

# Children and Adults: Early Years

## Special Educational Needs and Disability Code of Practice (SEND COP 2015) EARLY YEARS FOCUS

This guide is for Early Years Managers, SENCOs, Early Years Practitioners and Childminders in the Private, Voluntary and Independent childcare sector. It should be read in conjunction with the full SEND Code of Practice: 0 to 25 years, which provides greater detail in relation to the content outlined here.



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## SECTION 1: The Background

The Children and Families Act 2014 reformed legislation relating to children and young people with Special Educational Needs and Disabilities (SEND).

The SEND Code of Practice is statutory guidance for organisations that work with and support children and young people with SEND. It sets out duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulation.

**The following bodies must have regard to the Code:**

- Local Authorities
- School governing bodies
- Academies
- Management committees of Pupil Referral Units
- Independent schools and specialist providers
- Early Years Providers in the maintained and private, voluntary and independent sectors
- The NHS Commissioning Board, NHS Trusts, NHS Foundation Trusts and local health boards
- Youth Offending Teams
- The First-tier Tribunal

The bodies listed here *'must have regard'* to the Code. This means they must:

- Give consideration to what the Code says whenever they are making decisions – they cannot ignore it
- Be able to demonstrate in their arrangements for children and young people with SEND that they are fulfilling their statutory duty to have regard to the Code

Where the word *'should'* is used in the Code, it means the guidance must be considered and those who must have regard to it will be expected to explain any departure from it.



## SECTION 2: Principles

The following are the principles underpinning the legislation and guidance in the Code of Practice and the practice they are designed to support.

Section 19 of the Children and Families Act 2014 makes it clear that Local Authorities and funded providers of early years education must have regard to:

- the views, wishes and feelings of the child or young person, and the child's parents
- the importance of the child or young person, and the child's parents, participating as fully as possible in decisions, and being provided with the information and support necessary to enable participation in those decisions
- the need to support the child or young person, and the child's parents, in order to facilitate the development of the child or young person and to help them achieve the best possible education

These principles are designed to support:

- the participation of children, their parents and young people in decision-making
- the early identification of children and young people's needs and early intervention to support them
- greater choice and control for young people and parents over support
- collaboration between education, health and social care services to provide support
- high quality provision to meet the needs of children and young people with SEND
- a focus on inclusive practice and removing barriers to learning
- successful preparation for adulthood, including independent living and employment

## SECTION 3: Legislation

In addition to the SEND Code of Practice, settings must also be aware and follow the following:

- Equality Act 2010
- The Statutory Framework for the Early Years Foundation Stage (EYFS SF) 2021
- The Special Educational Needs and Disability Regulations 2014
- Children and Families Act 2014

### Equality Act 2010

All early years providers have duties under the Equality Act 2010. In particular, they must not discriminate against, harass or victimise disabled children, and they must make reasonable adjustments to prevent them being put at substantial disadvantage. Settings must consider what adjustments need to be made before a child starts to support inclusion. All publicly funded early years providers must promote equality of opportunity for disabled children

### The Statutory Framework for the Early Years Foundation Stage 2021 (p3.68)

#### Special Educational Needs

Providers must have arrangements in place to support children with SEN or disabilities. Maintained schools, maintained nursery schools and all providers who are funded by the Local Authority to deliver early education places must have regard to the Special Educational Needs (SEND) Code of Practice. Maintained schools, maintained nursery schools must identify a member of staff to act as Special Educational Needs Co-ordinator (SENCO) and other providers (in group provision) are expected to identify a SENCO.

#### Children and Families Act 2014

The Children and Families Act aims to give greater protection to vulnerable children including a new system to help children with special educational needs and disabilities.

- Co-operating generally: governing body functions: **Section 29**
- Children and young people with SEND but no Education Health and Care (EHC) plan: **Section 34**
- Using best endeavours to secure special educational provision: **Section 66**
- SEN co-ordinators: **Section 64**
- Informing parents and young people: **Section 68**
- SEN information report: **Section 69**

- Duty to support pupils with medical conditions: **Section 100**

## SECTION 4: The Local Offer

The Local Authority has a statutory duty to develop and publish a local offer which sets out the support they expect to be available across education, health and social care for local children and young people with SEND (including those who do not have an EHC plan).

