

Early Years Special Educational Needs Inclusion Fund consultation – 2017

Part 1 – Context

Consultation brief

Achieving for Children (AfC) is consulting with early years and childcare providers, parents and carers, special educational needs (SEN) specialists and other interested stakeholders on changes to its Early Years Special Educational Needs Inclusion Fund across Kingston and Richmond boroughs. AfC is seeking views on some proposed changes to existing inclusion fund structures.

The consultation period will run from Monday 3 July to Sunday 30 July 2017. In addition to the online consultation questionnaire, some opportunities to discuss the proposals with AfC's Early Years Service are planned during the consultation period.

National context

Early Education and Childcare Statutory Guidance for Local Authorities ¹ places a requirement on local authorities to establish an Early Years SEN Inclusion Fund to support 3 and 4 year olds with emerging SEN. The purpose of the fund is to further assist providers to implement strategies to support children's learning and development. National guidance² also states local authorities should target the fund at children with "lower level or emerging SEN."

By law, all providers must have arrangements in place to support children with SEN and/or disabilities (SEND). These arrangements should include a clear approach to identifying and responding to SEND. Where a setting identifies a child with SEND they must work in partnership with parents and carers to implement any support that the child needs. Most children with additional or special educational needs and/or disabilities will not require

¹ Early Education & Childcare Statutory Guidance for Local Authorities - March 2017 (valid 1 September 2017)

² Early Years National Funding Formula Operational Guide - December 2016

special resources or enhanced staffing to be successfully integrated into settings; indeed most settings meet the additional needs of their children very well. However, some children with more complex needs may benefit from enhanced provision or additional resources for a period of time.

In addition to Early Years SEN Inclusion Fund, settings are also able to claim the Disability Access Fund for any 3 and 4 year olds who are in receipt of Disability Living Allowance. This is paid to a nominated provider as an annual payment of £615 per child.

The Disability Access Fund is a statutory requirement for the local authority to allocate and therefore sits outside of the scope of this consultation.

Requirement to consult

- Statutory guidance requires consultation with early years providers, parents and carers, SEN specialists and other stakeholders on changes to its Early Years SEN Inclusion Fund. Our fund has been set up initially and will be monitored across the year.
- Under Local Offer legislation, following consultation, we will publish details on how we are using our Early Years SEN Inclusion Fund. These details will include the eligibility criteria, the planned value of the fund at the start of the year and the process for allocating funds to providers.

Local context and rationale

In January 2017, Schools Forum agreed that AfC allocated an initial £170,000 for Kingston and £176,000 for Richmond. Variations in the numbers of children within each borough account for the allocation. Both forums will monitor expenditure across the year.

This consultation seeks views on introducing a consistent system of allocating Early Years SEN Inclusion Funding to providers to support children with SEN in their settings. Richmond and Kingston boroughs already provide financial inclusion support to some providers but these systems differ widely between the two boroughs. This creates disparities when children move between our neighbouring boroughs and creates confusion for providers who operate settings in both boroughs.

This consultation seeks views on whether some two year olds should receive Early Years SEN Inclusion Funding. Two year olds are not statutorily eligible to receive this but AfC proposes an early intervention approach which allocates Early Years SEN Inclusion Funding to support 2 year olds with emerging SEN who are accessing their 15 hours early education entitlement in a Kingston or Richmond setting. It should be recognised that if consultation supports extending Early Years SEN Inclusion Funding to two year olds, then monies allocated will come from the same overall budget that currently only extends to 3 and 4 years olds.

This consultation seeks views on how children eligible for 30 hours childcare and their providers are supported by Early Years SEN Inclusion Fund. Consistent local consensus amongst providers, professionals and parents and carers is important.

Local authorities are guided to focus their Early Years SEN Inclusion Fund on lower level or emerging SEN. This consultation also considers how children with more complex needs could be supported through Early Years SEN Inclusion Funding, particularly in relation to accessing their 30 hours childcare, where applicable.

