**Inclusion Programme Bulletin: October 2016**

**Part 4: Early Years Providers – Code of Practice, Chapter 5**

**Introduction**

1. Chapter 5 of the Code explains the actions early years providers should take to meet their duties in relation to all children with SEND. This summary covers those aspects that are additional to the Early Years Foundation Stage statutory framework and the duties under the Equality Act 2010[[1]](#footnote-1). These are covered in more detail in the Code.
2. All providers of early years education in the maintained, private, voluntary and local authority funded independent sectors **must** have regard to the Code of Practice. This includes the principles in Chapter 1 such as actively supporting parents to contribute to needs assessments; delivering high quality, differentiated and personalised teaching; and using clear outcomes to set high aspirations and stretching targets.
3. Providers **must** have arrangements in place to support children with SEN or disabilities. These should include a clear approach to identifying and responding to SEN as quickly as possible.

**Duties on Early Years and Health Providers**

1. There are specific duties on maintained nursery schools. They **must**:  
   * Use their best endeavours to make sure children with SEN are supported;
   * Ensure children with SEN participate in activities alongside those without SEN;
   * Have a designated SENCO;
   * Inform parents if they are putting in additional support for a child;
   * Prepare a report on the implementation of their SEN policy, including admissions and access for those with SEN or disabilities.
2. All Early Years Providers **must** provide information for parents on how they support children with SEND. They should regularly review and evaluate the quality and effectiveness of the support they offer.
3. Maintained nursery schools and all providers of relevant early education to children with SEN **must** cooperate with the local authority in reviewing available provision and developing the Local Offer.

**Identifying needs in the early years**

1. In addition to the required assessment points set out in the EYFS Framework, it is important to identify quickly at any time where a child is not making expected progress and whether this is evidence of SEN. Delays in learning and development and/or difficult or withdrawn behaviour are not necessarily indicators of SEN and may require a broader, multi-agency approach. Where special educational provision is required, the setting should make that provision.
2. Where a health professional is of the opinion that a child under compulsory school age has, or may have, SEN, they **must** inform the child’s parents and **must** notify the local authority. The health body **must** give parents the opportunity to discuss their opinion and inform them of any voluntary organisations that provide advice or assistance.
3. The Code describes four areas of SEN: Communication and Interaction; Cognition and Learning; Social, Emotional and Mental Health; and Sensory and/or Physical Needs.

**SEN Support in the Early Years**

1. To support SEN, all settings should adopt a four-stage graduated approach:  
   * **Assess:** Working with parents, settings should carry out an initial analysis of a child’s needs and review it regularly. Where there is little or no improvement in progress, more specialist assessments may be required. With parents’ agreement, the SENCO should contact relevant professionals to carry out these assessments.
   * **Plan:** The SENCO and parents should agree the outcomes they are seeking; the interventions and support to be put in place; the expected impact on progress; and a clear date for review. Support and intervention should be tailored to deliver the agreed outcomes. Staff development needs should be identified and addressed.
   * **Do:** The Early Years practitioner should work with the SENCO to oversee the implementation of any agreed SEN support. The SENCO should support the practitioner in assessing the child’s responses to support, solving problems and advising on effective implementation.
   * **Review:** The effectiveness of the support should be review in line with the agree date. The Early Years practitioner and the SENCO, working with parents, should evaluate progress and agree any changes to the outcomes and support – including involving appropriate specialists. The Review stage should also include considering and planning for transition to school.
2. This cycle of action, led and co-ordinated by the SENCO, should be revisited in increasing detail and frequency to identify the best way of securing progress. In Sheffield, the development of My Plan will facilitate this graduated approach and will provide the pathway for deciding that a request for an EHC Plan is necessary. Where a child has an EHC Plan, these should be reviewed every six months and the local authority can ask settings, and require maintained nursery schools, to convene and hold the reviews on its behalf.

**The role of the SENCO in Early Years Provision**

1. Early Years Providers must ensure there is a SENCO in the setting. In maintained nursery schools, the SENCO **must** be a qualified teacher and have the prescribed qualification for SEN co-ordination or relevant experience. A SENCO should:  
   * Ensure practitioners understand their responsibilities with regard to SEND;
   * Advise and support colleagues;
   * Ensure parents are involved throughout and their views taken into account; and
   * Liaise with professionals or agencies beyond the setting.

1. The reasonable adjustments duty within the Equality Act is anticipatory. Providers must consider in advance what disabled children and young people might require and what adjustments might be needed to prevent disadvantage. [↑](#footnote-ref-1)