

# **Early Years Special Educational Needs Inclusion and Disability Access Fund Policy**

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## 1 Introduction

This policy establishes the framework for the Local Authority (LA), private, voluntary, independent (PVI) and maintained early education settings to work together to meet the needs of children aged 0-5 years with special educational needs and disabilities (SEND).

The policy sits within the Bracknell Forest Councils (BFC) SEND Improvement strategy (<https://www.bracknell-forest.gov.uk/sites/default/files/documents/send-improvement-strategy-2017-to-2020.pdf>) and has been developed specifically to set out expectations of BFC and all early education settings.

The policy provides the framework within which all children aged 0-5 years regardless of ability, gender, language, ethnic or cultural origin can be valued in whatever setting they are educated.

## 2 Definitions of Special Educational Needs and Disability

### Special Educational Needs

1. A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.
2. 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
3. For children aged two or more, special educational provision is educational or training provision that is additional to or different from that made generally for other children or young people of the same age by mainstream schools, maintained nursery schools, mainstream post-16 institutions or by relevant early years providers. For a child under two years of age, special educational provision means educational provision of any kind.
4. A child under compulsory school age has special educational needs if he or she is likely to fall within the definition in paragraph 2 above when they reach compulsory school age or would do so if special educational provision was not made for them (Section 20 Children and Families Act 2014).

## Disabled Children

Many children and young people who have SEN may have a disability under the Equality Act 2010 – that is ‘...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 definition provides a relatively low threshold and includes more children than many realise; ‘long-term’ is defined as ‘a year or more’ and ‘substantial’ is defined as ‘more than minor or trivial’. This definition includes sensory impairments such as those affecting sight or hearing, and long-term health conditions such as asthma, diabetes, epilepsy, and cancer. Children and young people with such conditions do not necessarily have SEN, but there is a significant overlap between disabled children and young people and those with SEN. Where a disabled child or young person requires special educational provision they will also be covered by the SEN definition.

The Equality Act 2010 sets out the legal obligations that schools, early years providers, post-16 institutions, local authorities and others have towards disabled children and young people:

- They **must not** directly or indirectly discriminate against, harass or victimise disabled children and young people
- They **must not** discriminate for a reason arising in consequence of a child or young person’s disability
- They **must** make reasonable adjustments, including the provision of auxiliary aids and services, to ensure that disabled children and young people are not at a substantial disadvantage compared with their peers. This duty is anticipatory – it requires thought to be given in advance to what disabled children and young people might require and what adjustments might need to be made to prevent that 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, when carrying out their functions, **must** have regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between disabled and non-disabled children and young people. Public bodies also have specific duties under the public sector equality duty and **must** publish information to demonstrate their compliance with this general duty and **must** prepare and publish objectives to achieve the core aims of the general duty. Objectives **must** be specific and measurable. The general duty also applies to bodies that are not public bodies but that carry out public functions. Such bodies include providers of relevant early years education, non-maintained special schools, independent specialist providers and others making provision that is funded from the public purse.
- The duties cover discrimination in the provision of services and the provision of education, including admissions and exclusions. All providers **must** make reasonable adjustments to procedures, criteria and practices and by the provision of auxiliary aids and services. Most providers **must** also make

reasonable adjustments by making physical alterations. Schools and local authority education functions are not covered by this last duty, but they **must** publish accessibility plans (and local authorities, accessibility strategies) setting out how they plan to increase access for disabled pupils to the curriculum, the physical environment and to information.

### **3 Local Authority: Early Education Provision**

#### **Private, voluntary and Independent (PVI) Early Education Providers**

PVI providers within Bracknell Forest consist of pre-schools, day nurseries, private nurseries, independent schools and childminders. Most group providers and 10% of childminders are registered to deliver the free entitlements.

#### **Maintained Nursery Classes**

All schools with nursery classes (currently 17) are registered to deliver the free entitlements.

#### **Specialist Early Education**

There are 3 specialist early education provisions within Bracknell Forest.

**Kennel Lane School:** offers specialist placements for children aged 2- 19 years.

**Rainbow Resource:** based at Meadowvale Primary School the resource offers placements for children aged 3-5 years with social and communication difficulties and autism spectrum disorder.

**Meadowvale Language Unit:** based within Meadowvale Primary School, the unit offers placements for children aged 3-11 years with specific speech and language difficulties.

**Child Development Centre:** LA run centre to support children under 5 (and their families) who have developmental delay, disability or complex medical needs.

### **4 Support for Children aged 0-5 years**

#### **Child Development Centre (CDC)**

The CDC offers a variety of interventions to support children with additional needs. Each child is an individual so interventions will be specific to the child and family. Children born with complex needs are often referred to the CDC at a young age by a health professional and will usually be allocated a keyworker who will support the child and family. Interventions at a very young age will often take place in the home and at the Centre.

