
• Children with more complex developmental and sensory needs may be identified at birth
• Health assessments can help with early identification, e.g. hearing screening test
• Health professionals should work with the family to help understand their child’s needs and access early support:
  • GPs
  • Paediatrician
  • Health visitors
  • Speech & language therapists
• The health body has a duty to bring the child’s needs to the attention of the parent and the appropriate local authority
• Parents must have a chance to give their opinion and they should discuss any voluntary organisations that are likely to be able to provide advice or assistance
• This includes any educational advice, guidance and intervention to be put in place before the child starts school

Support can take a number of forms:

Specialist support
From health visitors, educational psychologists, speech and language therapists or specialist teachers, e.g. teacher of the deaf – who may visit the family home to provide practical support, answering questions and clarifying needs.

Training for parents
Using early learning programmes to promote play, communication and language development.

Home based programmes
Including Portage to offer parents a carefully structured system to help parents support their child’s learning and development.
This Early Support ensures better delivery and coordination of services for children and their families, including training for professionals or trained independent volunteers providing a single point of contact or key working.
2 year old free entitlement

- From September 2014, 2-year olds for whom Disability Living Allowance is paid will be entitled to free early education
- Information about these services should be included in the Local Offer
Early Years Provision

• Ongoing assessment process
• Assessing against the 7 EYFS areas of learning
• Two specific points for providing written assessments:
  o Progress check at age 2
  o The EYFS Profile

Early Years Provision

• The majority of 3 and 4 year olds, and many younger children, attend some sort of early years provision
• Through the EYFS framework, all Ofsted registered childcare providers, must ensure that children learn, develop well and are kept healthy and safe

Ongoing assessment process

• This includes ongoing assessment of progress and there must be a clear approach to the assessment of SEN. This should be part of the settings overall approach to monitoring the progress and development of all children.

Assessing against the 7 EYFS areas of learning

• Practitioners can use the non-statutory Early Years Outcome guidance when assessing progress which include typical behaviours across the 7 areas of learning:
  • Communication & language
  • Physical development
  • Personal, social and emotional development
  • Literacy
  • Mathematics
  • Understanding the world
  • Expressive arts and design
The Progress Check at Age 2

- 3 broad areas
- Must identify strengths and areas of need
- Significant emerging concerns?
- Healthy Child Programme
- Integrated review

Progress check at age 2
When a child is between age 2 and 3 early years providers must review progress and provide parents with a short written summary of their child’s development.

3 broad areas
- Communication & language
- Physical development
- Personal, social and emotional development

Must identify strengths and areas of need
Must also identify how parents can support the child at home where progress is slower than expected as well as within the setting.

Significant emerging concerns?
Practitioners should develop a plan of support if there are significant emerging concerns. Other professionals should be involved if there are concerns, e.g. the SENCO or EYFS support teams. Consideration of whether the families needs require support through a CAF
The plan might include:
- Good progress being made
- Additional support needed
- If there are concerns that the child might have a developmental delay
  - It must describe the activities and strategies the provider intends to use to address issues and concerns

If a child moves setting between the ages of two and three the progress check will be completed by the setting where the child has spent most of their time.

Healthy Child Programme
The health visitor usually checks children’s physical development milestones between the ages of two and three.
**Integrated review**

Proposed that this will include the developmental areas in the Healthy Child Programme two-year review and the EYFS two-year progress check. This review will identify:

- The child’s progress, strengths and needs - This is intended to promote positive outcomes in health, wellbeing and development.
- Enable appropriate intervention and support
- Generate information for planning - As well as contribute to the reduction of inequalities in children’s outcomes.
The EYFS Profile

• Completed in the final term of the year they turn 5

"In addition to the formal checks, early years practitioners working with children should monitor and review the progress and development of all children throughout the early years" – Code of Practice 2014

The EYFS Profile

This provides parents, practitioners and teachers with a well rounded picture of a child’s knowledge, understanding and abilities.

This should be used to inform plans and identify additional needs for support.

Identifying needs in the early years

Where behind or progress causes concern, all information should be considered, from both within and beyond the setting, from formal checks, practitioners observations, specialist advice and observations of parents.

