



What Early Years providers need to know about supporting young children with Special Educational Needs and Disabilities (SEND) and their families

Questions and Answers

For children aged under five, what are 'special educational needs'?

A child who is under compulsory school age has a special educational need if they have a learning difficulty or disability that is likely to require 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, including home-based programmes.

What support can be offered to young children with SEND and their parents?

Support can take a range of forms including:

- Specialist support from health visitors, educational psychologists, speech and language therapists or specialist teachers such as teachers of the deaf. These specialists may visit families at home to provide advice and information
- Training for parents in using early language programmes to promote play, communication and language development
- Home-based programmes such as Portage, which offer a carefully structured system to help parents support their child's early learning and development. For example material visit the [National Portage Association](#) website.

Where can parents go to find out about local support and provision?

Every local authority provides information about early years provision and the support available across education, health and social care services for disabled children and children with SEN. This is made available in the **local offer**, and will be the first port of call for parents and professionals.

The [Local Offer](#) sets out to transform the landscape of special educational needs and disability provision to ensure that all children with SEND can enjoy a high quality educational experience and work towards positive life outcomes and opportunities. At its heart is the importance of choice and control for parents and carers over the services they choose for their child with SEND.

The local offer will provide information about:

- childcare for children with SEND
- information, advice and support services providing support on SEND, education, health and care
- support groups for parent carers of disabled children
- services assisting providers to support young children with medical conditions.

What information and guidance does the local offer provide to early years providers?

Practitioners can access a growing network of SEND providers including:

- SEN, learning support and sensory support services
- Area SENCOs, specialist teachers and therapies
- At home support available to families including Portage.

Practitioners can also find out about local strategic arrangements including:

- arrangements for identifying and assessing children's needs in the early years
- arrangements for providing top-up funding for children with high needs
- arrangements for Education, Health and Care (EHC) needs assessments and plans
- arrangements for reviewing children's progress including health and development reviews between the ages of 2 and 3.

What are early years providers required to do in terms of SEN support?

All early years providers have duties under the **Equality Act 2010** and the **Early Years Foundation Stage**, and must have regard for the **0-25 SEND Code of Practice** to:

- promote equality of opportunity for disabled children
- provide inclusive practice
- remove barriers to learning
- ensure children with medical conditions get the support they need
- make reasonable adjustments including aids to prevent disadvantage.

Thought must be given in advance to what disabled children might require and what adjustments might need to be made to prevent disadvantage.

Maintained nursery schools must use their best endeavours to make sure children with SEN get the support they need and ensure that there is a qualified teacher designated as the **SEN Coordinator (SENCO)** in order to ensure the detailed implementation of support for children with SEN. This individual should have the prescribed qualification for SEN Co-ordination or relevant experience. The EYFS framework requires other early years providers to have arrangements in place for meeting children's SEN. Those in group provision are expected to identify a SENCO. Childminders are encouraged to identify a person to act as a SENCO and childminders who are registered with a childminder agency or who are part of a network may share that role between them.

Local authorities may employ **Area SENCOs** to provide advice and guidance to early years providers on the development of inclusive early learning environments. Area SENCOs help to make the links between education, health and social care to facilitate appropriate early years provision for children with SEN and their transition to compulsory schooling.

What is an Education, Health and Care (EHC) needs assessment and plan?

An Education, Health and Care (EHC) needs assessment and plan is a process for identifying and putting into place additional support for children who need, or are likely to need, more support than is available through SEN support.

An EHC plan identifies educational, health and social needs and sets out the additional support to meet those needs including specified outcomes for the child. The plan should enable the child to progress in their learning and as they get older, prepare them for adult life. Preparation for adulthood should begin in the earliest years and outcomes should enable children to move towards longer term aspirations of employment, higher education, independent living and community participation.

Who decides whether an EHC needs assessment and plan is required and what is the process?