**Nottingham City's Local Offer** can be found by accessing the Families Information Service page of the Nottingham City Council's website:  
<http://fis.nottinghamcity.gov.uk/kb5/nottingham/fsd/localoffer.page?familychannel=8>

The Local Authority and Nottingham City Day Nurseries and Pre-schools have worked collaboratively to develop **Nottingham City Early Years Provision Maps**. These maps provide a framework for early years provision in Nottingham and show interventions that are reasonable for settings to provide to pupils identified with SEND.

This includes provision that will be available to all children (Universal Provision) and provision (additional interventions) that is available to children who have been identified as requiring SEND support.

Settings are not expected to provide all the interventions included on the maps. Throughout the year settings will look at the needs of their children and select the interventions that are required in order to meet the needs of a particular child or children. This means that provision in the setting may vary to reflect the changing needs of the children over time.

The provision maps are available on the Families Information Service page of the Nottingham City Council webpage and may be found at the link below.

<http://search3.openobjects.com/kb5/nottingham/fsd/advice.page?id=9-2KGOE4L3s&familychannel=803>



## SECTION 5: Early Years

This chapter explains the action early years providers should take to meet their duties in relation to identifying and supporting all children with SEND whether or not they have an EHC plan.



### Early Years Provision

The EYFS framework sets the standards that all Ofsted registered early years providers, offering early years provision, must meet to ensure that children learn and develop well and are kept healthy and safe. This includes ongoing assessment of children's progress. Early years providers and educational settings should have arrangements in place that include a clear approach to assessing SEND. This should be part of the setting's overall approach to monitoring the progress and development of all children. **(SEND COP 5.20)**

### Medical Conditions

All early years providers should take steps to ensure that children with medical conditions get the support required to meet those needs. This is set out in the EYFS framework. **(EYFS SF 3.44 to 3.46 and 3.67)**

### SEND in the Early Years

All early years providers must identify and support children with SEN or disabilities and promote equality of opportunity for children in their care. **(EYFS SF 3.67)** They must review children's progress and share this with parents. They may use Early Years Outcomes or

other checklists, to support their judgements. **(SEND COP 5.11)**

### Birth to Two – Early Identification

Early years settings with children aged birth to two with either a disability or SEN requirement need to work very closely with parents, supporting them to access appropriate Health Professionals. Some children's needs will have been identified as having a disability or Special Need from birth and already have Health Professionals working with them and settings must work in partnership with them **(SEND COP 5.14)**

### Identifying Needs in the Early Years

All early years settings track children's progress and development. Where a child appears to be behind expected levels or is giving cause for concern, a setting must consider all information from within and beyond the setting. Where specialist advice has been sought this should be used to inform decisions about whether or not a child has SEN. **(SEND COP 5.28)**

Careful consideration should be made for children whose first language is not English and practitioners should look carefully at all aspects of learning and development before deciding if the child has a special need. **(SEND COP 5.30)**

Children's SEN are generally thought of in the following four broad areas of need and support:

- communication and interaction
- cognition and learning
- social, emotional and mental health
- sensory and/or physical needs **(SEND COP 5.32)**

### 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 on the prime areas; communication and language, physical development and personal, social and emotional development.

This progress check must identify the child's strengths and any areas where the child's progress is below age related expectations.

If there are significant emerging concerns (or identified SEND) practitioners should develop a targeted plan to support the child, involving the parents and other professionals such as, for example, the setting's SENCO.

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 SEND) (**SEND COP 5.23**)

It must describe the activities and strategies the provider is going to use to support the child (**SEND COP 5.24**)

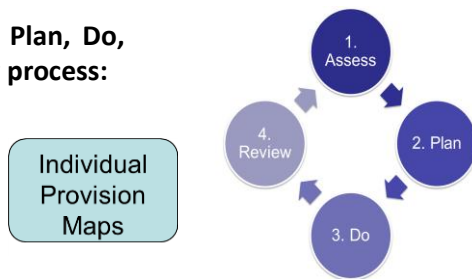
**Providers should link with Health Professionals regarding the Integrated Review at Two:**

<https://www.nottinghamcity.gov.uk/earlyyears/early-years/eyfs/integrated-review-at-2-years/>

### SEND Support in the Early Years

When a child has been identified as needing SEND support, the setting must work in partnership with parents/carers. The setting must adopt a graduated approach with four stages of action:

**Assess, Plan, Do, Review process:**



#### Assess

Child is identified as needing SEND support, the key person works with the setting SENCO and child's parents/ carers to put a support programme in place (Nottingham City Individual Provision Map).

The support programme is reviewed regularly to ensure the support matches the child's needs.

