



Early Years Revised Framework Briefing - July 2021

Issue 12

SEND and the revised EYFS

Overall, the changes to the **DfE Statutory framework for the EYFS (Effective from 1 September 2021)** regarding SEND are minimal.

All the existing information from the current framework (published March 2017) has remained unchanged within the 2021 edition. The only new information is linked to the Reception Baseline Assessment (RBA).

Below is a reminder of the statutory requirements for Early Years providers with regards to Special Educational Needs and Disabilities (SEND). Within each section, there are reflective questions which will help providers consider key aspects of their practice in relation to SEND.



Statutory requirements...

The law, the regulations and the statutory guidance relating to young children with SEND - Every child included, every child supported.

The **Statutory Framework for the Early Years Foundation Stage (2021)** applies to all early years providers and sets the standards for all providers to work within. It is based on a set of guiding principles and seeks to provide equality of opportunity and anti-discriminatory practices, ensuring that every child is included and supported. This includes involving parents and seeking expertise where needed. Those who are responsible for early years provision, proprietors, management groups and governing bodies, need to ensure that staff are aware of, and understand, this mandatory framework.

The UK endorsed the:

- **United Nations Convention on the Rights of the Child (UNCRC)** in 1991. The rights set out in the UNCRC apply to all children. Particularly relevant for young children with SEND are articles 2, 3, 12, 18, 23 and 31.
- **United Nations Convention on the Rights of People with Disabilities (UNCRPD)** in 2009. Particularly relevant for young children with SEND are articles 3 and 7. The UN conventions are reflected in UK legislation, in particular, for disabled children and children with SEN, into the Equality Act 2010 and the Children and Families Act 2014.

The definition of disability, as documented with **The Equality Act 2010**, is wider than many might presume and so covers a greater number of children than you may realise. Early years providers must promote equality of opportunity and must not discriminate against, harass or victimise disabled children.

The **Special Educational Needs and Disability Code of Practice: 0-25 years** (2015) is statutory guidance for organisations who work with and support young children with SEND. All early years providers should establish and maintain a culture of high expectations that expects all those working with young children with SEND to include them in all the opportunities available to other children so they can achieve well.

Reflecting on your provision



- **Are all staff aware of their statutory responsibilities to young children with SEND?**
- **How do you know?**

More detailed information available...

Statutory framework for the early years foundation stage (Published: 31 March 2021 / Effective: 1 September 2021)

[Statutory Framework for the Early Years Foundation Stage](#)

Cumbria County Council: Early Years SENCO Toolkit (Section 3)

https://localoffer.cumbria.gov.uk/kb5/cumbria/fsd/family.page?familychannel=5-1&lo_boolean=1 - IS THIS THE CORRECT LINK??

The United Nations Convention on the Rights of the Child

[United Nations Convention on the Rights of the Child](#)

The United Nations Convention on the Rights of Persons with Disabilities

[Convention on the Rights of Persons with Disabilities \(CRPD\)](#)

Disabled Children and the Equality Act 2010: What Early Years providers need to know and do, including responsibilities to disabled children under the Children and Families Act 2014

[Disabled Children and the Equality Act 2010](#)

Universal inclusive practice for all

Universal inclusive practice for all children is important because it is responsive to individual children and differentiates and personalises provision to meet the needs of all children, including young children with SEND. Every child deserves the best possible start in life and the support that enables them to fulfil their potential.



High quality teaching that is differentiated and personalised will meet the individual needs of most children. Some children need educational provision that is additional to or different from this. High quality teaching is key to children's learning and development and forms the basis for any additional or different provision for children with SEND. High quality teaching is based on the highest expectations for individual children, draws on what staff know about children's learning and development, is differentiated for individual children, and uses a range of pedagogical approaches. As Dr Ole Ivar Lovaas put it many years ago: *If they can't learn the way we teach, we teach the way they learn.*

Ofsted makes it clear that the term 'teaching' should be thought of as being all the ways in which adults help young children to learn, for example:

- adult interactions with children during planned and child-initiated play and activities: communicating and modelling language, showing, explaining, demonstrating, exploring ideas, encouraging, questioning, recalling, providing a narrative for what they are doing, facilitating and setting challenges
- the physical environment, including routines and expectations
- assess what children know, understand and can do as well as take account of their interests and dispositions to learning (characteristics of effective learning), and use this information to plan for their learning



Observation, assessment and planning

Observation, assessment and planning are central to tailoring every child's learning to meet

their individual needs:

- Observation: What was seen, heard or noticed?
- Assessment: Analysing observations and deciding what they tell you about a child?
- Planning: What next? Consider experiences and opportunities, the learning environment, resources, routines, practitioners' role, etc.

There are several non-statutory documents that can be used throughout the early years as a tool to support making best-fit judgements about whether a child is showing typical development for their age, may be at risk of delay or is ahead for their age.

