

Children and Young Peoples Directorate Targeted Services/Early Childhood Services

Report

To: School Forum
Title: SEN and Disability Funding Reforms – Early Years
Author: Carol Fenlon, Early Childhood Service Manager
Date: 5th July 2017

Purpose:

This report will summarise the recent reforms within early years SEND, from Department of Education Statutory guidance notes. It will inform on the Local Authorities response to the reforms and specifically outline proposals on funding arrangement processes. Furthermore, the paper will enable decision making and seek ratification from the School Forum for the proposals to be implemented within the financial year 17/18.

Background:

In September 2014 the Children and Families Act (CFA) set out reforms, to the duties of Local Authorities provision of special educational needs (SEN) and disability services (SEND). The act encompassed the requirements of both the Early Years Foundation Stage and The Equality Act 2010. The CFA set out specific requirements of Local Authorities (LA) to implement a SEND framework spanning across 0 – 25 with a joint approach across education, health and social care planning (EHCP). In addition, that the LA publishes services through a “Local Offer” website, so that parents are clear of the local support available. Furthermore, that funding arrangements are in place for early identification of an additional need within a child’s earliest years.

Specifically for early years the three duties combined the requirement for providers to have a regard to the Special Educational Needs and Disability (SEND) Code of Practice 2014, even if there are no children with SEND attending. Those practitioners have access to a policy informing on how SEND will be met in their settings, which in turn is available to parents and carers. That maintained nursery

schools **must** have a suitably qualified Special Educational Needs Co-ordinator (SENCO) and all other providers are **expected** to identify a SENCO.

The duties clearly outline that, early years providers must co-operate with the LA in meeting its duties of children with SEND. Thereafter that the LA will offer “top-up” funding to providers delivering the universal 3 and 4 year free educational entitlement, where SEN has been identified and an additional support resource needed to be put in place.

In March 2017 the DfE revised the Early Education and Childcare Statutory guidance for Local Authorities; in the main embedding the new arrangements for the increased +15 hours free childcare offer (30 hours). In addition, the statutory guidance reinforced the duties on the following two key areas;

- 1) SEN Inclusion Fund – which Wirral currently operates as Inclusive Practice Fund.
- 2) Disability Access Fund – new arrangement.

Current Funding arrangements:

The LA currently provides advice and funding for SEND support in early years settings who receive nursery grant funding for 3 and 4 year olds. Support is provided up to the 15 hours statutory free educational entitlement. The setting must demonstrate it has already provided support, as detailed in the SEND Code of Practice. In considering the application for “top up” funding the setting must seek advice from the LA Early Years Intervention Team.

Currently arrangements for funding awards are approved at a monthly meeting attended by the Early Childhood Service Manager, Educational Psychologist and Early Intervention Team leader. The meeting reviews termly applications taking a view of the unique needs of the child, what initial interventions have been actioned, other professional reports and the resource required to further meet the child’s needs. Funding awards are retrospective to the start of a term, and the process for successive applications is the same each term.

Currently the LA does not accept “top-up” funding children in maintained nursery schools, instead a lump sum is payable. In addition, there are separate funding arrangements for the provision of children with severe and complex needs attending nursery classes attached to special schools.

For 16/17 the hourly rate of “top up” funding was = £3.85

No. of children supported = 92 in PVI’s and 68 in maintained nurseries

The actual budget was = £292,000

There was an underspend of approximately £100,000

A recent analysis of the funding process has identified a number of areas that are in need of development and improvement to ensure that the Inclusive Practice “top-up” fund is accessible to all 3 and 4 year olds (where applicable). Also, that funding providers have clarity of the process and are able to submit high quality applications that are child centred.

Proposals for delivering on new early years reforms:

SEN Inclusion (top-up) Fund;

Whilst there are current arrangements for SEN funding support for children in early years settings across the Wirral, the following areas are a key focus to improve; utilise the funding alternate to 1-1 support, develop a clear pathway for identification/application, consider the support on transition; streamline paperwork so not onerous; allocation of funding award is timely; that the 2 year integrated review is informative to the process, to outline a few.

The overall objective is that over time the early identification and funding processes will be better aligned to that of the educational, health care planning (EHCP) processes and thereafter better inform on the potential number likely to access for EHCP funds.