Where there is little or no improvement in progress, the setting may need a more specialist assessment from health, social services and other agencies beyond the setting. It is the SENCO's responsibility to contact the appropriate agency with parental agreement (**SEND COP 5.39**).

#### Plan

Where SEND support has been agreed, targets and timelines should be clear. Wherever possible the views of the child should be considered. Parents should be involved in planning support and, where appropriate, in reinforcing the provision or contributing to progress at home (**SEND COP 5.40**).

#### Do

The early years practitioner, usually the child's key person, remains responsible for working with the child on a daily basis. With support from the SENCO, they will ensure the planned interventions and programmes are carried out (**SEND COP 5.42**).

#### Review

Settings must review the effectiveness of the support they are offering and evaluate the child's progress towards their targets; parents should be involved in this process and contribute to the child's next steps (**SEND COP 5.43**).

This cycle of action (Graduated Approach) should be revisited regularly, to identify the best way of securing good progress. Parents should be involved at each stage (**SEND COP 5.44**).



#### Involving Specialists

Where a child continues to make less than expected progress, practitioners should consider referring to appropriate specialists, for example, health visitors, speech and language therapists, Portage workers, educational psychologists or specialist teachers, who may be able to identify effective strategies, equipment, programmes or other interventions. This decision to involve specialists should be taken with the child's parents. (**SEND COP 5.48**)

#### Requesting an Education, Health and Care Needs Assessment

Most children with SEND will have their needs met through SEND support. Children with more complex needs may need additional provision and require an Education, Health and Care Plan, this can be requested by the setting or parent and will be carried out by the Local Authority

Further information and support on Education, Health and Care Plans can be accessed through the Nottingham City Council website:

<https://www.nottinghamcity.gov.uk/ehcprequestform>



## Record Keeping

Practitioners must maintain a record of children under their care as required under the EYFS statutory framework. Such records about their children must be available to parents and they must include how the setting supports children with SEND (**SEND COP 5.50**).

## The Role of the SENCO

Those in group provision are expected to identify a SENCO. Childminders are encouraged to identify a person to act as SENCO and childminders who are registered with a childminder agency or who are part of a network may wish to share that role between them.

### The role of the SENCO involves:

- ensuring all practitioners in the setting understand their responsibilities to children with SEND and the setting's approach to identifying and meeting SEND
- advising and supporting colleagues
- ensuring parents are closely involved throughout and that their insights inform action taken by the setting
- liaising with professionals or agencies beyond the setting (**SEND COP 5.56**)

A guide to the key principles for the SENCO role has been provided within this document (Appendix A)

## Funding for SEND Support in the Early Years

Local Authorities must ensure that all providers delivering funded early education places meet the needs of children with SEND.

Early years providers should consider how best to use their resources to support the progress of children with SEND (**SEND COP 5.60**).

## Early Years SEND Fund

The Early Years SEND Fund is available to all Nottingham City private, voluntary and independent Ofsted registered childcare providers to support the inclusion of children with high level SEND.

### The fund supports:

- Early years provision for SEND children aged 3 and 4 years whilst accessing their Nursery Education Funded place
- Access for SEND children who are 2 years of age whilst accessing their Nursery Education Funded place

<https://www.nottinghamcity.gov.uk/earlyyears/equality-and-inclusion/early-years-send-fund/>

From September 2014 all 2 year olds for whom Disability Living Allowance (DLA) is paid are entitled to 15 hours free early education (SEND COP 5.18).  
[https://www.asklion.co.uk/kb5/nottingham/directory/advice.page?id=1C3qNYA\\_meE](https://www.asklion.co.uk/kb5/nottingham/directory/advice.page?id=1C3qNYA_meE)

Settings may also be eligible to claim an annual payment of £800 for children in receipt of DLA  
<https://www.nottinghamcity.gov.uk/earlyyears/equality-and-inclusion/early-years-send-fund/the-disability-access-fund/>

## Transition

All children receiving SEND support should have strategies in place for transition (between age groups or between settings). In all cases practitioners and the settings involved need to work collaboratively.

Where a child has an EHC plan, the Local Authority must review that plan every twelve months. As part of the review, the Local Authority can ask settings to convene and hold the annual review meeting on its behalf (**SEND COP 5.47**).

