

Special Educational Needs & Disability in the Early Years

A briefing for Jersey practitioners

This briefing explores:

- some concepts, terms and definitions;
- some of the barriers to accessing high quality early education and childcare; and
- the nature of 'high quality' provision.

Introduction

The benefits of high quality early education for all children have been recognised for some time.

Research has also demonstrated the particular benefits for young disabled children and young children with special educational needs (SEN).

Yet, across Europe, disabled children and children with special educational needs (SEN) do not have the same access to early years provision as their peers; they do not learn and progress as well as, and are at a disadvantage compared with their peers before they go into school, during their time in school and after they have left school.



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Concepts, terms and definitions:

Special educational needs

A child has "special educational needs" if the child has a learning difficulty which calls for special educational provision to be made for the child.

A child has a "learning difficulty" if –

(a) the child has a significantly greater difficulty in learning than the majority of children of the child's age;

(b) the child has a disability which either prevents or hinders the child from making use of educational facilities of a kind generally provided for children of the child's age in provided schools; or

(c) the child is below compulsory school age and is, or would be if special educational provision were not made for the child, likely to fall within sub-paragraph (a) or (b) when the child is of compulsory school age.

A child is not to be taken as having a learning difficulty solely because the language (or form of the language) in which the child is, or will be, taught is different from a language (or form of a language) which has at any time been spoken in the child's home.

"Special educational provision" means –

(a) educational provision which is additional to, or otherwise different from, the educational provision made generally for children of the child's age in provided schools (other than special schools); and

(b) in relation to a child under the age of 2, educational provision of any kindⁱ

Jersey's definition of special educational needs is relative in two important ways: children's needs are defined in relation to other children, and in relation to the provision made generally for children of the same age. A natural consequence of the relative definition is variation in how needs are understood and identified in different schools and settings. This is explored further, below.

Importantly, young children below compulsory school age, are included in the definition if they are likely to have SEN when they reach school age if provision is not made for them now. This puts into statute an important precautionary principle and requires preventive action.

Disability

Most definitions of disability include reference to the nature of an impairment and the impact of that impairment on someone's ability to 'carry out normal day-to-day activities' or to 'participate in society'. The UN Convention on the Rights of People with Disabilities, whilst not providing a specific definition of disability, describes it as resulting from the interaction between persons with impairments and attitudinal and environmental barriers that hinders full and effective participation in society on an equal basis with others.

Most equalities legislation provides protection from discrimination; the right to reasonable adjustments; rights of access to education, buildings, employment and services; and a planned approach to addressing and removing inequalities of opportunity.

Reasonable adjustments include adjustments to 'policies, practices and procedures,' 'physical alterations' and adjustments through the provision of 'auxiliary aids and services'. Reasonable adjustments are anticipatory, so providers need to think ahead and plan for disabled children to be included in any setting.

Jersey is preparing to add disability to the characteristics protected under the Discrimination (Jersey) Law 2013 and has published proposals to bring this into effect.

Linkages, overlaps and over-representation

Disabled children are included in Jersey's definition of SEN, where they need special educational provision; and many children with SEN are included in the definition of disability, not solely, but particularly where children have more complex needs (needs that may also be recognised with a Record of Need).

Children with a range of medical needs may also be covered by the definition of disability and hence will be protected from discrimination when the Jersey legislation changes.

Generally, more boys than girls are identified as having SEN. With a relative definition of SEN, typically, more disadvantaged children are identified with SEN and a higher percentage is identified amongst summer born children.

There is a two-way link between disability and poverty with more poor children likely to become disabled more disabled children likely to live in poverty ⁱⁱ. There are associations between disability and bullying and later adverse health and social problems; between disadvantage, learning, speech and language, and behaviour difficulties ⁱⁱⁱ.

Medical model

Underlying much of the disadvantage experienced by disabled people is a historic model which locates the 'problem' within the disabled person and sees the disabled person as needing to be 'fixed'. There is a long legacy, from this model, of doing things 'to' rather than 'for', or 'with' and under the control of disabled people.

Social model

By contrast, the social model locates the 'problem' in the environment: people's attitudes, narrow doorways, badly designed services, poorly differentiated teaching and learning. These constitute the barriers. Only changes to these will enable disabled people to be included in all the opportunities that others have. Changing attitudes and removing or minimising barriers is key to creating a more just society with equality of opportunity for disabled people.

Early education and childcare

In policy and legislation, early childhood education has, in general, been developed for the benefit of young children, whereas childcare has, in general, been developed to enable parents to be in employment. For early years settings, education and care are inseparable and are, in most countries, governed by the same regulations and quality frameworks.