As part of our continued duty to ensure proper use of public funds and to ensure funding achieves its intended purpose, alongside our usual audit processes, we intend to introduce more robust evaluation of how funding is used and seek clear evidence of impact. Through regular review and by gathering evidence of the impact of funding, the Early Years Service will collate examples of good practice of how children with SEND are supported and will disseminate these across the early years sector.

Part 2 – Proposal

Proposal 1 – To introduce a consistent model for allocating the Early Years Special Educational Needs Inclusion Fund across Kingston and Richmond boroughs.

Kingston and Richmond have existing funds to support settings in their inclusion of children with SEN. However these funding streams are significantly different in terms of application and allocation processes and in their scope. This is inequitable when children move between our boroughs, or when families live in one borough but access early years provision in the other. We aim to establish a single, equitable process that creates parity, supports providers and their parents and carers when children move settings within our two boroughs.

As part of the graduated approach, it is expected that applications demonstrate additional provision as part of the ‘assess, plan, do and review cycle’ prior to considering an application for inclusion funding. Where the need for additional funding is clearly evidenced, early years providers would be able to apply for Early Years SEN Inclusion Fund to support children with emerging SEN or for those with complex needs who are already attending their early years provision.

The Early Years SEN Inclusion Fund would support providers in the short term. If a child requires longer term support, providers would be supported in making an application for statutory assessment.

Table A – Current and proposed funding models – a summary

	Current Kingston	Current Richmond	Proposed across AfC
Status	Non statutory Inclusion Grant	Non statutory SEND Grant	Statutory Early Years SEN Inclusion Fund
Age range	2, 3 and 4 year olds	2, 3 and 4 year olds	(2*) 3 and 4 year olds
Scope	Available to private, voluntary, independent (PVI)	Available to PVI settings and maintained nursery classes	Available to PVI settings and maintained nursery classes
Application	Annual application	Termly application	Application via termly panel
Allocation	Allocation within the same term	Allocations made for the following term and reviewed termly	Allocations made for the following term and reviewed termly
Amount	Maximum of £2,000 per setting, per year	Maximum of 9 hours per week	‘Banded’ system - funding allocations proportionate to complexity and/or need
Frequency	Single annual payment	Termly payment, maximum three terms	No maximum number of terms but regular review process
Focus	Paid per setting	Paid per child	Paid per child

**Pending consultation outcome*

Proposal 2 – To introduce a banded funding mechanism that offers appropriate allocations of support, with final decisions supported by a decision panel.

- AfC proposes that applications for Early Years SEN Inclusion Fund will be considered by a decision making panel made up of representatives with specialisms in early years and/or SEND.
- Applications would be considered against a ‘banded’ model which would match applications to the most appropriate band of funding allocation.
- Proposed bands represent increasing levels of funding, with band E being the highest.
- It is expected that most funding allocations would fall between bands A to C, which are set at a level to effectively support children with emerging SEN or are at SEN support level.
- Only very small numbers of applications, where complex cognitive and/or medical needs are evident, are likely to fall into bands D or E.
- Increasing practitioner skills and confidence is key to ensuring that intervention strategies are effective, so an allocation of support from our SEND Support Officer may form part of an allocation. This may be in addition to, or instead of, EY SEN Inclusion Fund Funding. This support would take the form of practical practitioner support and/or modelling.
- The inclusion panel would meet on a termly basis to consider applications submitted alongside supporting evidence. This evidence would assist the panel in allocating the most appropriate band of support. Types of evidence that may be submitted may include those illustrated in Table B below.

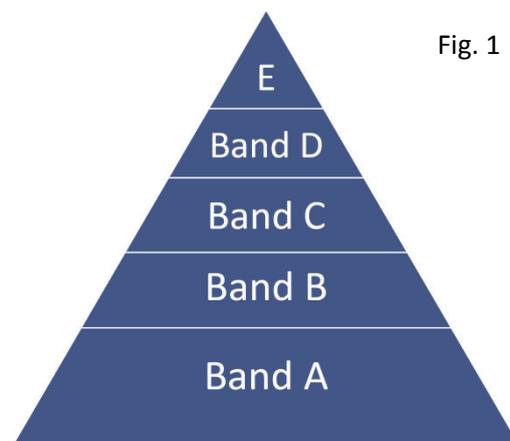


Fig. 1

Although we do not propose to place a limit on the number of terms where Early Years SEN Inclusion Funding can be accessed, a robust review process supported by our Inclusion and Improvement Advisers will be implemented. This will ensure that strategies are effective in meeting children’s needs and funding is used appropriately. Where appropriate, settings will be supported to request statutory assessment as appropriate.