## SECTION 6: Further Reading and Important Linked Documents

### SEND Code of Practice 2015:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398815/SEND Code of Practice January 2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

### EYFS Statutory Framework 2021:

[Statutory framework for the early years foundation stage \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/98764/eyfswf2021.pdf)

### NASEN:

<http://www.nasen.org.uk/>

### Education, Health and Care Plan:

<https://www.nottinghamcity.gov.uk/ehcprequestform>

### Early Years Website: Equality and Inclusion:

<http://www.nottinghamcity.gov.uk/earlyyears/equality-and-inclusion/>

### Working Together to Safeguard Children:

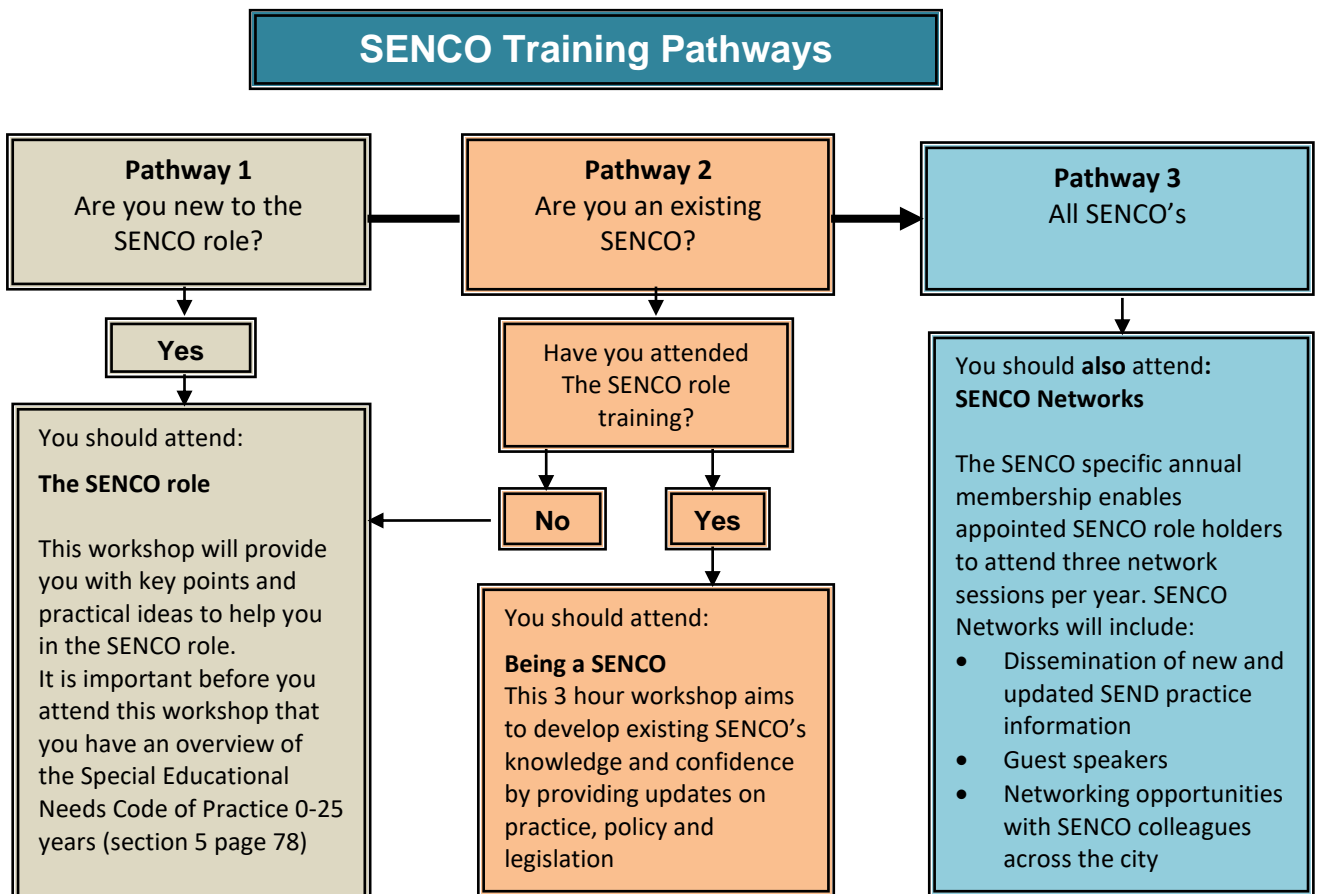
[https://www.nottinghamcity.gov.uk/media/1170088/working\\_together\\_to\\_safeguard\\_children-2018.pdf](https://www.nottinghamcity.gov.uk/media/1170088/working_together_to_safeguard_children-2018.pdf)

