

Identifying and Supporting Children with SEND in the Early Years:

maintained nursery settings



First published in 2017 by nasen

nasen House
4/5 Amber Business Village
Amber Close
Amington
Tamworth
Staffordshire
B77 4RP
www.nasen.org.uk

ISBN: 978-1-901485-94-3

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Registered Company, limited by guarantee,
No. 2674379 (England and Wales)

A catalogue record of this publication is available from the British Library.

Identifying and Supporting Children with SEND in the Early Years:

maintained nursery settings

A quick guide to support maintained nursery settings to work with children with SEND.

This guide aims to:



- + Explain what SEND is and summarise the legal requirements for maintained nursery settings
- + Support you in working with children, parents and families
- + Suggest what effective practice for children with SEND in the early years might look like

You may also like to look at the other EY SEND resources available on the nasen website (www.nasen.org.uk) to help you gain a fuller understanding of SEND, or consult the 'Local Offer' on your Local Authority's website.



What is meant by 'Special Educational Needs and Disability' (SEND)?

A child has a special educational need (SEN) if he or she has **learning difficulty** or a disability which calls for special educational provision to be made for them.

Special educational provision is any provision made for the child that is 'additional to' or 'different from' what is offered to other children of the same age in your setting.

In deciding whether a concern about a child's development may be a special educational need, it should be considered whether their needs might require special educational provision when they start school.

A child has a **learning difficulty** if they have 'a significantly greater difficulty in learning than the majority of others the same age' or 'a disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age.'



Key documents – principles and requirements

All settings are required to have arrangements in place to **identify** and **support** children with special educational needs or disabilities (SEND).

There are 3 key documents which inform you of your statutory duties and responsibilities for children with SEND in the early years:

The Equality Act (2010) protects people from discrimination at work and in wider society. Disability (which includes learning difficulties) is one of the protected characteristics under the Act and includes staff, parents and visitors, as well as the children in your setting.

Under the Equality Act, settings must make **'reasonable adjustments'** to ensure that children (and others) with disabilities are not put at a substantial disadvantage by any policies, practice or physical aspects of your setting.

The reasonable adjustments duty includes three key requirements:

- to make adjustments to any provision, criterion or practice
- to make alterations to physical features
- to provide auxiliary aids and services

An individual is **disabled** under the Equality Act 2010 if they have a physical or mental impairment that has a 'substantial' and 'long term' negative effect on their ability to do normal activities. Refer to the Act directly for definitions of 'substantial' and 'long term'; there is more information about this Act in the next section.

Children with SEN may have difficulties in one or more of these broad areas:

- Cognition and Learning
- Communication and Interaction
- Physical and Sensory
- Social, Emotional or Mental Health

Some children will start attending your setting with special educational needs or a disability already identified. For some, difficulties with their development will begin to emerge while they are there. Research shows that responding to these difficulties promptly will help to reduce their impact on a child's learning and development as they grow older.

Two useful things to remember are:

- Whilst you must **anticipate** aspects of your setting that may discriminate against children with disabilities, it can be very helpful to review your setting with children and their families to ensure that adjustments are appropriate and effective
- Writing 'blanket policies' can cause indirect discrimination by excluding some children unintentionally – for example, a healthy snack policy may discriminate if there are no adjustments for a child with diabetes.

Detailed guidance on your duties are available on the Council for Disabled Children's website: <https://councilfordisabledchildren.org.uk/help-resources/resources/disabled-children-and-equality-act-2010-early-years>

The Statutory Framework for the Early Years Foundation Stage (2017)

is mandatory for all early years providers in England. The guiding principles of this framework apply to all children, including those with special educational needs or disabilities:

- Every child is a **unique child**, who is constantly learning and can be resilient, capable, confident and self-assured
- Children learn to be strong and independent through **positive relationships**

- Children learn and develop well in **enabling environments**, in which their experiences respond to their individual needs and there is a strong partnership between practitioners and parents and/or carers
- Children develop and learn **in different ways** and **at different rates**

The SEND Code of Practice: 0-25 years (2015)

is the statutory guidance for supporting children and young people with SEND. All settings are required to have regard to this code. Some of the requirements in the code state '**must**': these are statutory requirements with which you must comply. Others state '**should**', and you must have regard to these requirements and follow them, unless you have an exceptional reason not to.