A delay may or may not indicate that a child has SEND, i.e. that they have a learning difficulty or disability that requires special educational provision.

Where there are concerns, there should be an assessment to determine whether any causal factors are impacting on the child’s progress.
Identifying Need

- Children’s SEN are thought of under four broad areas:
  - Communication and interaction
  - Cognition and learning
  - Social, emotional and mental health
  - Sensory and/or physical functioning
- A multi-agency approach
- English as an additional language does not constitute SEN

Children’s SEN are thought of under four broad areas:
- Communication and interaction
- Cognition and learning
- Social, emotional and mental health
- Sensory and/or physical functioning
See local SEN descriptors for more detail - these give an overview.

Children may have complex needs that cut across more than one or all areas.
Where a child has a significant difficulty, requiring special educational provision, the setting should make that provision.
- Early identification can reduce the need for more costly interventions at a later stage
- Their needs may change over time

A multi-agency approach
If housing, family or other domestic circumstances are or may be contributing, a multi-agency approach should be adopted, supported by approaches such as the Early Help Assessment.

English as an additional language
Identifying and assessing children where English is not their first language should be carefully considered to ensure that they are not being identified as SEN incorrectly.
Activity 4
SEN Descriptors

Resources
Discussion cards
Case studies
Case studies with answers
SEN Descriptors, Early years
SEN Mind Maps
Early Years Eligibility Criteria

Instructions
Give out the SEN Descriptors, Mind Maps, Early Years Eligibility criteria & discussion cards

Discussion card:
Activity 4: SEN Descriptors
  a. Read the case studies and consider which of the four broad areas their needs come under
  b. What level of support do the child’s needs require?
  c. Would the child be eligible for involvement from Local authority Early Years services eg Portage and Early Years SEN team, Educational Psychology service etc
Special Educational Provision

- Special educational provision should take into account the child’s strengths and needs and should address them through:
  - Well-evidenced interventions
  - Specialist equipment and software
  - A family centred approach
  - Individualised support

Special educational provision should take into account the child’s strengths and needs and should address them through:
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- Specialist equipment and software
- A family centred approach
- Individualised support

Reviewing effectiveness can be part of the assessment of need – a graduated approach to support may be needed, i.e. increasing and decreasing support following review. See ‘Annex 2: Improving practice and staff training in education settings’ in the code of practice for more information.

Action needs to be prompt as delay can lead to further difficulties, loss of self esteem, frustration in learning and behaviour difficulties.

Early action is critical to future progress and improved outcomes.
Setting must adopt a graduated approach with four stages of action:

Assess
Initial assessment should include an analysis of the child’s needs.
This initial assessment should be reviewed regularly to ensure support is matched to need.
Little or no improvement in progress may require specialist assessment.
Specialist assessment should only be conducted with parent consent.

Plan
Practitioners must maintain a record that details support, which must be available to parents.
Where SEN support is required, and parents have been notified, the following should be agreed:
- Outcomes
- Interventions
- Support
- Expected impact on progress, development or behaviour
- Date for review
This should take into account the views of the child.

Do
The child’s key person remains responsible for working with the child.
They should oversee implementation of the plan.
The SENCO should support the practitioner.

Review
The effectiveness of support and its impact on progress should be reviewed on the agreed date.
The impact and quality of the support should be reviewed by the practitioner, SENCO, parents and
taking into account the child’s views.
Any changes to outcomes and support should be agreed, in the light of progress and development.

This approach should be revisited in increasing detail and frequency to ensure good progress.
This graduated approach should be led by the SENCO.
Where a child has an EHC plan, the local authority should review this at least annually.
Local authorities may ask the setting to convene and hold the annual review meetings on its behalf.
Other Key Information

- Transition
- The role of the SENCO
- Involving Specialists
- Keeping provision under review

Transition
SEN support should include planning and preparing for transition. Information should be shared between settings.

The role of the SENCO
A maintained nursery school must have a qualified teacher as the SENCO and this individual should have the prescribed SEN qualification. Those in group provision are expected to identify a SENCO. Childminders are encouraged to identify a person to act as SENCO. Those part of a network or agency may choose to share the role between them.