Inclusion

Whilst sometimes 'inclusion' is used to refer simply to being located in a mainstream setting, inclusion is more usually used to refer to a wider set of processes that make someone feel that they belong in that setting. Because of this, inclusion is usually defined as being a process, or a journey, rather than an end state.

In its policy on inclusion, the Council for Disabled Children focuses on the experience of the child and their family and a sense of the child both belonging to and participating in the setting ^{iv}.

An analysis of examples of inclusive early childhood education across Europe, highlighted similar features: *each child's belongingness and active participation in learning and social activities* ^v. In the same project, active participation was seen as a key indicator that a child was learning and progressing: a 'self-reflection tool' was developed to help settings review the quality of their provision, through the lens of inclusion ^{vi}.

It consists of eight sets of questions which address:

1. Overall welcoming atmosphere
2. Inclusive social environment
3. Child-centred approach
4. Child-friendly physical environment
5. Materials for all children
6. Opportunities for communication for all
7. Inclusive teaching and learning environment
8. Family-friendly environment

Barriers

A range of data and research has identified challenges in access to and inclusion in early years provision for young children with SEN and disabilities:

In 2015, the Early Years Census in England found that there was a significant gap in the take-up of higher levels of funded hours of early education: 43% of three and four year olds with SEND, but 60% of all other children were receiving the higher levels of entitlement.

A Parliamentary Inquiry into childcare for disabled children ^{vii} in 2014 found that only 40% of the parent carers submitting evidence believed childcare providers in their area could cater for their child; that families of disabled children were two and a half times more likely to have neither parent in work; and that 83% of parent carers said that the lack of suitable childcare was the main barrier to paid work. There were instances of parents being asked to pay for additional support for their child where childcare was provided outside the funded entitlement. In addition to these barriers, parents themselves may lack confidence that their child's needs can be met in a group setting.

If it is more difficult for young disabled children to get into early education and childcare, it can also be more difficult to stay in it: in England, over recent years, there have been rising numbers of exclusions of young children aged three, four and five.

A programme piloting free early education for disabled and disadvantaged two year-olds in England ^{viii}, provides an insight into the factors that can make it difficult to maintain a mainstream placement. It found that:

- disabled children were significantly more likely than their peers to drop out of the pilot early;
- their parents had more divergent views on how well the provision met their child's needs;
- where parents complained, or tried to put things right, parents of children with SEND were less likely to be satisfied with the response from the setting;
- parents who were not satisfied were more likely to change settings when their child became eligible for the free three year-old offer;
- changes in placement, at the age of three, were significantly attributable to the movement of children from mainstream to special school nurseries.

Barriers

Where children are included, they may not progress as well as their peers. In a more recent study, researchers undertook the secondary analysis of data in the longitudinal Millennium Cohort Study and tracked the progress of disabled children between the ages of three and five and again between five and seven.

A key finding was that disabled children and children with SEN made less progress over the early years than their non-disabled peers with similar levels of cognitive skills and from the same starting point, or prior attainment ^{ix}. The research was able to take into account a wide range of factors affecting children's early learning and development, including home learning environment, behavioural problems, socio-economic disadvantage.

While these factors do account for some of the 'gap' in progress, the research is clear that these do not account for the overall poorer progress of disabled children.

However, the research is also positive in that it indicates that the potential of young children is not 'fixed' at this young age, and can be influenced by the way we support learning and development. We can take this as encouragement to learn more about the impact of the ways in which we provide support to disabled young children.



High quality provision

So, what is high quality provision for young children? And is high quality provision for young disabled children and young children with SEN any different from high quality provision for all children?

Structural factors

Many of the factors that determine quality are general structural factors: funding, standards, safety, staff-child ratios, enrolment rates, indoor/outdoor space, staff qualification levels, and so on. Many of these factors are determined in local or national regulatory frameworks and are often used as indicators of quality in comparative studies. We examine here some of the determinants of quality that are more clearly under the control of settings themselves and closer to the child's experience in the setting.

Practitioner skills

Crucial to high quality provision for all children in the early years is a skilled workforce, led and managed by those with a vision that sees disabled children and children with SEN as the responsibility of all staff; that builds respectful relationships with children and their families; that has high expectations; that promotes a 'can do' attitude; that evaluates the impact of actions taken and keeps policy and practice under review with a 'community of practice'; and that accesses advice and support, services and different agencies beyond the setting to supplement and complement the skills and expertise within the setting.

Engagement with parents and carers

Engaging with parents and carers is important for all children and becomes all the more important with parents and carers of young disabled children and young children with SEN. Practitioners need to be able to hold open conversations with parents in a way that enables parent to feel comfortable and confident in sharing information with them; to be able to draw on parents' insights to inform their practice; and to work with parents to develop common approaches across home and setting.

