



SEN Support – Early Years

Under the Children and Families Act, the current approaches of ‘early years action’ and ‘early years action plus’ will be abolished and replaced with a graduated approach to identifying and supporting pupils and students with SEN but who do not require an EHC plan, known as “SEN support”.

This factsheet sets out the particular requirements and considerations for SEN support in early years under paragraphs 5.36 to 5.60 of the SEND Code of Practice.

It is important to note at the outset that governing bodies of maintained nursery schools have a specific duty to use their best endeavours to secure that the special educational provision called for by their pupils’ special educational needs is made. This duty applies particularly to young children who do not have EHC Plans, as the local authority has an absolute duty to secure the relevant special educational provision for young children with Plans.

Key Principles and Duties

A key principle under the Code is that there should be no delay in making any necessary SEN provision in early years as delay at this stage can give rise to learning difficulty and subsequently to loss of self-esteem, frustration in learning and to behaviour difficulties. The Code states that:

“Early action to address identified needs is critical to the future progress and improved outcomes that are essential in helping the child to prepare for adult life”.

Where an early years setting identifies a child as having SEN they should work in partnership with 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. In early years settings this means:

- **Assess** - in identifying a child as needing SEN support, the early years practitioner, working with the setting SENCO and the child’s parents, will have carried out an analysis of the child’s needs. This initial assessment should be reviewed regularly to ensure that support is matched to need. Where there is little or no improvement in the child’s progress, more specialist assessment may be called for from specialist teachers or from health, social services or other agencies beyond the setting. Where professionals are not already working with the setting, the SENCO should contact them, with the parents’ agreement.
- **Plan** - Where it is decided to provide SEN support, and having formally notified the parents, the practitioner and the SENCO should agree, in consultation with the parent, the outcomes they are seeking, the interventions and support to be put in place, the expected impact on progress, development or behaviour, and a clear date for review. Plans should take into account the views of the child. The support and intervention provided should be selected to meet the outcomes identified for the child, based on reliable evidence of effectiveness, and provided by practitioners with relevant skills and knowledge. Any related staff development needs should be identified and addressed. Parents should be involved in planning support and, where appropriate, in reinforcing the provision or contributing to progress at home.
- **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 should oversee the implementation of the interventions or programmes agreed as part of SEN support. The SENCO should support the practitioner in assessing the child’s response to the action taken, in problem solving and advising on the effective implementation of support.

- **Review** - The effectiveness of the support and its impact on the child's progress should be reviewed in line with the agreed date. The impact and quality of the support should be evaluated by the practitioner and the SENCO working with the child's parents and taking into account the child's views. They should agree any changes to the outcomes and support for the child in light of the child's progress and development. Parents should have clear information about the impact of the support provided and be involved in planning next steps.

This cycle of action should be revisited in increasing detail and with increasing frequency, to identify the best way of securing good progress. At each stage parents should be engaged with the setting, contributing their insights to assessment and planning. Intended outcomes should be shared with parents and reviewed with them, along with action taken by the setting, at agreed times.

Transition

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 (in agreement with parents) with the receiving setting or school.

Requesting an Education, Health and Care needs assessment

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.

Funding for SEN support in the early years

Local authorities must ensure that all providers delivering funded early education places meet the needs of children with SEN and disabled children. In order to do this local authorities should make sure funding arrangements for early education reflect the need to provide suitable support for these children.

Early years providers should consider how best to use their resources to support the progress of children with SEN.

To talk to a specialist advisor today simply call 0800 028 1943

www.irwinmitchell.com

To see a list of our offices please visit our website.

Irwin Mitchell LLP is a limited liability partnership registered in England & Wales, with number OC343897, and is authorised and regulated by the Solicitors Regulation Authority. All Scottish cases will be handled by a separate Scottish legal practice, Irwin Mitchell Scotland LLP, which is regulated by the Law Society of Scotland.

Follow us on Twitter @irwinmitchell