To ensure best use of public funds, the Early Years SEN Inclusion Fund will be subject to robust audit processes and regular review.

Table B - Types of evidence that may support banding decisions (examples)

<p>Progress What is needed to support wellbeing and secure progress in learning and development</p>	<p>Specialist assessments or diagnosis Consideration of impact on learning and development and/or therapies required</p>	<p>Curriculum Level of differentiated curriculum needed to support a child</p>	<p>Professional advice and support Eg. assessments and/or support from SEN professionals, eg. Portage, Child Development Team, Moor Lane etc</p>
<p>Pathways Progression through SEN pathways and/or statutory assessment</p>	<p>Programmes Time required to deliver interventions or recommended programmes</p>	<p>Setting support Level of setting-based support and/or increased interventions</p>	<p>Professional reports Time to implement professional recommendations or advice</p>
<p>Context Capacity of setting, Ratios, patterns of attendance etc.</p>	<p>Setting based assessments Developmental assessments made by key persons in partnership with parents or carers.</p>	<p>Risk assessment Consideration of specific medical or health risks</p>	<p>Transition Consideration of changes following transition</p>

Proposal 3 – Proposed funding allocations

i. Overall budget (Kingston and Richmond boroughs)

In order to meet the requirements of the Early Years Foundation Stage, all early years providers must have arrangements in place to support children with SEN or disabilities. Providers receive advice from the Early Years Service on inclusive practice and Inclusion and Improvement Advisers offer practitioner support to settings when identifying and supporting children with emerging SEN. Allocations of SEN Inclusion Funding allocated to early years settings for supporting children with SEND should be viewed as being *in addition* to a range of existing support available for children.

In January 2017, Schools Forum agreed an overall budget of £170,000 for Kingston and £176,000 for Richmond. Based on current demand from existing non-statutory funding, knowledge of the childcare sector through networks, support and advisory activity, the AfC Early Years Service believes that the proposed level of budget, as agreed by Schools Forum is appropriate and sufficient to support early years settings and schools in meeting their duties under the SEND Code of Practice 2015.³

ii. Suggested allocations for the EY Inclusion Fund to support 3 and 4 year olds

Proposed allocations are based on estimated need and will be subject to review through local evaluation and decided at School's Forum. It should also be noted that significant changes may be needed following feedback from consultation, so respondents should view all allocations below as **indicative only**.

Statutory Guidance asks local authorities to focus their inclusion funding on 'emerging SEN'. This proposal would see the majority of funding allocated towards emerging SEN and for children at SEN support level within bands A to C. However it also allocates a proportion of funding to support very small numbers of children whose needs are more complex and may require additional support. (See Table C below)

³ Special educational needs and disability code of practice: 0 to 25 years Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities, January 2015

Table C - Estimated allocations for 3 and 4 year olds

Band	Descriptor	Examples	Possible funding levels* (all figures at this stage are unconfirmed)	Estimated budget allocation per year
Band E	Complex and Medical SEND Support	Ongoing support from SEN Services and medical/health needs	Allocation of time from a SEND Support Officer and/or an average of £1,350 per term approx. Equivalent £4,050 per year	Max £20,250 per borough
Band D	Complex SEND Support	Ongoing support from SEN Services eg. CDT or Moor Lane	Allocation of time from a SEND Support Officer and/or an average of £1,000 per term approx. Equivalent £3,000 per year	Max £30,000 per borough
Band C	Enhanced SEND Support	Personalised curriculum needed to accelerate progress	Allocation of time from a SEND Support Officer and/or an average of £700 per term approx. Equivalent £2,100 per year	Max £42,000 per borough
Band B	SEND Support	Targeted curriculum needed to accelerate progress	Allocation of time from a SEND Support Officer and/or an average of £500 per term approx. Equivalent £1,500 per year	Max £37,000 per borough
Band A	Emerging SEN	Curriculum support additional to and different from their peers in order to accelerate progress	Allocation of time from a SEND Support Officer and/or an average of £350 per term approx. Equivalent £1,050 per year	Max £15,750 per borough
			Estimated total	Max £145,000 per borough