High quality provision

Across Europe, there are examples of ways in which practitioners have worked with parents to enable children to access provision and to make good progress^{x, xi}. There are examples of everything from: open-door policies; projects that bring parents and the community into the pre-school; parental involvement in activities within the setting; developing shared approaches to play; shared 'Let's read together' projects; and more central involvement in the design and adjustment of the curriculum. All highlight the creativity of practitioners working in partnership with parents of young disabled children to overcome barriers.

Including children's views

Children are entitled to have their views heard and taken into account; and listening to their views can help to build respectful relationships and inform and improve practice. Communication difficulties are most often cited as the reason for not taking disabled children's views into account, yet spoken language is only one way of understanding children's views. Effective practice starts with a commitment to and a culture of listening to all children; it draws on careful observation; and provides support for communication^{xii}.

Assessment for learning

There is some general evidence from SEN aspects of research and evaluation work at the school stages that can give us some insights into how teachers support learning: a study of children's progress found that, as children were further away from the expected 'norms' for their age, teachers found it harder to know precisely where children were in their learning. When they worked with another colleague to pinpoint the child's stage in learning, teachers were more likely to know what the next steps in learning needed to be^{xiii}.

Teaching and learning

In an analysis of teaching and learning in inclusive classrooms, researchers identified key teacher skills and behaviours. Among these: teachers' detailed understanding of the curriculum (the map of planned learning); and teachers being part of a pedagogic community: a community that kept the curriculum and their understanding of children's progress under review, revising their understanding in the light of their observations ^{xiv}.

In the early years, such skills and behaviours translate into a sound understanding of child development, the ability to consider the individual needs, interests and stage of development of each child, to use this information to plan enjoyable and challenging experiences, and provide an enabling environment for each child. Where a child's learning or behaviour falls outside the expected range for their age, the job remains the same, though practitioners may need to extend their skills through support, training and working with other agencies beyond the setting.



Evidence of the benefits of early action and early intervention for young children with SEN and disabilities is embedded in the evidence of the benefit of high quality universal provision.

There are long-standing (American) economic arguments about the impact of a dollar spent at different points in the life cycle; more recent cost-benefit analyses showing the annual return on investment in high quality early years programmes; and respected longitudinal studies showing the impact of high quality early years education. Smaller scale work highlights and 'tells the story' of the impact of early action compared with the challenge, and cost, of leaving it to a later stage:

"If our son had been taught how to communicate 'stop' or 'finished' when he was young, he would not have needed to throw his plate across the room when he had finished eating"^{xv}

The SEN Code of Practice (2017) recognises the costs of any delay in addressing SEN and the range of difficulties that get overlaid on each other:

It is particularly important in the early years that there is no delay in making any necessary special educational provision. Delay at this stage can give rise to learning difficulty and subsequently to loss of self-esteem, frustration in learning and to behaviour difficulties ^{xvi}.

Early intervention relies on early identification: young children with complex needs may be identified as being disabled or as having SEN at or around birth, through screening and then through checks as part of the Healthy Child Programme.

Recent work in England has highlighted the benefit of easy access to specialist services and support for parents, through self-referral routes and mainstream opportunities such as play and stay groups.

Early intervention

Targeted programmes can also provide opportunities for early identification: the evaluation of Making it REAL (Raising Early Achievement in Literacy) highlights the benefit of the intervention in terms of children's early literacy; in terms of the skills and confidence of both parents and practitioners; and in terms of early identification of children's additional needs and increased referrals of families to specialist services ^{xvii}.

Some children, in general, but not exclusively, those with lower levels of need or impairment, are not identified until they go into a group setting. There is then a fine judgement that we ask early years practitioners to make, working with parents to decide when a child is falling behind their peers, and when there is a learning difficulty that amounts to a special educational need that calls for special educational provision.

Early language and communication

All the evidence from all the research tells us of the centrality of speech, language and communication to children's early learning:

Early language acquisition impacts on all aspects of young children's non-physical development. It contributes to their ability to manage emotions and communicate feelings, to establish and maintain relationships, to think symbolically, and to learn to read and write. While the majority of young children acquire language effortlessly, a significant minority do not ^{xviii}.

The research shows that:

- children who enter school with good language skills have better chances in school and in subsequent life chances;
- the UK's most disadvantaged children can be as many as 19 months behind their more affluent peers in vocabulary development on school entry ^{xix}.