### Nottingham City Council Special Education Needs Service:

<http://www.nottinghamcity.gov.uk/education-and-schools/special-educational-needs-service/>

# Children and Adults: Early Years

## Section 7: SEND TRAINING



### Other training offered through the Early Years Team:

Each year the EYFS Statutory Framework CPD Brochure provides a comprehensive selection of training, development and networking opportunities. Among these will be various workshops aimed and practitioners working with children with SEND. As these workshops vary year to year we have not listed them in this information however here are a couple of examples of what we have offered:

- Strategies for EAL in the Early Years
- Engaging the hard to engage (understanding the child with Autism/child with significant communication and interaction difficulties)

To book onto 'The SENCO role' training, 'Being a SENCO' training or to see what other SEND training the Early Years team has to offer - visit the Early Years website: <https://www.nottinghamcity.gov.uk/earlyyears/>

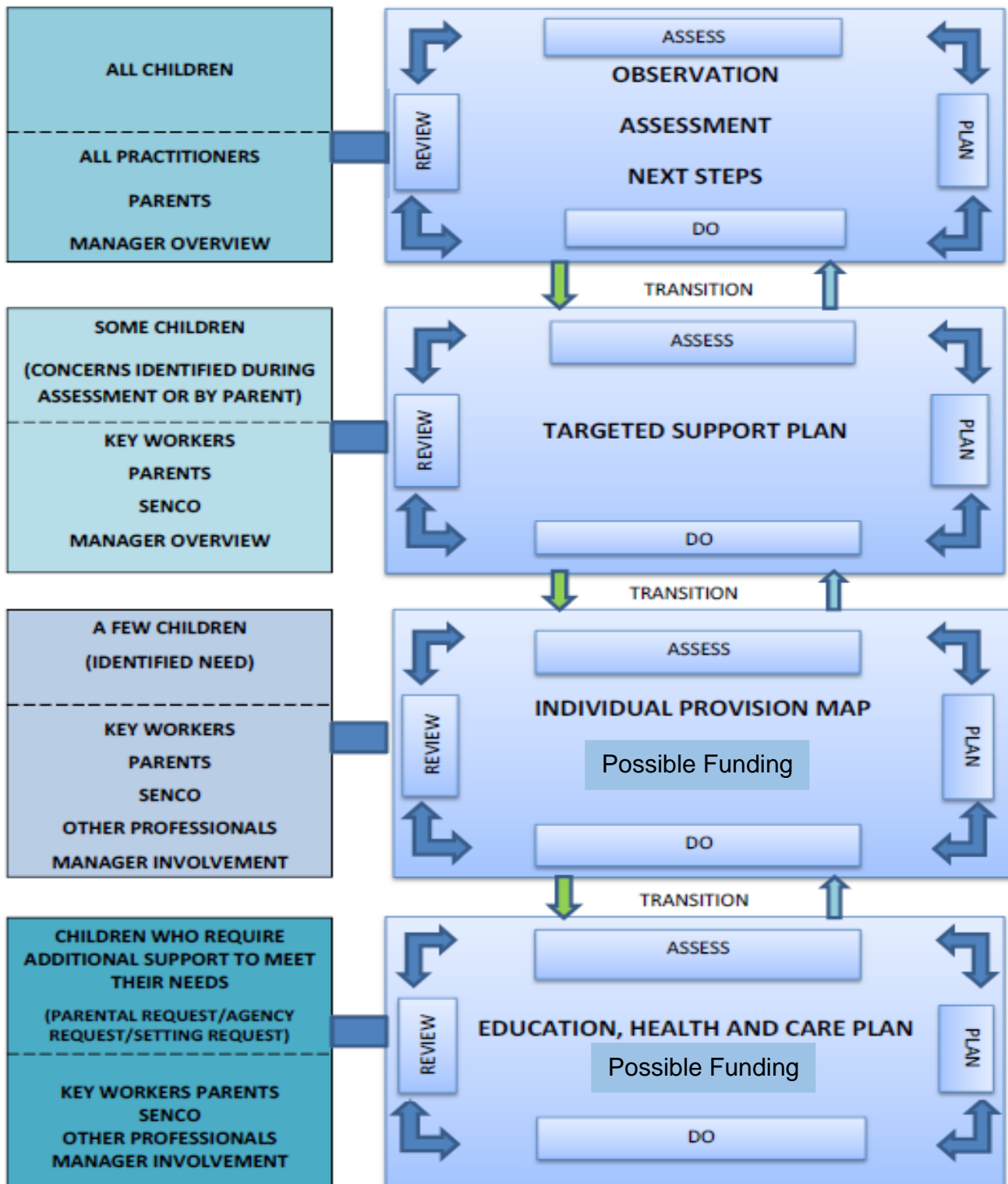
**N.B. if your setting does not have membership of Early Years SENCO Networks; contact the Workforce Development team on the number below for an application form.**