Key guidance for maintained early years settings includes:

- A maintained early years setting **must** ensure that there is a qualified teacher designated as the SENCo.
- Have clearly stated **procedures for identifying and meeting the needs** of children with SEN
- Work closely with **parents and carers**
- Implement a four-stage process known as the **graduated approach** to meeting individual needs
- Work with **outside agencies and other professionals**

Some children may have an **Education, Health and Care Plan (EHCP)**; this is a legal document that states the child's needs and the provision required to meet these needs, and indicates that a child's needs are significantly greater than most children their age. There is more information about this later in this guide.

Further information about the SEND Code of Practice is available in the nasen miniguide 'The SEND Code of Practice: 0-25'. It is also important to access the full SEND Code of Practice for detailed advice: chapter 5 is specific to the Early Years Foundation Stage, with references to other parts of the code that apply to all phases.

Key people in your setting

Special Educational Needs

Coordinator (SENCo) – This individual must be a qualified teacher and must have the prescribed qualification for SEN Co-ordination (or gain it within 3 years of their appointment) or relevant experience (see SEND Code of Practice para 6.84).

Key person – The EYFS (2017) requires that every child is assigned a key person to ensure that their individual needs are met. The SEND Code of Practice is very clear that the key person remains responsible for working with a child with SEND on a daily basis and that they should be suitably trained and experienced to do so. The setting SENCo is there to advise and support them.

Local Authority advisors – There will be advice and support available from your Local Authority; your SENCo will be able to advise you about this.

Welcoming children with SEND and their families

Your setting may well be the first experience families have of educational provision; this can be daunting for many parents but even more so for parents of children with SEND. It is important to assure them that they and their child are welcome and that you will work with them at every stage. Be honest if you are not familiar or experienced with their child's needs, take time to listen to the information they give you, ask for names and contact details of professionals they are working with (for example their Health Visitor or Speech and Language Therapist) and contact your setting SENCo.

Here are some tips to help make this relationship effective:

- Make an appointment when you can meet with parents/carers and the child somewhere quiet, take some quiet toys for the child and his/her siblings so that you can really talk ... and listen
- Ask the questions you would ask about any child – who is important to them? What do they like to do as a family? What does the child like to do? What do they like to eat? Do they sleep well?
- Ask questions about what the child needs to support them; parents know this better than most.

- Ask about other professionals who are involved and ask if you can contact them
- Get permission for you to contact support services

In other cases, it may be that you have identified a concern about a child's development and will want to discuss this with parents. This will always be easier if you discuss children's progress with parents on a regular basis.

Some tips for initial meetings to discuss concerns about a child's progress:

- Describe – explain what your concerns are, give examples and explain the effect on the child's development
- Invite – parents to give their views; have they noticed anything similar at home?
- Agree – what is going to happen next? Who will do what and when?
- Close – make sure that you finish the meeting on a positive note and that parents/carers know that they can take their time to think about the discussions and come back with questions.



You should always be aware of the cultural values of the family and ensure that you and others working with the child and family are sensitive to them. Wherever possible, make sure that information is available in the family's home language, that you take clear and concise notes of meetings, and that you allow plenty of time for questions.

Advice from a setting:

Get to know the child and involve the parents and other professionals who are involved to ensure a consistent approach to supporting the child

A university nursery

Person centred working

The SEND Code of Practice puts children and their families at the centre of all processes and practices, including decision-making. The child's 'voice' (whether verbal, or interpreted through behaviours) should be at the centre of and inform all practice; listening to the child (and their parents or carers) and acting on this basis is crucial. For example, for a child who loves dinosaurs, have a dinosaur on their coat peg to encourage following routines, and use dinosaurs in play to encourage cooperation and language development. There are many resources available online to help you develop person-centred practice.

Inclusive practice

'Inclusion' describes the principle that schools should actively promote participation and reduce the barriers that children with SEND may experience in and around your setting. It may be defined as 'a process of identifying, understanding and breaking down barriers to participation and belonging' (Early Childhood Forum) or 'a journey with a clear direction and purpose: equality of opportunity, for all children and young people' (Council for Disabled Children). Every aspect of your practice is covered by the Equality Act. This duty is not only about the children whose needs you have identified but also those who may, as yet, have unrecognised needs, or may have difficulty fully participating in every aspect of learning. You should regularly reflect on how inclusive your setting is.