Transition into early education is supported by the keyworker who will continue to support the child. Home visits may still take place but the keyworker will also work in partnership with the early education setting to ensure the child is included successfully and needs are being met.

If there is evidence that, with the provision of identified interventions and collaborative working with other relevant professionals e.g. Children and Young People's Integrated Therapies (CYPIT), the child has made little or no progress over at least 2 terms and is delayed in at least 2 areas of learning, they may meet the threshold to apply for a statutory assessment for an Education, Health and Care Plan (EHCP).

Some children may need an EHCP, however, it is also recognised that with specific interventions during the early years these children may be able to access a mainstream education setting without the need for a plan.

## 5 Early Education and 30 hours Free Entitlement

**Universal entitlement:** all children from the term after their 3<sup>rd</sup> birthday are eligible to receive 570 hours of free early education per annum (this is mostly accessed as 15 hours per week, 38 weeks per year).

**2 year old entitlement:** children from the 40% most disadvantaged families are eligible to 570 hours per annum of free early education, this is also available to Looked after Children, adopted children and children in receipt of Disability Living Allowance (DLA).

**30 hours free entitlement:** from September 2017 the entitlement was extended for 3 and 4 year olds where 1 parent (single families) or both parents are working and meet the eligibility criteria.

**SEN and DLA elements of funding:** BFC will receive 2 funding elements from the education funding agency to meet the needs of children with SEND.

**Disability Access Fund:** these payments will be ring-fenced for eligible children in receipt of DLA. This fund will then be passported to the early education setting where the child receives free entitlement once parental consent and evidence of DLA has been received. The fund should be used to enable the child to be successfully included within the setting and improve outcomes.

**SEN:** there will be an Inclusion Fund retained centrally to meet the needs of children with SEN.

## 6 Early Years Disability Access Fund

Three and four year old children who are in receipt of child Disability Living Allowance and are receiving the free entitlement are eligible for the Disability Access Fund (DAF).

Conditions for making a claim for DAF:

- Consent from the parent or guardian on section 5 of the Parent Declaration form
- Child must be in receipt of DLA
- Only 1 claim can be made for a child within a 12 month period

Once allocated the provider will be responsible for making decisions about how the funding should be deployed, for example:

- To target one child's specific needs
- To improve the setting for a cohort of children
- To increase the settings capacity to take more disabled children.

The payment is not intended to cover the total costs of providing childcare for a disabled child in receipt of DLA. Providers are still expected to support all children within their setting and meet their statutory duties as per the Early Years Foundation Stage (EYFS) and the Equality Act 2010. Providers can apply to the LA for additional funding from the Inclusion Fund as appropriate.

## 7 SEN Inclusion Fund

All early education providers are required to have regard to:

- **The Statutory Framework for the Early Years Foundation Stage (2014)**  
*3.67. Providers must have arrangements in place to support children with SEN or disabilities. Maintained nursery schools and other providers who are funded by the local authority to deliver early education places must have regard to the Special Educational Needs (SEN) Code of Practice<sup>32</sup>. Maintained nursery schools must identify a member of staff to act as Special Educational Needs Co-ordinator<sup>33</sup> and other providers (in group provision) are expected to identify a SENCO.*
- **The Special Educational Needs and Disability Code of Practice: 0-25 years (2015)** including the principles set out in chapter 1. Chapter 5 of the code sets out the specific actions that early years providers should take to meet their duties in relation to identifying and supporting all children with SEN whether or not they have an EHCP.
- **The Equality Act (2014)**
- Where early education providers are meeting all the requirements of the EYFS statutory guidance and the SEN code of practice and the child is not making adequate progress the provision can apply to the LA Inclusion fund for additional support.

- The inclusion fund is available to enable children with emerging needs to access a mainstream setting and make adequate progress. Emerging needs are those considered to be complicated special educational needs which are exceptional, (outside of the usual 'average' range of developmental needs and are requiring resources outside of those usually available to the setting). Some children may have severe and complex needs and a statutory assessment may need to be requested.  
<https://www.bracknell-forest.gov.uk/special-educational-needs-send/how-request-assessment>

### **Process for Inclusion Support**

A panel comprising of the following representatives:

- LA Special Educational Needs Officer
- LA Early Years Officer/CDC Officer
- Maintained nursery class representative
- PVI provision representative

Will meet at least termly (and virtually in between) to consider inclusion fund requests, the panel will also consider whether the child would benefit from a specialist early years placement. Some requests may not meet the required threshold, providers will be notified of the outcome of the request following the panel meeting.

