



Patron: Lady Stevenson DL

Early Years 30 hours Provision for Children with SEND Briefing

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Context

In September 2017 the government will introduce the 30 hour free early years allowance for working parents.

The SEND Reforms of 2014 are based on the principle that children with SEND have a right to the same educational opportunities as all children. Therefore, it is vital that we ensure that all children – including children with SEND – are able to access their full 30 hours if they are eligible.

In light of this, the government is consulting on the introduction of a new funding formula, which is focused on ensuring more investment in services for children with SEND to ensure equal access to the free provision.

Why is this important?

Early intervention is proven to give children the best chance in life, and is especially important for children with SEND. The government's SEND Code of Practice states that 'the benefits of early identification are widely recognised – identifying need at the earliest point, and then making effective provision, improves long-term outcomes for children.'

Long term costs to local authorities will be less if children get the best start and are able to enter mainstream education rather than special education, as the cost of special education is so high.

It appears that the 30 hour provision may actually decrease sufficiency in SEND places. 'Levelling the Playing Field' shows that the impact of the introduction of the 2 year old offer was that local authority sufficiency for children with SEND actually fell from 28% to 21% in 2014-2015. If the same thing happens when the 30 hours are introduced, local authorities would end up in breach of the SEND reforms, as there would not be equal opportunities for mainstream children and children with SEND. This would lead families to feel further discriminated against, and possibly lead to taking their local authorities to court.





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Current access to provision by children with SEND

Currently, only 60% of children with SEND access their 15 hour free provision, compared to 96% of mainstream children.

The reasons for this are:

- **Lack of provision**, which has fallen further since the two year old offer was introduced. 'The Case For Play' research by Sense in 2015 found that 50% of parents had been refused childcare by providers.
- **Lack of parent trust and confidence in providers** is a major issue, with 28% of parents reporting that they do not believe inclusive settings are able to effectively support their child.
- **Lack of knowledge or usage of local authority top up funding**
- **Local offer not working** with only 59% of parents reporting having seen it, and only 27% had found it useful for early years services.

At the core of all of these reasons are the high additional costs of providing places for children with SEND, such as higher staff ratios, specialist training and special equipment. If local authority funding cannot cover these costs, the provider must absorb them, or deny children with SEND access. Legally, providers are not allowed to charge parents different rates for SEND services than they charge for mainstream services.

Without real investment in places for children with SEND in the early years, this issue will continue and is likely to worsen as a result of the 30 hour free provision. As stated in the 'Levelling the Playing Field' report, 'unless sufficient funding is made available and structural reforms are made, the 30 hour provision will exclude and disadvantage disabled children in relation to their non-disabled peers.'

New Funding Formula Proposals

In recognition of this situation, the government launched a consultation on a new funding formula for early years provision. The aim of this new funding formula is to ensure that the maximum amount of funding goes through to providers, to deliver a standard funding level across the country, and also to ensure that children with SEND get the extra funding they need.

The **concern about the new funding formula is that it does not seem to go far enough** in the level of funds they are proposing for children with SEND. Each local authority area will receive a level of funding according to how many children with SEND there are in total. This will affect the overall level of funding rather than being linked directly to each child.

Funding linked to the child will be the Inclusion funding, which is expected to be around 12 million pounds across the UK. This funding will be given to the provider for each child when they join the setting. While this may be





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helpful in setting up the placement, it **will not help providers with the ongoing costs of providing support to children with SEND** such as staff ratios and specialist training.

The proposals do not seem to show that there will be extra funding available for the ongoing costs of supporting children with SEND.

The further concern about the proposed new funding formula is that it prioritises 'efficiency' over quality. Previously, providers were rewarded for quality – meaning if they had high levels of staff training and were rated 'outstanding' by Ofsted. However, the new proposals would focus on 'efficiency' and have no reward for quality, which would likely discourage providers from working with children with SEND. If this way of rewarding providers is to succeed for every child, then the **assessment for how efficient a provider is must take into account the higher costs of supporting children with SEND** and not penalise settings that admit those children.

Summary

Parents and providers are appealing to government to consider the impact of the 30 hours on children with SEND specifically.

If providers are to offer more hours to these children, then there needs to be sufficient funding to ensure they are not losing money, and are able to provide meaningful, skilled, inclusive practice.

Local authorities must be supported to ensure that they have sufficient provision to provide children with SEND with the same number of free hours as mainstream children.

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