Inclusive environments

Some of the **environmental** aspects you should consider include:

- Attitudes of staff: do they make the environment welcoming to everyone?
- Access to the outdoor environment
- Accessibility of the environment
- Accessible resources with opportunities for children to be independent
- Seating arrangements, including where and how children sit on the carpet space
- Washing, toileting and changing facilities
- Sensory issues such as:
 - Appropriate lighting
 - Use of colour and display
 - Sound and noise levels
- Opportunities for independence

Advice from a setting:

// There has to be an inclusive culture permeating the whole school, including office staff //

A special school and nursery

Inclusive policies and routines

The policies, routines and planning in your school are also covered by the Equality Act.

Some of your policies and routines may have been in place for many years; for example, story time at the end of the day, or everyone sitting down for snack together. You should regularly reflect on these decisions with inclusion in mind – might some children with attention and listening difficulties benefit more from a story time earlier in the session when they are less tired? Is there a child who finds sitting with others very difficult – would he or she find a rolling snack time easier to cope with?

Reasonable adjustments may be required to prevent disadvantage, and the likelihood is that changes will benefit many children for different reasons.

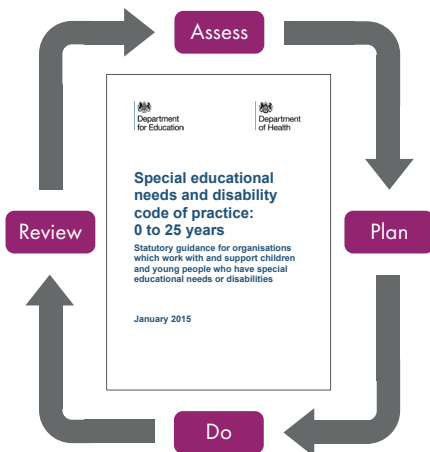


- Whether practices are 'multi-sensory' i.e. appealing to all the senses, and not reliant on, for example, listening
- How transitions from one activity to another are handled

It can be useful to spend some time observing and noting any areas or activities that appear not to be accessed by some children or any particular child. Often very simple changes can make all the difference.

A graduated approach

One of the key aspects of the SEND Code of Practice is the four-stage process of 'assess, plan, do, review'; this is known as a 'graduated approach' to planning for and meeting the needs of children with SEND in your setting. This process may be begun as soon as concerns are identified; do not wait for a diagnosis.



Assess

Assessment for SEN in the early years should be seen in its broadest sense. The starting point should be **parents**

or carers, as they will have important information about and observations of their child.

Listen carefully to what parents tell you; sometimes the smallest details can give you a lead on where a difficulty lies or a strategy that will help you support the child in your setting. Useful things to invite parents to tell you about include:

- Routines at home, mealtimes, bedtimes, amount of sleep
- Experience of being with other children
- Responses to new situations or people
- Relationships with other family members (including siblings and grandparents)
- Other professionals or medical investigations; either on going or in the past
- What parents do to manage concerns at home

If a child has had contact with other agencies (physiotherapist, speech therapy or paediatrician for example) you should consider their reports as part of your assessment process. This should include the **Integrated Review** if the child is over 2 years old. You will need parent/carer permission to access these reports.

Many children attend multiple settings at this stage (including childminders, nurseries and care by members of the family); you should gather evidence from these providers when appropriate.

As with much in the early years, **observation** is key to understanding a child's development. You should plan to supplement your day-to-day observations



with some more focussed observation strategies of both the child's strengths and areas for development. Some useful strategies include:

Verbatim/narrative observation: Plan several periods of 5 to 10 minutes where you can unobtrusively watch and record everything you see the child do. Avoid making any judgements as you write, be as objective as possible. It is impossible to capture everything so make a number of observations before making drawing any conclusions. It is important to capture different activities, different times of day and different days of the week.

These observations will show you what a child does when their activity is not being directed: what or who they choose to play with, how they respond to the environment around them and whether they stop and listen when the whole class is addressed, for example. Are they able to make a choice of activity? How long do they stick with something they have chosen to do?

Structured observation: In this type of observation you will be looking out for a particular behaviour, for example, starting

a conversation with an adult, taking turns or changing activity, for periods of 5 to 10 minutes. You make a mark for each time the child performs the target behaviour in a set number of minutes. Again, you need to do this several times and in different contexts.