The allocated budget for 17/18 is = £450,000

The proposals in detail;

1. Secure the increased budget for the sole purpose of SEN Inclusion Fund. It is expected that this will better reflect the 11% annual cohort population of children, potentially in need of additional support.
2. To secure the hourly rate of £4.22 for both 3 and 4 year olds. This takes into account the increased rates of the new early years funding formula.
3. To develop a funding awards allocation panel that has wider representation of both health and social care. Firstly, in terms of health it will enable the outcomes of the 2 years integrated review/developmental checks to inform the panel of children with an identified need and thereafter act as a conduit to the health professionals involved in support plans. Secondly, in terms of social care it will enable the panel to analyse further whether a presenting child's needs could be supported by early help preventative interventions either or alongside SEN interventions.
4. To replace the termly allocation of funding with a “one payment” scheme for a child's academic period with a setting (further detail to be considered).
5. The application pack for this scheme to panel will require more robust and qualitative, ensuring evidence of on entry assessments, early observations, early interventions by the setting and professionals and SMART personalised actions plans on the resource against sought funds.

6. In terms of “resource”, it is envisaged that the “one off” payment be an estimated £2,000 per academic year which could enhance skills, knowledge and expertise of existing staff cohorts.
7. For the awards allocation panel to sit 2-3 times per year, to process the main cohort on entering academic 3 and 4 year placements. Thereafter, panel to capture those non entrants at a natural academic year start up, those new to area, those whose presenting needs emerge later and the monitoring of initial awards.
8. To extend the access to the “top-up” award to those maintained nursery schools and nursery classes in receipt of the universal 3 and 4 year old free entitlement funding for children.
9. Where a child is in receipt of the “top-up” fund and then becomes eligible and takes up the +15 additional **FREE** childcare offer, this “top up” fund will **NOT** be applicable for the +15 additional childcare hours. These arrangements are outlined in the LA funding agreement with providers.
10. In exceptional cases the panel may also consider and make awards to 2 year olds.

Disability Access Fund (DAF);

The Disability Access Fund is a new measure which aids access to early year’s places by, for example, supporting providers in making reasonable adjustments to their settings and/or helping with creating capacity.

Three and four year olds will be eligible for the DAF if they meet the following criteria;

- 1) The child is in receipt of a child Disability Living Allowance (DLA) and
- 2) The child receives free early education

**Please note that four year olds in primary school reception classes are not eligible for DAF funding.*

The settings of three and four year olds eligible for the DAF will be entitled to receive a one-off payment of £615 per financial year. The DAF is not based on an hourly rate and is an additional entitlement. Where a child is splitting their universal entitlement across more than one provider then it should be by parents’ choice as to which is the main setting to receive the DAF.

Children do not need to take up the full 15 hours of entitlement to receive the DAF payment. If a child moves setting within the financial year of payment then a payment to the new setting would not occur until the next financial year (meaning the DAF payment does not follow the child in a financial year,). Early years providers are responsible for identifying eligible children through strong partnerships with parents and informing the LA direct.

Funding to the LA will be based on latest data available from the Department for Work and Pensions on the number of children entitled to DLA aged three and four in England. The projected DAF budget for the LA within this financial year, 17/18 is £100,000.

Implementation timeline:

Action	By When/Whom	Outcome
Early Years Working Group	26/6/17 – Andrew Roberts, Senior Finance Manager	Meeting schedule agreed and attendees confirmed.
Report presented at School Forum	5/7/17 – Carol Fenlon, Early Childhood Service Manager.	School Forum agrees proposals and ratifies the consultation with early year's sector for new funding arrangements.
Consultation opens with sector.	10/7/17 – Andrew Roberts, Senior Finance Manager Carol Fenlon, Early Childhood Service Manager.	Outline of new arrangements shared with opportunity for views/comments from the sector.
Present results of consultation to School Forum	27/9/17 – Andrew Roberts, Senior Finance Manager	School Forum satisfied consultation fair/frank process and ratify implementation of new funding arrangements
New funding arrangements/process implemented	31/10/17 – Carol Fenlon, Early Childhood Service Manager	SEN Inclusion Fund maximised. DAF arrangements for children secure

Content of autumn consultation;

In addition to the proposals of new SEN funding arrangements the autumn consultation with early years providers will also seek views on increasing the “pass through rate” % from 93% to 95% for 18/19 and making monthly payments.

Summary:

To summarise, this report sets out detail of refreshed/new statutory duties in accordance with SEN and Disability within the early years. It offers an overview of current funding arrangements with outlined spend within 16/17. Thereafter it offers firm proposals to satisfy the fulfilment of the LA's duties giving consideration to the early years sectors views.

Recommendations;

1. The School Forum agrees with proposals for refreshing the SEN Inclusion Fund.
2. The School Forum agrees that the SEN Inclusion Fund is accessible by maintained nurseries and nursery classes with 3 and 4 year funded children on roll.
3. The School Forum is satisfied that the fund is not required to be applied to the additional 15 hours of free childcare, for working families, should a child already be receiving "top up" funds for universal 15 hours.
4. The School Forum agrees for the commencement of consultation on details within this report.