Reflecting on your provision

Young children are affected by everything around them, but how often do you reflect on your own practice to support the continuous improvement of children's experiences? You could begin by reflecting on some of the questions below:

- Do you offer high quality 'teaching' to all children?
- Do you offer children choices in their learning?

- Are all staff confident about child development and making judgements about where children are in their learning?
- Do you have an effective key person system?
- Do you offer a differentiated curriculum?
- Are your routines flexible when they need to be?
- Do children have enough undisturbed time to play freely? Can they access outdoors when they want to?
- Do all staff have high expectations for all children?
- Do you make changes or adaptations to meet individual needs?
- Are your policies and practices truly inclusive?
- How do children with SEND and their families experience your provision?

More detailed information available...

Ofsted: Education inspection framework (EIF)

<https://www.gov.uk/government/publications/education-inspection-framework>

Development Matters - GOV.UK (www.gov.uk)

Birth To 5 Matters – Guidance by the sector, for the sector



Sir Ken Robinson's thoughts linked to diversity, creativity and education and who believed that *"The purpose of education is to find out what you are good at"*

RSA ANIMATE: Changing Education Paradigms - YouTube

Pen Green Centre: A Celebratory Approach to SEND Assessment in the Early Years – Online toolkit

<https://www.pengreen.org/a-celebratory-approach-to-send-assessment-in-the-early-years/>

Creativity and Making in Early Childhood: Challenging Practitioner Perspectives

Mona Sakr, Roberto Federici, Nichola Hall, Bindu Trivedy and Laura O'Brien (2018)

"Early childhood is too dominated by developmental milestones. Too heavy an emphasis can lead to us overlooking the many divergent, creative and unique efforts and abilities of all children"

First concerns, a holistic approach:



Everyone working together to do their best

Where a child appears to be behind expected levels or where a child's progress gives cause for concern, practitioners should consider all the information about a child's learning and development. All the information should be brought together on the *Early Help Assessment - Signs of Well-being & Success* paperwork and considered with the child's parents/carers. This should include information about the child's learning and development, both within and beyond your provision:

- Information from parents/carers: Parents have a 'personal' knowledge of their child, understanding the inner working of their world and connecting that to the wider social world around us
- The voice of the child, taking into account their wishes, views and feelings however they express these including what they like to do and what they avoid

- Observations and assessment of the child from their key person: The key person has a 'public' knowledge of the child, understanding broader child developmental theories and pedagogical expertise

Depending upon the age of the child, this may also include:

- The progress check at age two
- Health and development review at age two
- Assessment at the start of the reception year – the Reception Baseline Assessment

Reflecting on your provision

- How well do you gather information through the different routes?
- How well do you manage conversations with parents and the action planning process?
- Do you seek the views and hear the voice of the child? How do you capture this for non-verbal children?
- How well do you bring the information together and analyse it?



More detailed information available...

Early Help Assessment - Signs of Well-being

[Early Help Assessment - Signs of Well-being and Success Documents and Delivery : Cumbria County Council \(cumbriasafeguardingchildren.co.uk\)](http://cumbriasafeguardingchildren.co.uk)

TAC Interconnections: A useful series intended as an introduction to TACs

[Team Around the Child \(TAC\) Principles](#)

The Graduated Approach



The Graduated Approach (assess, plan, do and review)

builds on high quality teaching which has been differentiated and personalised for individual children, should be informed by observation and assessment from both parents and provision and include the voice of the child.

The graduated approach is designed to support a cycle of action that can be revisited with increasing detail, increasing frequency and with the increased involvement of parents in order to identify the best way of securing good progress. At each cycle, the key person and SENCO should consider, with the parents, and informed by the child's views, whether the child is making expected progress, and whether:

- Special educational provision and SEN support continue to be required
- More specialist assessment may be called for
- Staff require more specialist advice, or the child requires more specialist support

- More specialist expertise is needed to inform reasonable adjustments and access arrangements for a disabled child
- The child requires an EHC plan needs assessment

Throughout the graduated approach, the practitioner, usually the child's key person, remains responsible for working with the child on a daily basis and implements agreed interventions. The provider SENCO supports individual practitioners and leads and co-ordinates the graduated approach across the provision.

Keeping records

The EYFS is clear about the importance of avoiding excessive paperwork - there is a risk that paperwork swamps or substitutes for the participative decision-making process that is key to improving outcomes for children with SEN.

A guide to what is strictly necessary is what the local authority will require if the provider or the child's parents request, for example, more specialist advice or an Education, Health and Care Plan needs assessment. The local authority will consider whether, despite relevant and purposeful action by the early years setting to identify, assess and meet the special educational needs of the child, the child has not made expected progress.

Reflecting on your provision



Does your record-keeping capture ...

- Outcomes and impact
- Essential evidence
- Parents' views
- Children's views

...and focus on the graduated approach, without excessive paperwork, whilst meeting the need for parental and provision information?

More detailed information can be found at:

[SEND in the Early Help Process : Cumbria County Council \(cumbriasafeguardingchildren.co.uk\)](http://cumbriasafeguardingchildren.co.uk)

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