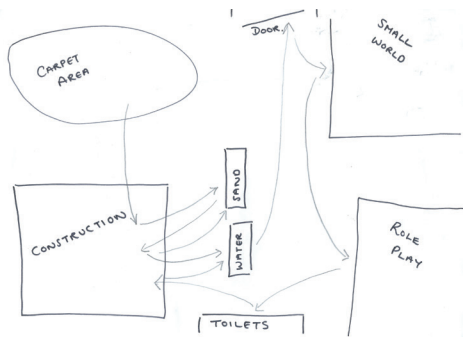
Lucy's interactions

	10.02	10.03	10.04	10.05	10.06	10.07	10.08	10.09	10.10	10.11
With peers				✓						✓
With adult	✓			✓	✓	✓	✓	✓		

These observations will tell you the frequency of a particular behaviour.

You may notice for example that a child talks to others more often outdoors than indoors.

'Spidergraph' observation: Start with a sketch map of your environment (inside and out), with all your activity areas marked. Observing again for a period of 5 to 10 minutes, mark the child's journey around the setting, perhaps with a note of how long they spend at a particular activity.



These observations will show you where a child chooses to go; are they 'flitting' from activity to activity without engaging fully in

anything? Do they follow a repetitive route around the activities? Do they avoid the areas that might require a particular skill (such as the home corner or story area)?

Incidental notes or observations

(sticky notes, incident records, and home/setting diaries): These observations will help you identify patterns or common circumstances. It can be useful to sort them by different criteria – time of day, day of the week, adult-led or child-initiated.

Plan

Following your assessments, you need to plan what you are going to do to address the needs that you have identified. Assessments will have helped you to see patterns in behaviours, possible barriers, and areas of strength and need; these will inform your planning. Again, the SEND Code of Practice is clear that settings should be working with parents and the child on developing this plan.

You must ask yourself two important questions to begin with:

- What is important **to** the child?
- What is important **for** the child?

You will find these out by talking with parents and watching and talking with the child. With these two pieces of information in mind, you should go on to agree together what **outcomes** everybody wants to achieve, i.e. what you want the child to be able to do. These outcomes should reflect shared priorities; outcomes are reached when everybody involved works together. Outcomes should be

recorded in language that everybody recognises and you should be able to make a clear judgement as to whether the child has reached that outcome after the agreed time; this is often referred to as a 'SMART' outcome (specific, measurable, achievable, relevant and time bound). An example of an outcome might be: 'I will be able to put my shoes and socks on, by the end of December'.

Your agreed outcome may need to be broken down into smaller steps or into the different skills that the child would need ('I will know which shoes and socks are mine'; 'I can balance on one foot and then the other'). These should also be recorded and activities or strategies planned to give the child lots of opportunities to practise that skill. You should also think about how you are going to support the child with these skills until they have developed them for themselves. This is where the 'important to' comes in; children will engage and learn much more easily when the strategies you have planned involve activities they enjoy and feel familiar and confident with.

How you record your plan is up to you but it is useful to record:

- The child's name, birthdate and age at the time the plan is written
- The name of your setting and the class/room the child is in
- The names of parent/carers, staff and other professionals involved in drawing up the plan
- What is important to the child

- The outcomes agreed, the smaller steps towards them. and how you will know that they have been achieved
- Who is going to work with the child on the activities planned, when and how often
- What everybody can do to support the child
- The date when the plan will be reviewed

Advice from a setting:

Follow the child's interests, being mindful that things can change quickly

A day nursery

Do

The SEND Code of Practice makes it clear that the key person (usually the teacher) is responsible for working with children with SEND on a daily basis. The teacher remains responsible when a child is working with teaching assistants or specialist staff. This will require close liaison between staff to plan and assess the impact of the plans made for the child and ensure that knowledge and skills are consolidated and built upon in class.

Once your plan is in place, it is important to ensure that the provision and interventions planned are implemented and maintained.

This may have implications for staffing, which will need careful consideration, taking into account continuity for the child and parents, and ensuring that the member of staff is clear and confident about the outcomes they are working towards.

In early years settings, it is usual for children to come into contact with a range of staff during their day. This means that it is often appropriate for all staff to be aware of the outcomes the child is working towards so that learning can be modelled, supported and encouraged whenever and wherever it occurs. The key person, supported by the SENCo, should also support and encourage parents to be involved at home; skills children are learning in the setting can be practised at home, often as part of their home routine, for example, getting dressed or when doing the shopping.