The role of SENCO involves:
- Ensuring all practitioners understand the responsibilities and the settings approach to identifying and meeting SEN
- Advising & supporting colleagues
- Involving parents
- Liaising with professionals and agencies

Other key aspects of the role of the SENCO may be supported by Early Years support teams, including:
- Strengthening links between setting, parents, education, health and social care
- Provides advice & support on identification, assessment and intervention
- Day-to-day support to setting based SENCOs
- Developing and disseminating good practice
- Supporting development and delivery of training
- Developing links with existing SENCO networks
- Informing parents and working with information services
- Helping to plan for transition

Involving Specialists
Where progress is less than expected, involving outside specialists should be considered, involving parents, including:
- Health visitors
- Speech & language therapists
- Portage workers
- Educational psychologists
- Specialist teachers

Keeping provision under review
Providers should review how well equipped they are to provide support across the four broad areas of SEN. Information on this is collected through the Early Years Census.
Education, Health & Social Care

Purpose of an EHC plan is to identify:
• The child & parent’s views, interests and aspirations
• Provide a full description of the child’s SEN
• Establish outcomes across education, health and social care
• Specify the provision required

The parents’ views, interests and aspirations
Where appropriate this should include the views of the child.

Specify the provision required
Including how services should work together to meet the child’s needs.
Delivered as a whole package.
An assessment will not always lead to an EHC plan.
If it is decided that an EHC plan is not necessary then a map of support would usually be provided.
Key Principles of EHC Plans

- Involving children & parents – Person Centred Planning
- Support for children & parents
- Co-ordination
- Sharing information
- Timely provision of services
- Cross agency working
- Looked after children

Involving children & parents

- Person centred approach – should focus on
- Child as an individual
- Taking into account their views, wishes & feelings
- Enable them to be part of the decision making process
- Easy for them to understand
- Highlight the child’s strengths and capabilities
- Identify outcomes for the future
- Tailor support to individual needs
- Organise assessments with minimal disturbance to the family
- Bring together relevant professionals
- Deliver a plan to the parents

Support for children & parents

Early discussions with parents about the EHC process
Provision of impartial information, advice and support enabling them to take part

Co-ordination

Should include:
Planning the process
Timely meetings
Keeping the child’s parents informed
Sufficient notice to enable professionals to contribute to the process

Sharing information

‘tell us once’ approach so families are not repeating themselves
Information shared across education, health and social care

Timely provision of services

Provision of services should not be delayed until the plan is complete

Cross agency working

Joint working between local authorities and CCGs

Looked after children

Particular need to avoid delays for looked after children
Timescales for EHC

- Must take no more than 20 weeks:
  - 6 weeks - Response to request
  - 6 weeks – Professionals to respond to request for information
  - 16 weeks - Decision not to assess, notify parents
  - Parents (and where appropriate children) should be given 15 calendar days to consider and provide views on the draft EHC plan

- Statutory timescales diagram – page 154

Timescales for EHC

Time limits are the maximum time allowed. Under no circumstances should parents be put under pressure to make decisions more quickly than they feel comfortable.

Must take no more than 20 weeks:
Response to request (within 6 weeks from request)
Those requested to supply information must respond within 6 weeks.

Decision not to assess, notify parents within 16 weeks of the date the EHC requested.
Parents (and where appropriate children) should be given 15 calendar days to consider and provide views on the draft EHC plan.

SEND Regulations 2014 set out situations where, in exceptional circumstances, there are exemptions to complying with these time limits.

Statutory timescales diagram
The code of practice on page 154 contains a more detailed flow diagram of the whole EHC process and additional local guidance is available on SEN or EHC pages at www.northamptonshire.gov.uk
Requesting an EHC Plan

- Decision to assess
- Advice and Information
- Deciding whether to issue an EHC plan
- Decision not to issue an EHC plan
- Transparent and consistent decision making
- Content of EHC plans

- www.northamptonshire.gov.uk and search for SEN or EHC for further information

Requesting an EHC plan
Child’s parents
Young person between 16 & 25
A person acting on behalf of a school
Anyone else can bring a child with SEN to the attention of the local authority
e.g. foster carers, health and social care professionals, early years practitioners
The local authority must decide whether an EHC assessment is necessary
Having taken the relevant and purposeful action to identify, assess and meet the child’s special educational needs, they still have not made expected progress.