Any early education provider registered to deliver the free entitlements for 2, 3 and 4 year olds may apply to the Inclusion fund.

The early education provider will need to provide evidence including:

- Child is known to CDC
- Child's current developmental levels in the 3 prime areas
- Provision map detailing interventions to date (over and above those offered to all children)
- Diagnosis/including medical needs
- Evidence of implementing recommendations from other professionals e.g. CDC Officers, speech and language therapists
- If a DAF application has been successful, how has the funding been used to include the child successfully and/or improve outcomes
- Details of how the Inclusion Fund will be used to improve outcomes for the child
- Parental consent to apply for the fund

The full criteria is detailed in Appendix 1

Requests for additional support will be reassessed by the panel on a termly basis to determine:

- If funds are being used effectively to improve outcomes for the child, if evidence is not provided funding may be reduced or withdrawn.
- If different interventions/provisions are required
- If funding levels are correct or whether the child is moved to a lower or higher band of funding.

This information will also be useful in deciding whether a request for an EHCP may be required for the child as they move through the education system.

Additional support may be in the form of:

- Resources to enable access
- Staff training
- Enhance staffing ratio
- Specific interventions

When a child is transferring from an early years provision to a reception class, consideration will be given whether to award the receiving school a transitional fund for a maximum of 2 terms (this will be funded from the High Needs Block.) The provider will be responsible for organising a Team around the Child (TAC) meeting with the receiving school to discuss support needs and pass on all relevant transfer information. This allocation would give the school an opportunity to support the child during the transition period and assess budget needs for the following financial year.

All 3 levels of payment are based on a child attending universal free entitlement 15 hours per week. Funding will be pro-rata if attendance is less than 15 hours per week.

Inclusion fund payments will be paid to BFC providers in-line with actual and amendments payments for free entitlements. Payments will show on your provider portal payment reports.

For providers outside of BFC, inclusion fund payments will be processed in-line with the published schedule of dates available on [our website](#). You will receive a remittance advice confirming the payment has been processed.

Application deadlines and payment dates are published on [our website](#).

Providers must inform BFC if a child leaves the setting part way through a term following an Inclusion payment as BFC reserve the right to reclaim any unspent funds.

## 8 Appeals/Complaints procedure

The LA is required to publicise a complaints procedure so that providers know how to complain if necessary. Wherever we can, the Prevention and Early Help team aims to resolve issues as soon as possible and before a formal complaint is made. Providers wishing to complain about matters related to the SEN and Inclusion Fund should in the first instance:

**Telephone:** Strategy and Development Manager (0-5) 01344 352811

**Email:** [Early.Education@bracknell-forest.gov.uk](mailto:Early.Education@bracknell-forest.gov.uk)

**Write to:**

Bracknell Forest Council  
Early Help 2<sup>nd</sup> Floor North  
Time Square  
Market Street  
Bracknell  
RG12 1JD

If we are unable to satisfactorily resolve the concern, then please follow the link below for procedures for complaints about council services:

<http://www.bracknell-forest.gov.uk/comments-compliments-and-complaints-booklet.pdf>

## **Criteria required when applying to the Inclusion Fund**

- Child must be known to the Child Development Centre (CDC)
- Child must be resident in Bracknell Forest
- Child must be accessing 2, 3 or 4 year old free entitlement funding

### **Low Need-**

- *CDC but no allocated keyworker.*
- *CDC relies on setting approaching CDC team if they need advice or support. This can be done via phone/email or through "surgery" appointments at the end of each SENCo forum.*
- *Evidence of delay (at least 1 stage below expected) in at least 2 developmental areas*
- *Likely to be children with a medical/physical need that does not affect ability to learn; children with a need that can be mainly met through therapist input (eg SALT or Physio) in conjunction with setting staff.*

### **Moderate Need-**

- *Child has an allocated named keyworker from CDC.*
- *Child receives support according to need for example: home learning, setting support and groups at CDC*
- *Evidence of significant delay (at least 2 stages below expected) in at least 2 developmental areas*
- *Most have a life-long diagnosis.*
- *Most have a Paediatrician and at least 1 CYPIT therapy involved.*

### **High Need-**

- *Same criteria as moderate need*
- *Child has received moderate level of support but evidence is presented detailing that the setting is still unable to meet the child's needs sufficiently and the child has made no progress.*

### **Developmental assessment**

- *Childs tracker evidencing progress/lack of progress*

### **Provision Map**

- *Settings must provide a costed provision map detailing interventions to date and developmental progress achieved.*

### **Other evidence**

- *Childs primary area of SEN*
- *Recent relevant professional advice/reports (dated within last year)*
- *Statement on how funding will be/has been utilised to improve outcomes for the child*