To ensure that support and planned interventions happen, all staff should:

- Consider carefully how you will share outcomes and progress between everybody who is involved with the child
- Give children time to become familiar with new strategies or interventions
- Put aside all the resources and equipment you will need to provide the interventions and activities so that they are at hand when you need them
- Identify the times of the day when the child will be able to work on specific activities
- Display key vocabulary that the child is working on in the activity area they are most likely to use it (for example: 'tip', 'fill' and 'empty' in the sand tray) as a prompt for adults in the area
- Consider how interventions and the child's responses will be recorded.

Review

A graduated approach is a cycle of actions that should be 'revisited in increasing detail and with increasing frequency, to identify the best way of securing good progress'.

Your plans and interventions should be reviewed in line with the date identified on the plan.

Who attends the meeting will vary according to what sort of review it is – a '**transition to school**' review or an **annual review of an EHCP** should be planned well enough in advance for any outside agencies who have been involved with the child to attend or submit a report. In this case, you need to make sure you have a clear agenda to ensure that the time is used efficiently and that all the information required is gathered.

Interim reviews (such as interim review and planning meetings) do not need to be as formal; you may well not have any outside agencies but you should involve parents/carers and take into account the views of the child. These should take place at least 3 times per year.

At the review meeting, you are reviewing the child's progress towards the outcomes you agreed at the planning stage. You should also evaluate how effective the support and interventions you planned were.

If the child has developed the skills or knowledge you were aiming for, you should discuss what the next steps should be. Remember to build on what has been achieved already.

If the child has not made the progress you were looking for, you need to think about what needs to be done differently – you may need to break the steps down further or change the activities that you had planned.

Some things to remember at review meetings:

- Apply the principles of person-centred working
- It is useful to have some observations or photographs to share
- Parents need the opportunity to share what they have observed at home
- Children sometimes do not develop the way we are expecting; keep the meeting focussed on the planned outcomes and strategies but allow some time to share other developmental progress
- Keep your language honest but positive; 'yet' is a key word, for example: 'he cannot feed himself yet, but we can support him to develop the skills to begin to do so'
- It might be appropriate to agree that a strategy or activity is not appropriate at this time and change it

Further information about this is available in the nasen miniguides 'The SEND Code of Practice: 0-25' and 'SEN Support and the Graduated Approach'.

Education, Health and Care Needs Assessment

In most cases, it is expected that a child with SEND will be supported through a graduated approach within their mainstream school, with the support of appropriate professionals. For a small number of children, who have not made expected progress despite the additional actions put in place by the setting, it may be necessary for the Local Authority to carry out an assessment of the child's needs and for an Education Health and Care Plan (EHCP) to be drawn up, in order to ensure the best outcomes for the child.

Schools and settings can request that the Local Authority consider carrying out a statutory assessment. This must be done with the knowledge and involvement (whenever possible) or the child's parents or carers. The school or setting SENCo should lead and support in this process.

Not all children referred will be considered suitable for this assessment, but parents will be informed either way.

Education Health and Care Plans detail:

- the views, interests and aspirations of the child and his/her parents/carers
- the child's special educational needs
- the child's health needs
- the child's social care needs
- the outcomes sought for the child
- the provision required to meet those outcomes
- any health care provision required

- any social care provision required
- the name of the setting the child will attend
- any personal budget allocated

Your responsibilities are to:

- Ensure that you have implemented and reviewed evidence led interventions and advice from specialists
- Ensure that you have records of all interventions, plans and reviews that have taken place for the child
- Continue to support the child within the setting, following the graduated approach
- If issued, carry out the duties set out in the EHCP

Further information about EHCPs is available in the nasen miniguide 'The SEND Code of Practice: 0-25' and in the 'SEN and Disability in the Early Years Toolkit' produced by the CDC



Working with outside agencies

Some children's needs require specialist investigation and support. Often these needs will have been identified, perhaps by health professionals such as the family's G.P. or health visitor. Sometimes, when you have implemented strategies within the setting, you may feel you need further advice. The setting SENCo will be familiar with local referral processes for services such as Speech and Language Therapy, Occupational Therapy or audiology. These should be available on the Local Health Authority website, often under the 'Local Offer'.

