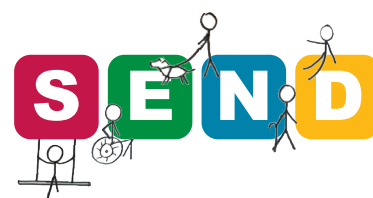


Support for children with Special Education Needs or Disability (SEND) in Early Years



Introduction

This guidance outlines the provision to support children with Special Education Needs or Disability (SEND) accessing early years education and childcare entitlement in Cumbria aged 2 to 4 years old.

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SEND in the Early Help process

When an additional need is identified for a child or young person, whether social, emotional, developmental or educational, an Early Help Assessment form can be started to gather information. The emphasis is on assessing all aspects of a child or young person's strengths, needs and circumstances, developing a plan to meet identified needs and reviewing progress systematically.

If, following the assess-plan-do-review process, the setting requires support from the Learning Improvement Service or the Inclusion Service e.g. Early Years Area SENCO, Specialist Advisory Teacher or Educational Psychologist to meet the needs of the child or young person then the following should be undertaken:

- Fully complete an EHA form
- Decide on one service to request
- Gain written parent/carer consent
- Send the EHA form and accompanying evidence securely to lis.earlyyearsbusinesssupport@cumbria.gov.uk addressed to the Early Years Team Manager for Area SENCO/ EY SAT
- Register the EHA electronically via the CSCP website.

The Early Help process must be followed to support applications for the SEN Inclusion Fund and EHCP assessment.

SEN inclusion fund for 2, 3 and 4 year olds accessing free education and childcare

All local authorities are required to establish an inclusion fund in their local funding systems for three and four year olds with SEND accessing a free entitlement place. The purpose of the funding is to support providers to meet the need of individual children with SEND. Local authorities have responsibilities to strategically commission SEND services as required under the Children and Families Act (2014).

For the financial year 2022-23 the SEN inclusion budget allocated from the Dedicated Schools Budget is £260,000.

Funding available

The SEND inclusion fund is for two, three and four year olds who are accessing a early education and childcare place.

Childcare providers can apply for SEN inclusion funding to support a child whilst in their provision. The provider will submit an application with supporting evidence of need. A panel of Early Years Professionals will assess the application and agree the level of need.

For children accessing their universal entitlement – 15 hours per week over 38 weeks the levels are below. These amounts will be adjusted according to the number of hours the child attends each term, up to an annual maximum of 1140 hours:

- Level 1 - £1,000 per year
- Level 2 - £1,500 per year
- Level 3 - £2,000 per year



Disability Access Fund (DAF)

The purpose of the funding is to support providers to meet the needs of individual children. The disability access fund is for three and four year olds who are accessing a free early education and childcare place, provided the following criteria can be evidenced:

- The child is in receipt of child disability living allowance (DLA)
- The child accesses universal free entitlement.

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

Children do not have to take up the full 570 hours of universal free entitlement in order to receive the DAF.

If a child eligible for the DAF is sharing their free entitlement across two or more providers, parents will be asked to nominate the main provider to receive the funding. Providers will receive an annual payment of £800 to meet individual children's needs.

The DAF is not based on an hourly rate and is additional to free entitlement funding.



Education, Health and Care Plan (EHCP)

If the early years provider has followed the Early Help process, has used their best endeavours to meet the needs of the child and has acted on the advice of external professionals but the child's progress has not accelerated and their needs continue to be significant, it may be appropriate for the provider to apply for an Education, Health and Care needs assessment. This should be done with the knowledge and agreement of the child's parent.

During the course of an EHCP needs assessment, the local authority will gather advice from relevant professionals about the child's education, health and care needs, desired outcomes and special educational, health and care provision that may be required to meet the identified needs and achieve desired outcomes. Following this assessment process, a decision will be made whether or not to issue an EHCP.

If an EHCP is agreed, it is reviewed six monthly when the child is under five and annually for children over five. Parental views are vital. Strengths, needs, outcomes and provision are included for four areas of need: Communication and Interaction, Cognition and Learning, Social and Emotional Wellbeing and Sensory and/or Physical.

Free childcare for 2 year olds

If a child is in receipt of Disability Living Allowance or has an Education, Health and Care Plan (EHCP) they are able to access up to 15 hours per week over 38 weeks per academic year of free education and childcare.