Decision to assess
The decision to assess will be linked to the SEN descriptors.
The local authority must Inform the relevant people
Parents
Health service
SEN officers
Managers of early years settings

Advice and Information
Should seek the views of the child
Gather the advice from relevant professionals
The views of the early years provider highly valued as a body who know the child very well
Advice and information must be sought as follows:
- From the parents and child
- Educational advice, including the advice of specialist teachers (i.e. hearing & vision impaired)
- Medical advice
- Psychological advice
- Social care advice
- Any person requested by the parent, e.g. GP or other health professional
- Any other advice the local authority considers appropriate, e.g. Early Help Assessments, virtual school head (LAC)
Deciding whether to issue an EHC plan
Local authority must notify parents and give reasons for its decision
LA must consider:
the nature and extend of a child’s needs
the provision required to meet them
whether despite provision the child is not progressing or not progressing sufficiently well
whether this provision can reasonably be provided in mainstream early years providers
whether special educational provision may be necessary

Decision not to issue an EHC plan
Must notify the child’s parents giving reasons for the decision – giving written feedback.
Parent has the right to appeal within the relevant time limits.

Transparent and consistent decision making
Local authorities could have moderating groups to ensure transparent and consistent decision making.

Writing an EHC plan
Plans should be described positively
Clear, concise, understandable and accessible
Specific outcomes and consider how best to achieve them
Outcomes should be SMART
Should contain details of personal budget
Show how education, health and care provision will be coordinated
Should be forward looking – anticipating planning and commissioning for transition points
Should describe informal support as well as formal
Should have a review date
Writing an EHC Plan

- Content of EHC plans
- Outcomes
- Agreeing provision
- The draft EHC plan
- Personal budgets
- Finalising and maintaining the EHC Plan
- Reviewing an EHC plan

Follow Link [www.northamptonshire.gov.uk](http://www.northamptonshire.gov.uk) and search for SEN or EHC for more details and an example.

Writing an EHC plan

Plans should be described positively
Clear, concise, understandable and accessible
Specific outcomes and consider how best to achieve them
Outcomes should be SMART
Should contain details of personal budget
Show how education, health and care provision will be coordinated
Should be forward looking – anticipating planning and commissioning for transition points
Should describe informal support as well as formal
Should have a review date

Content of EHC plans

Format to be agreed locally but there are certain prescribed sections, including:
A: The views, interests and aspirations of the child/parent
B: Special educational needs
C: Health needs
D: Social care needs
E: Outcomes
F: Special educational provision
G: Health provision
H1: Social care provision
H2: Any other social care provision
I: Name of the setting
J: Personal Budget
K: Advice and information from assessment attached
  - The Code includes lots of detail on what to include in each section on pages 164-169.

Outcomes

EHC plans should be focussed on education, health and care outcomes enabling children to progress in their learning.
Should also consider wider outcomes of positive social relationships, and emotional resilience and stability.
Agreeing provision
Health provision must be agreed with the local CCG as part of the Local Offer.
The provision set out in the plan will be agreed with the relevant local clinicians, e.g. community paediatricians.
Health or social care provision which educates or trains a child must be considered as special educational provision.
Local authorities and health and social care partners should decide where the responsibility for provision rests.

The draft EHC plan
Parents can request a particular school or setting – unless:
- it would be unsuitable for the child’s age, ability, aptitude or SEN
- the attendance of the child would be incompatible with the efficient education of others
The setting should respond within 15 days.
Parents may also request a place in a non-maintained early years setting.
The local authority must consider their request.
Once satisfied they must check that the setting are willing to admit them before naming them in the EHC plan.
These providers are not subject to the duty to admit a child or young person.

Local authority must make parents aware of which schools and settings are available.

The plan must specific a mainstream setting unless:
- It is against the wishes of the parent
- It is incompatible with the education of others
The local authority must be confident that no ‘reasonable steps’ can be taken to accommodate the child’s needs in a mainstream setting. (examples of reasonable steps on pages 175-178)

Personal budgets
An amount of money identified by the local authority to deliver the provision set out in the plan where the parent is involving securing that provision.
For example, if a child has a nurse who attends to their needs at home and the family would like that person to work with them in school.
Local policy on personal budgets and the services the lend themselves to the use of personal budgets is published in the Local Offer.