An example of an evaluated model for improving outcomes in language and communication is the training and development of a 'Language Champion' in early years settings^{xix}. In Jersey, the Speech and Language Therapy Department are working in partnership with the Childcare and Early Years Service to deliver training on the Wellcomm toolkit as part of the Language for Life strategy ^{xx} which complements the Making it REAL programme.

Resources

Council for Disabled Children (2008) Inclusion Policy

https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/inclusion_policy.pdf

Dickens, M and Williams, L (2017) Listening as a way of life: Listening to young disabled children. National Children's Bureau with Council for Disabled Children

<https://www.ncb.org.uk/sites/default/files/field/attachment/Listening%20to%20Young%20Disabled%20Children.pdf>

European Agency for Special Needs and Inclusive Education (2017) Inclusive Early Childhood Education: Environment Self-Reflection Tool. Odense, Denmark

<https://www.european-agency.org/publications/ereports/inclusive-early-childhood-education-environment-self-reflection-tool>

The following resources are set in the context of English law and policy. However, there are areas in common with Jersey law and policy and, in these areas, the following will be useful:

4 Children: Guide for working with parents of children with Special Educational Needs or Disabilities (SEND)

<https://www.foundationyears.org.uk/files/2015/05/Guide-for-working-with-parents-of-children-with-SEND.pdf>

Council for Disabled Children and 4Children (2015) SEN and disability in the early years: A toolkit

<https://councilfordisabledchildren.org.uk/help-resources/resources/sen-and-disability-early-years-toolkit>

nasen early years SEND resources: a collection of webcasts, mini-guides and training materials

<http://www.nasen.org.uk/early-years-send-resources/>

Final thoughts....

There is a renewed focus on outcomes, aspirations and expectations for children with SEN and a commitment in Jersey's Code of Practice to education that enables children to achieve the best possible educational and other outcomes. Combined with new duties towards disabled children, there is real momentum to address some of barriers that have traditionally faced young disabled children and children with SEN.

References

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- ⁱⁱⁱ Parsons, S and Platt, L (2014) Disabled children's cognitive development in the early years
- ^{iv} Council for Disabled Children (2008) Inclusion Policy
- ^v European Agency for Special Needs and Inclusive Education (2017) Inclusive Early Childhood Education: New Insights and Tools – Contributions from a European Study. Odense, Denmark
- ^{vi} European Agency for Special Needs and Inclusive Education (2017) Inclusive Early Childhood Education: Environment Self-Reflection Tool. Odense, Denmark
- ^{vii} Contact a Family (2014) Parliamentary Inquiry into childcare for disabled children: Levelling the playing field for families with disabled children and young people
- ^{viii} Smith R, Purdon S, Schneider V, La Valle I, Wollny I, Owen R, Bryson C, Mathers S, Sylva K and Lloyd E (2009) Early Education Pilot for Two Year Old Children: Evaluation Research report DCSF-RR134. DCSF
- ^{ix} Parsons, S and Platt, L (2014) Disabled children's cognitive development in the early years
- ^x European Agency for Special Needs and Inclusive Education (2017) Inclusive Early Childhood Education: An analysis of 32 European examples. Odense, Denmark
- ^{xi} Stobbs P (2008) Extending Inclusion. Council for Disabled Children
- ^{xii} Dickens, M and Williams, L (2017) Listening as a way of life: Listening to young disabled children. National Children's Bureau with Council for Disabled Children
- ^{xiii} DCSF (2008) Evaluation of the Making Good Progress Pilot: Interim Report. Nottingham: DCSF
- ^{xiv} Sheehy K, Rix J with Collins J, Hall K, Nind M, Wearmouth J (2009) A systematic review of whole class, subject-based pedagogies with reported outcomes for the academic and social inclusion of pupils with special educational needs. In: Research Evidence in Education Library. London: EPPI-Centre, Social Science Research Unit, Institute of Education, University of London
- ^{xv} Challenging Behaviour Foundation and Council for Disabled Children (2015) Paving the Way: How to develop effective local services for children with learning disabilities whose behaviour challenges Department of Health Early Intervention Project
- ^{xvi} Para 3.34, States of Jersey (2017) Special Educational Needs Code of Practice 0-19 years
- ^{xvii} National Children's Bureau (2015) The evaluation of Making it REAL - Year 2, Supplementary Evaluation Report of the Local Authority Development projects and National Rollout
- ^{xviii} Law, J, Charlton, J and Asmussen, K (2017) Language as a wellbeing indicator. Early intervention Foundation in collaboration with Newcastle University
- ^{xix} ESRC International Centre for Language and Communicative Development (LuCiD)
- ^{xx} <https://www.gov.je/Education/Preschool/Pages/LanguageForLife.aspx>