*All proposed allocations are estimates based on the early education entitlement of 38 weeks per year. Not all terms have an equal number of weeks and termly allocations will vary.

Proposal 4 – To extend Early Years SEN Inclusion Fund to some 2 year olds accessing their early education entitlement

It is not a statutory requirement for local authorities to allocate inclusion funds for 2 year olds. However, due to the high uptake of funded 2 year old places across our boroughs, AfC recognises that some 2 year olds (2YOs) who may be identified at SEN support level or those with more complex needs may need support in order to make good progress in their learning and development. Therefore we propose a proportion of the overall budget to be allocated to 2YOs where additional interventions, beyond what is expected of all settings, is required. These children are most likely, but not exclusively, those who qualify for the 2YO entitlement under the Disability Living Allowance (DLA) eligibility criteria.

We propose two bands of Early Years SEN Inclusion Funding. Allocation of practical practitioner advice/support from a SEND Support Officer may be allocated (see Table D below) in addition to or instead of direct funding as appropriate.

Table D – Proposed allocation for 2 year olds

Band	Descriptor	Estimated numbers	Examples	Possible funding levels	Estimated budget allocation per year
Band 2B	Complex needs support	3 children per borough	Ongoing support from SEN Services e.g. CDT and/or personalised curriculum needed to accelerate progress	Allocation of time from a SEND Support Officer and/or an average of £500 per term approx. Equivalent £1,500 per year	Max £4,500 per borough
Band 2A	Enhanced SEN support	6 children per borough	Targeted curriculum needed to accelerate progress	Allocation of time from a SEND Support Officer and/or an average of £350 per term approx. Equivalent £1,050 per year	Max £6,300 per borough
				Estimated total	Max £10,800 per borough

Proposal 5 – To retain a ‘Discretionary Fund’ (from the central budget)

There will be some occasions where support needs do not fall neatly into the proposed banded system, for example, a child with an existing package of support transferring into Kingston or Richmond.

In order to be able to respond to *exceptional* circumstances, we propose to hold back 5-10% of the overall budget as a ‘Discretionary Fund’. This would be allocated on a case by case basis and support transition over to local Early Years SEN Inclusion Funding or to support in other exceptional circumstances.

We propose that unspent monies from the Discretionary Fund at the end of the financial year will be reinvested into additional training and support for setting SENCos via their SENCo Network if possible.

Proposal 6 – A local response to managing the ‘30 hours’ extended childcare entitlement

From September 2017 approximately 30% of families in Kingston and 26% in Richmond will be entitled to access up to 30 hours of childcare per week for eligible 3 and 4 year olds.

The 30 hours childcare initiative is made up of two distinct elements of early education funding.

The term after any child turns 3 years old, they become entitled to 15 hours of early education funding. This is known as the ‘universal’ entitlement which continues until the child reaches statutory school age. This is the **child’s entitlement** and is intended to support their early education, learning and development. The child cannot ‘lose’ eligibility and continues to access this entitlement up until they enter their Reception year.

The second 15 hours (or ‘extended’ hours) is a new childcare initiative intended to support working parents of some 3 and 4 year old children. This initiative makes up the second part of the ‘30 hours’. Eligibility for the extended hours is based upon parental income and working status. If an eligible child’s parents working status or income changes, after a short grace period, a child can lose eligibility for the extended hours.

The government has not increased any allocation of central funding specifically for SEN or under ‘30 hours’. Our priority is to ensure that the child’s universal entitlement is fully supported for all children with SEN, regardless of their parent’s working status, whilst also offering some options to allocate funding for the extended 15 hours in some circumstances.