Finalising and maintaining the EHC Plan
Changes can be made to the plan before issuing the final plan.
Where the local authority decides to make changes they must reissue a second draft to parents
Once the draft has been agreed by parents the final plan is issued, within the relevant timescales

Reviewing an EHC plan
Should be reviewed a minimum of every 12 months
Review should:
Gather and assess information
Review educational, health and social care provision
Consider the continuing appropriateness of the EHC plan
Set new interim targets
Review any interim targets
Local authorities can ask that settings hold the review on their behalf
The reviews should be held at the educational setting
### Specific Age Ranges

- All children under compulsory school age
- Children aged under 2
- Children aged 2 to 5
- Reviews of EHC plans for children aged 0 to 5
- Transfer between phases of education

### Specific age ranges

#### All children under compulsory school age
An EHC assessment would be carried out with children under compulsory school age, where the local authority anticipates they would need an EHC plan, i.e. if they are likely to have a learning difficulty or disability when they are of compulsory school age.

#### Children aged under 2
The Local Offer should set out how agencies such as health services, childcare settings, Sure Start Children’s Centres will work together to provide integrated support.
Commissioning of home based programmes such as portage should be considered, or peripatetic services for children with hearing or vision impairment.
Special educational provision for a child under 2 means educational provision of any kind.
Children under 2 are likely to need 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.
An EHC plan may be necessary where access to special services may not otherwise be available, such as home-based teaching.

#### Children aged 2 to 5
The local authority should consider advice from the child’s setting when considering an EHC assessment and whether they need support through an EHC plan.
An EHC plan should be completed one to two years before starting compulsory if it is anticipated that a child will need an EHC plan in compulsory education.
The parents may request a place in an independent, private or voluntary early years setting.
The local authority may specify this setting but it must fund the provision.
However it cannot require an independent, private or voluntary setting to admit a child unless the setting agrees.

#### Reviews of EHC plans for children aged 0 to 5
Plans should be reviewed every 3 to 6 months to ensure provision continues to be appropriate.
These reviews may be streamlines and may not involve all the professionals at any one time.
The parent must be consulted on proposed changes to the plan.
Transfer between phases of education
Any amendments must be complete by 15th February in the calendar year of transfer.
**Other key information**

- Reassessments of EHC plans
- Amending a plan
- Ceasing a plan
- Disclosure of an EHC plan

### Reassessments of EHC plans
A reassessment must be conducted if requested by the child’s parent or educational institution. The local authority must notify the child’s parent of its decision within 15 days of the request.

### Amending a plan
It is possible to amend a plan where the child’s needs or provision have changed. The local authority must notify parents of any changes.

### Ceasing a plan
This may happen where the plan is no longer necessary or it is no longer responsible for the child, e.g. where they are over 25 or have taken up paid employment.

### Disclosure of an EHC plan
The plan should be kept confidential and stored securely and appropriately so that unauthorised persons do not have access to it. It should not be disclosed without the parent’s consent.
Children in Specific Circumstances

- This includes children with SEN and:
  - Are Looked after
  - Have social care needs
  - Who are educated out of area
  - Who are educated at home
  - Who are in alternative provision
  - Are in hospital
  - The children of service personnel

Looked after children
70% will have some form of SEN and a significant proportion will have an EHC plan.
Their ‘care plan’ will set out how all their developmental needs will be addressed, including health, education, emotional and behavioural development, identity, family and social relationships, social presentation and self-care skills.
Any EHC assessment must be carried out by the authority that looks after the child.

Social care needs
Children in need under (section 17 Children Act 1989) – A social worker should lead a multi-agency assessment, following referral.

Educated out of area
The home local authority should take responsibility for the child regarding SEN and make decisions relating to EHC.

Children educated at home
An EHC plan should make it clear that the child is being educated at home – if it does the local authority must arrange the special educational provision set out in the plan.
High needs funding is available for children being educated at home.
Local authorities do not have a right to enter the family home to check provision is appropriate, they may only enter the family home at the invitation of the parents.