(For full eligibility criteria see Appendix 1)

Children become eligible for free entitlement at different points in the year depending on when they turn two. Please see below for further details.

Child's birthday	When you can claim
1 January to 31 March	The beginning of term on or after 1 April
1 April to 31 August	The beginning of term on or after 1 September
1 September to 31 December	The beginning of term on or after 1 January



3 and 4 year old free early years education and childcare

All children are able to access up to 15 hours per week over 38 weeks per academic year of free education and childcare.

Children become eligible for universal free entitlement at different points in the year depending on when they turn three. Please see below for further details.

Child's birthday	When you can claim
1 January to 31 March	The beginning of term on or after 1 April
1 April to 31 August	The beginning of term on or after 1 September
1 September to 31 December	The beginning of term on or after 1 January

Extended hours - 30 hours free entitlement for 3 and 4 year olds

Some families are able to access up to 30 hours per week over 38 weeks per academic year of free education and childcare.

(For full eligibility criteria see Appendix 2)

Children who are eligible for 30 hours free early years education and childcare, and who have an EHCP may be allocated additional provision based on individual needs. This additional provision will be agreed as part of the multi-agency EHCP decision making panel.

If entitlement to 30 hours free childcare ceases, due to family circumstances no longer meeting the 30 hours specified criteria, provision will be reviewed.

Appendix 1

Free childcare for 2 year olds - eligibility criteria

In order to apply a family MUST be in receipt of one of:

- Income Support
- Income Based Jobseekers Allowance
- An income-related employment and support allowance
- The Guaranteed element of State Pension Credit Child Tax Credit and/or Working Tax Credit, provided the annual gross income is no more than £16,190 as assessed by Her Majesty's Revenue and Customs (HMRC)

If you meet the following criteria, please provide supporting evidence:

- Universal credit - with an annual net earnings threshold of £15,400 (based on calculating earnings on a monthly basis)
- If the child is looked after by the Local Authority
- If the child has a current statement of special educational needs (SEN) or an education, health and care plan
- If the child is in receipt of Disability Living Allowance
- Support under part VI of the Immigration and Asylum Act 1999
- If the child has left care through special guardianship or through an adoption or residence order
- If you are excluded from claiming public funds as a consequence of your immigration status, or your lack of immigration status; and are in receipt of support under section 17 of the Children Act 1989

If:

- You are a Zambrano Carer
- You have the right to remain in the UK under Article 8 of the European Convention on Human Rights (ECHR) and are subject to no recourse to public funds
- You are supported under s4 of the Immigration and Asylum Act 1999.
- Are excluded from claiming public funds as a consequence of your immigration status, or your lack of immigration status; and are in receipt of support under section 17 of the Children Act 1989

If your immigration status says you have 'no recourse to public funds', you may still get free childcare for your 2-year-old. You must live in England and your household income must be no more than:

- £26,500 for families outside of London with one child
- £30,600 for families outside of London with two or more children

You cannot have more than £16,000 in savings or investments.

Appendix 2

30 hours free education and childcare for 3 and 4 year olds – eligibility criteria

Parents of three and four year olds will need to meet the following criteria in order to be eligible for 30 hours free childcare:

- They earn or expect to earn the equivalent to 16 hours at National Minimum or Living Wage over the coming three months
- This equates to £120 a week (or £6,000 a year) for each parent over 25 years old or £112.80 a week (or £5,800 a year) for each parent between 21 and 24 years old
- This applies whether you are in paid employment, self-employed or on zero hour's contract
- The parent (and their partner where applicable) should be seeking the free childcare to enable them to work
- Where one or both parents are on maternity, paternity, shared parental or adoption leave, or if they are on statutory sick leave
- Where one parent meets the income criteria and the other is unable to work because they are disabled, have caring responsibilities or have been assessed as having limited capability to work
- Where a parent is in a 'start-up period' (i.e. they are newly self-employed) they do not need to demonstrate that they meet the income criteria for 12 months
- If a non-EEA national, the parent must have recourse to public funds.

A parent will not meet the criteria when:

- Either parent has an income of more than £100,000
- Either parent is a non-EEA national and subject to immigration control (and has no recourse to public funds).

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