It should be noted that government funding to local authorities has seen no increase arising from the national implementation of 30 hours and solutions must be managed at a local level. If we 'stretch' the central Early Years SEN Inclusion Fund to take account of increased hours accessed under 30 hours, this would effectively decrease the overall amount available to support the universal hours which is the child's entitlement.

As Early Years SEN Inclusion Fund is intended 'to support low level and emerging SEN' that meets a child's *educational* needs, learning and development, we support equal opportunity for all children. Therefore we propose that Early Years SEN Inclusion Fund be allocated against the universal 15 hours entitlement only, but set at a level sufficient to support a child regardless of how many hours they actually attend. This approach would also ensure that a child could not 'lose' inclusion funding based on parental circumstances and enable early years providers to plan consistent and appropriate support over time. It would be for providers, working in partnership with parents and carers, to decide upon how additional Early Years SEN Inclusion Fund is used to support the child's learning and development.

Proposal 7 – To introduce a High Needs Access Fund for the 30 hours extended entitlement

In April 2017 the government introduced a statutory requirement for local authorities to pay the Disability Access Fund (DAF). This is intended to help remove access barriers into childcare for children in receipt of Disability Living Allowance (DLA) and is paid outside of early education funding to a nominated provider.

We are seeking views on whether we should allocate a proportion of the central Early Years SEN Inclusion Fund to be used in supporting access to the additional extended entitlement for children who otherwise, would be at risk of being unable to access their 30 hours. This would only apply to a very small number of children where their settings need significant additional resources to ensure the child's health and wellbeing and complex and/or medical needs increase the need for support where the child is accessing a longer day under the extended entitlement. This would be short term funding and allocated strictly on a case-by-case basis.

We propose allocating around 5-10% of the central EY SEN Inclusion Fund budget as a 'High Needs Access Fund' (HNAF) for children with the most complex needs who otherwise would be unable to access their extended entitlement in the short term.

Important note: This should not be interpreted as 'all children pending an Education Health and Care Plan and accessing 30 hours can access HNAF,' nor would this universally apply to children in specialist provisions or specialist nursery classes. Each case would be considered by the panel on its own merits, taking into account supporting evidence and context.

Summary

The Early Years Service has considered range of options for the EY SEN Inclusion Fund. High quality, inclusive practice is essential in the early years. We believe that the proposals set out in this consultation will support early years providers to secure good progress in children's learning and development.

These proposals promote early intervention and ensure settings can access timely and appropriate funding to support their valuable work with young children in their care. The proposed funding mechanisms would encourage settings to regularly review their strategies, in partnership with parents and carers to meet the needs of children.

We believe that the proposals contained within this consultation offer a fair, equitable and sustainable approach to inclusion funding under the new 30 hours entitlement and will support all providers to ensure inclusive practice across Kingston and Richmond boroughs.

Appendix A

Suggested summary budget (approximate) subject to regular review

Table E – Proposed Summary Budget

			Example of possible funding levels (unconfirmed)	Richmond
3 and 4 YOs	Band E	Complex and Medical Support Needs	£1,350 per term approx. Equivalent £4,050 per year	£20,250 per borough (approx.)
	Band D	Complex Needs Support	£1,000 per term approx. Equivalent £3,000 per year	£30,000 per borough (approx.)
	Band C	Enhanced SEND support	£1,350 per term approx. Equivalent £4,050 per year	£42,000 per borough (approx.)
	Band B	SEND support	Max £4,050 per year	£37,000 per borough (approx.)
	Band A	Emerging SEN	Max £4,050 per year	£15,750 per borough (approx.)
2YOs	Band 2A	2YO Complex and Medical Support Needs	Max £1,500 per year	£4,500 per borough (approx.)
	Band 2B	2YO Complex Needs Support	Max £1,050 per year	£6,300 per borough (approx.)
Other	Discretionary Fund - approx 5% retention from overall budget			£8,800 per borough (approx.)
	High Needs Access Fund (HNAF) approx 5% allocation from overall budget			£8,100 per borough (approx.)
				Maximum estimated £172,700