Children in alternative provision
Local authorities must make arrangements where a child would not otherwise receive suitable education.
This education must be full time, unless the local authority deems it to be in the best interest of the child, for it not to be.
Alternative provision includes pupil referral units.

Children in alternative provision because of health needs
These children should have access to an education that is on a par with that of mainstream education.
This should prevent them from slipping behind their peers.
**Children of Service Personnel**

Other complicating factors for children of service personnel – there are other systems and mechanisms in place to help overcome these factors, e.g. the MoD Assessment of Supportability Overseas, for children with EHC plans where parents are stationed abroad.
Resolving Disagreements

- Key principles:
  - Person centred approach
  - Open communication
  - Information & support for parents
  - Clear disagreement resolution and mediation procedures

- Avenues for complaints and redress

Person centred approach
Decision should be jointly made between providers, parents & children, with their views taken into account in decision making

Open communication
Communication & relations between EHC services and parents should enable parents to know where they are in the decision-making process and their knowledge and experience can be used to support good decision-making and they know why decisions have been made

Information & support for parents
Parents should be given information and support so they can take part in the decision-making and complaints process

Clear disagreement and mediation procedures
Parents must be made aware of these processes and procedures
Early resolution is encouraged in the interest of avoid unnecessary stress and expense for parents and children
Although the terms ‘disagreement resolution’ and ‘mediation’ are often used interchangeably they refer to two very different things:
Disagreement resolution arrangements are designed to help resolve disagreements about the performance of duties, SEN provision, disagreements over health and social care provision and disagreements between health commissioners and local authorities and are for voluntary parties.
Mediation arrangements are specifically linked to decisions about EHC needs and assessment plans

Avenues for complaints and redress
Pages 234-235 in chapter 11 of the Code of practice, contain a summary of the people and bodies which can deal with complaints about decisions and provision, including:
- Rights to appeal about EHC need assessments and plans
- Disability discrimination claims
- Exclusion
- Complaints
Cascading training

• Personalise it to your setting and the audience

• Use parts of the power point/training materials and adapt as appropriate

• Use the activities to suit your own setting

• Consider joining as a cluster

• Use as part of induction for all new staff

Tips for Trainers

• The presentation is written so that it covers all sections of the CoP.

• The information given in the ‘speaker's notes' contains everything you need to know to be able to deliver the presentation.

• This information is presented in a way that clearly links the supporting information to the points on the slides, by showing the points on the slides in **bold** in the body of the text in the speaker's notes.

• Not all the information in the speaker’s notes is intended to be delivered to all audiences – the trainer should use their own discretion to determine what information is relevant to the audience.

• Where information is not included in the presentation it is referenced in the ‘speaker’s notes' and audiences should be directed to the relevant material where appropriate, particularly where pace of sessions is being lost in discussion of specific or isolated circumstances, material or questions.

• There are certain sections that are not included in the training presentation as they are not able to be summarised or including would detract from the key messages being delivered, these include:
  o The glossary
  o Supporting relevant legislation – links available ‘references' section
  o The annexes
  o References

• Guidance and summaries of these documents are contained in the ‘additional resources’ section on the disk.
Useful links to information:

- www.northamptonshire.gov.uk

SEND: Code of practice 0-25 July 2014

Early Years: guide to the 0-25 SEND code of practice
- www.gov.uk/government/publications/send-guide-for-early-years-settings

Local offer
- www.northamptonshire.gov.uk/localoffer

• NASEN provides an SEN Gateway that enables access to a broad range of materials and support services across the range of SEN (www.sendgateway.org.uk)

• Early Support provides a range of information materials to families and professionals www.ncb.org.uk/earlysupport

• The Autism Education Trust for children and young people on the Autism Spectrum (www.autismeducationtrust.org.uk)

• The Communications Trust for speech, language and communication difficulties (www.thecommunicationtrust.org.uk)
The last 3 slides show the links to a range of organisations that offer providers, who need to improve the knowledge and skills of staff in relation to specific conditions access to information, advice and training materials. NASEN provides an SEN Gateway that enables access to a broad range of materials and support services across the range of SEND.