The Local authorities must consider an EHC needs assessment when:

- a request is made by the early years setting
- a request is made by a child's parent; or
- anyone else brings a child to their attention.

Early years practitioners working with children should monitor and review the progress and development of all children throughout the early years. Where a child appears to be behind expected levels, or where a child's progress gives cause for concern, practitioners should consider all the information about the child's learning and development and work in partnership with the parents to establish the support the child needs.

All settings should adopt a **graduated approach with four stages of action: assess, plan, do and review**. Where despite the setting 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, the setting should consider requesting an Education, Health and Care needs assessment. This should be done with the knowledge, and where possible, the agreement of the parent/s. Early identification of needs is vital for removing barriers to children's learning to ensure that every child has the opportunity to reach their full potential in early years and later life.

Where a health body is of the opinion that a young child under compulsory school age has, or probably has, SEN, they must inform the child's parents and bring the child to the attention of the local authority. Co-operation between health, education and care professionals in partnership with families is essential to support joint planning and provision of services for young children with SEN or disabilities.

Following an assessment, the local authority has to consider whether an EHC plan is required or whether the child's needs can be met via mainstream SEN provision. A local authority has 6 weeks to decide whether or not to carry out an EHC assessment. The local authority is required to complete the EHC needs assessment and plan within 20 weeks; from when an assessment is requested by parents or the child's needs are brought to the attention of the local authority, until the final EHC plan is issued.

Do parents have a say in which provider their child will attend as part of the ECH plan?

It is only the local authority that can decide which provider to name in an EHC plan, after consulting with the particular setting requested by the parent/s of the child.

The local authority must comply with the parent's request, unless it considers the provider to be unsuitable due to; the age, ability or needs of the child, the child's attendance would be incompatible with the efficient education of others, or the placement would not be an efficient use of resources. If the parent disagrees with the local authority, they can appeal to the First-Tier (SEND) Tribunal.

A maintained nursery named in an EHC plan is required to admit the child. Private, voluntary and independent settings will be asked if they are willing to admit the child and can say no. A provider however, cannot refuse to admit a child aged under five years who has a disability, if the reason is related to the disability. Such action may amount to discrimination under the Equality Act 2010.

What considerations need to be made for children aged under two?

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.

What considerations need to be made for children aged two?

Two year olds who have a Statement of special educational needs, or an EHC plan or who are entitled to Disability Living Allowance are entitled to a government funded early education place.

All children aged two to two-and-a-half are entitled to health and education progress checks. From September 2015, local areas will be expected to integrate health and education child development reviews that are carried out and shared with parents when children are two years of age. The Early Years Foundation Stage (EYFS) Progress Check at age two (delivered by early years practitioners in a child's early years setting) will be brought together with the Healthy Child Programme (HCP) 2-2½ year old health and development review (delivered by health visiting teams), where possible, in an Integrated Review. The integrated review will:

- identify the child's progress, strengths and needs at this age in order to promote positive outcomes in health and wellbeing, learning and development
- enable appropriate intervention and support for children and their families, where progress is less than expected
- generate information which can be used to plan services and contribute to the reduction of inequalities in children's outcomes.

[Integrated review support materials for practitioners](#) are available from the Early Childhood Unit at NCB.

What are early years providers required to do to support children with transition to school?

SEN support should include planning and preparing for transition, before a child moves into another setting or school. This can also 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.

For children within one to two years of starting compulsory education who are likely to need an EHC plan in primary school, it will often be appropriate to prepare an EHC plan during this period so that the EHC plan is in place to support the transition to primary school.

Can children who are not yet toilet trained attend school when they are five?

Whilst the overwhelming majority of children are toilet-trained by the time they start school, there are a very small number who have still to master this developmental milestone. **All schools are required to admit these children full-time and to work with the family to help the child develop this skill.** Reasonable adjustments may be required to the child's teaching and support programme, and there may be a need to liaise with the health visitor, depending on the child's needs.