It is important for children and their families that services work well together. You can help this happen by:

- Ensuring that you are familiar with roles, referral processes and contact arrangements for local services
- Providing reports promptly when requested and encouraging parents/carers to share reports from other professionals with you
- Welcoming outside professionals to your setting, providing them with clear information about the timings of your day and the activities in which they are likely to observe the child engaged, as this will help them to know how typical their observations are

You may be asked to provide a report for a child when they attend an appointment with an outside professional; many children perform differently in unusual

environments (such as a medical clinic) so try to paint a picture of the child in your setting.

- Is the child able to follow routines in the setting?
- How does the child interact with others of his/her age?
- What activities does the child choose to do?
- Can the child make choices for example at snack time?
- How does the child separate from parents/carers, how long do they take to settle? How do they respond when parents return?
- How far does the child engage with adult-led/child-initiated activities?
- What other concerns do you have about the child?

Try to keep your writing focussed and concise but remember to mention the child's strengths and interests. The key person and the setting SENCo should work closely to respond to requests from specialist services.

Sometimes professionals may ask to observe the child in your setting; these visits can be very helpful as they will have many good strategies and advice to share. Try to make the child's day as normal as possible.

Advice from a setting

“Ensure you work closely with advisors and ask for help if and when needed”

A kindergarten

Transitions

Some of the planned transitions children make include:

- Between childcare providers, sometimes multiple times within a day
- Between classes/rooms
- Between specialist provision and mainstream settings or vice versa

Children with SEND may find transitions difficult, and there is likely to be a great deal of information to be transferred when they move from one setting to another, or between classes or rooms. You have an important role to play in ensuring that parents are confident with transition processes, as well as supporting the child to manage these transitions successfully.

If there are a number of other professionals involved, you must ensure that they are aware of planned transitions well in advance, especially if there are going to be transition meetings.

When a transition to another setting planned, you should consider:

- Who should information be shared with and have parents given appropriate permission (you should have an information-sharing policy)?
- Who will attend meetings from your setting (for example multi-disciplinary meetings or transition meetings)?
- If the child attends multiple settings, what practical systems can you put into place for sharing outcomes, plans and progress?

- Do the staff in the receiving setting need training and where can that be accessed?
- Will the child need additional visits to a new setting?
- Are there resources or equipment that need to be shared or transferred?

Support for parents, carers and families

There are a number of sources of support for parents that you should be aware of, including:

Local Offer – Local Authorities have a duty to publish a ‘Local Offer’ on their website. The Local Offer details services, facilities, organisations and activities open to children and young people with SEND in the local area.

Parent Carer Forums – There is a national network of parent carer forums across England. These are independent, parent-led forums working with Local Authorities and CCGs. Details of your local forum can be found on the National Network of Parent Carer Forums website or on your Local Offer website.

SEND Information, Advice and Support Service – This national service, available locally (although sometimes under different titles), provides support and advice to families involved with SEND services. Contact details will be found on the Local Offer website.

There are also many groups associated with particular special educational needs and disabilities; specialist professionals may be able to advise you on these and you may wish to support some families in accessing websites, helplines, written materials or groups.

Further information is available in the nasen miniguide: 'Working in partnership with parents and carers'

Funding

Local Authorities differ in the way that they provide funding to early years settings; all local authorities provide a **Disability Access Fund** – this is a one-off payment to settings supporting a child who is receiving Disability Living Allowance. You should contact your Local Authority for details of how to claim this funding; details should be on the Local Offer web pages.



Resources

nasen's other miniguides
www.nasen.org.uk/miniguides/

nasen SEND Gateway – information for education providers
<http://www.sendgateway.org.uk/>

CDC and 4Children SEN and disability in the Early Years – A Toolkit
<https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/early-years-toolkit-merged.pdf>

Speech, Language and Communication
<https://www.thecommunicationtrust.org.uk/>

Information, advice and support for families and professionals
<https://www.cafamily.org.uk>

There are many other useful sources of support; your Local Authority should be able to direct you to reliable resources.

About nasen

nasen is the leading UK professional association embracing all special and additional educational needs and disabilities. The organisation promotes the education, training, development and support of all those working within the special and additional educational needs and disabilities sector. Membership of nasen is an invaluable source of advice, offering an exclusive and vital range of benefits to support teachers, governors, teaching assistants and the entire education support network in the delivery of high-quality inclusive practice.

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ISBN 978-1-901485-94-3



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