Special Educational Needs and Disability reforms

On 1 September 2014 the Children and Families Act became law. Part 3 of the Act relates to ‘Children and young people with special educational needs and disabilities’. Statutory guidance for organisations who work with and support children and young people with special educational needs and disabilities was issued in July 2014 as the ‘Special education and disability code of practice: 0 to 25 years’.

What has changed?

The legislation:
- covers the 0 – 25 year age range and includes guidance relating to disabled children and young people as well as those with special educational needs
- is based on three core principles: paying attention to the views, wishes and feelings of the child or young person and the child’s parents; the importance of their participation in decision making, and supporting children and young people’s development, helping them to achieve the best possible educational and other (for example, social / emotional) outcomes
- promotes early identification, co-ordinated assessment and planning and a new 0 – 25 Education, Health and Care plan

Why was change needed?

The system of Special Educational Needs and Disability (SEND) support was complicated, expensive & failed to adequately deliver good outcomes. Parents struggled to find the services that should be helping them, have had to battle to get the help their children need, and have had to tell their stories time and again.

Currently, too many children do not get the support they need early enough and support does not focus sufficiently on helping them to achieve their goals’ (Timpson, 2014)

The 2014 Early Years Foundation Stage profile results show that just 19% of pupils with SEN achieved a good level of development compared with 66% of those pupils with no identified special educational needs. The free school meals attainment gap was 19% points and was widest in the literacy areas of learning.

The Early Intervention Project, delivered by the Challenging Behaviour Foundation and Council for Disabled Children, shows that children with learning disabilities face an increased risk of behaviour problems, and highlights the lack of services and the risks and difficulties faced by children and their families. Key areas for action identified include enabling parents of children with learning disabilities to access early support and parenting support, identifying problems early and working together and in partnership with families to respond.
What do the changes mean for early years providers?

All early years providers in the maintained, private, voluntary and independent sectors that a local authority funds, are required to have regard to the SEND Code of Practice.

All children are entitled to an education that enables them to achieve the best possible educational and other outcomes, and become confident young children with a growing ability to communicate their own views and ready to make the transition into compulsory education. SEND Code of Practice 2014

The Code describes the principles that should be observed by all professionals working with children and young people who have SEN or disabilities. These include:

• taking into account the views of children, young people and their families
• enabling children, young people and their parents to participate in decision-making
• collaborating with partners in education, health and social care to provide support
• identifying the needs of children and young people
• making high quality provision to meet the needs of children and young people
• focusing on inclusive practices and removing barriers to learning
• helping children and young people to prepare for adulthood

Early years providers will need to co-operate with the local authority to help it fulfil its duty to publish a Local Offer setting out information about what is available in early years settings. Early years providers must have arrangements in place to support children with SEN or disabilities. These arrangements should include a clear approach to identifying and responding to SEN. The benefits of early identification are widely recognised – identifying need at the earliest point, and then making effective provision, improves long-term outcomes for children. The designations of Early Years Action and Early Years Action Plus have been replaced by SEN support, a graduated approach to supporting children with SEN or disabilities through a process of Assess, Plan, Do, Review.

All those who work with young children should be alert to emerging difficulties and respond early. In particular, parents know their children best and it is important that all practitioners listen and understand when parents express concerns about their child’s development. They should also listen to and address any concerns raised by children themselves.

What else is new?

- **Public health services for 0 – 5 year olds** From October 2015 Health visiting and Family nurse partnership will be commissioned by local authorities.

- **Integrated reviews.** 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.