In addition to the above, the Early Years team are able to consider requests for bespoke training delivered in house if there are particular SEND aspects you wish to explore with your staff team. To make an enquiry about subject, costs etc. please contact the Workforce Development Team on:

☎: 0115 87 64606 / 64530 / 64544    ✉: [eytraining@nottinghamcity.gov.uk](mailto:eytraining@nottinghamcity.gov.uk)

# Children and Adults: Early Years

## Section 8: GRADUATED RESPONSE: A CLEAR APPROACH TO IDENTIFYING AND SUPPORTING CHILDREN WITH SEND





# Children and Adults: Early Years

## Section 9: USEFUL CONTACTS AND NOTES PAGE

### Useful Contacts

❖ **Speech and Language Therapy:** Childrens Development Centre, City Hospital Campus, Hucknall Road, NG5 1PB (Tel: 0300 1233387)

**EYFS SEND Home visiting Team:** Early Years SEND Pathway Administration Assistant, Nottingham City Council, Children's Services, Dragon Court, 1 Woolsthorpe Close, Bilborough, Nottingham, NG8 3BP 0115 876 5840

❖ **Children's Development Centre:** Nottingham City Hospital, Hucknall Road, NG5 1PB (Tel 0115 8831157)

❖ **The Council for Disabled Children:** <https://councilfordisabledchildren.org.uk/>

❖ **NASEN SEND Gateway:** <http://www.sendgateway.org.uk/index.cfm>

❖ **The Disabled Childrens Team (Nottingham City Council):**  
<http://fis.nottinghamcity.gov.uk/kb5/nottingham/fsd/advice.page?id=y3LF7UCD5SE&familychannel=2341>

❖ **'Ask Us':** [http://fis.nottinghamcity.gov.uk/kb5/nottingham/fsd/service.page?id=yk\\_kmdD3Jug](http://fis.nottinghamcity.gov.uk/kb5/nottingham/fsd/service.page?id=yk_kmdD3Jug)

❖ **Rainbow Parent Carers Forum:** <http://rainbowparentscarersforum.org.uk/>

❖ **Early Years Website (Equality and Inclusion):**  
<http://www.nottinghamcity.gov.uk/earlyyears/equality-and-inclusion/>

❖ **Nottingham City Council SEND Local Offer:**  
<http://search3.openobjects.com/kb5/nottingham/fsd/localoffer.page?familychannel=8>

## NOTES

## Appendix A: A GUIDE TO THE ROLE OF A SPECIAL EDUCATIONAL NEEDS CO-ORDINATOR

The role of the Special Educational Needs Co-ordinator (SENCO) is to ensure that the setting actively promotes inclusive practice and supports children who have Special Educational Needs and Disabilities (SEND). The SENCO has a day- to-day responsibility for implementing the setting's SEND or inclusion policy.

Some settings may have more than one SENCO and the extent of the role undertaken will vary between settings. Whilst few settings have a specific job description or person specification for the SENCO as an exclusive post, there are a number of key principles that it is recommended are included in the job description of the person undertaking the SENCO role. This ensures inclusive practice is embedded within the setting, ensures other staff members are clear on their role in relation to SEND and the role of the SENCO and gives the SENCO a guide as to the duties expected of them.

### Key principles for the SENCO role:

- Ensure early identification and intervention is implemented within the setting;
- To assist in the development of policies and practice and to keep up to date with SEND legislative changes;
- To be aware of all children on a targeted support plan or an Individual Provision Map;
- Support and advise key person to identify smart targets and implement interventions;
- Monitor the support and progress of each child identified with a special need or disability;
- To work with parents, organise and lead review meetings with key person and any other professionals involved with the child;
- Refer and liaise with other agencies, initiate a CAF as appropriate and co-ordinate the information;
- Liaise with manager regarding support required for the child and, if appropriate, submit an application for the Early Years SEND Fund;
- Complete the application form and work with the manager to ensure funding is spent appropriately;
- Support transitional arrangements;
- Support an Education, Health and Care Plan (EHCP) process, if required.