



## **Solving the SEND Crisis - Evidence from Dingley's Promise**

### **Summary**

Over the past few years, giving every child the best early years education, has increasingly been considered the key to success in their educational journey and their life outcomes. The Department for Education has recognised this by establishing a team who work specifically on early years SEND and recruiting a consultant for the Safety Valve and DBV programmes, who focuses on early years SEND. The demand from within local authorities for this support was significant, showing that there is widespread recognition that the early years play a vital part in improving the education system for children with SEND and their families.

Despite the importance of this stage of education, we are currently failing children with SEND and their families in the early years. Coram's annual childcare survey in 2024 found that only 6% of local authority areas felt they have enough early years provision for children with SEND. This is a drop from 18% in 2023, showing a dramatic worsening in access to early years provision. Dingley's Promise research in late 2023 found that one in five families had been turned away from an early years setting because of their child's needs, something that is repeatedly being raised as a concern through our work with families and local authorities across the country.

In this evidence, we will offer key strategies for improving this untenable situation, highlighting areas of concern from the viewpoint of families, settings and local authorities. Priority actions requiring immediate attention are underlined in the text and are summarised below:

- Promote and roll out the DfE's Early Years Assessment Guidance to all local authorities, health services, settings and families.
- Ensure that early years and SEND experts are involved in all discussions contributing to positive sector wide change
- When attempting to define inclusion, ensure all bodies, programmes and national formats are aligned.
- Review of ratio changes and the impact they have on support for children with SEND and staff retention rates.

- Mandatory inclusion training for all early years educators
- Conduct a review of the costs and benefits of specialist early years provision
- Introduce transition funding to focus EHCP applications on the reception year with clear best practice case studies and guidance.
- Replace the narrative of 'school readiness' with 'transition'
- Research different models and practices in local authorities and cross reference with outcomes to understand what works well and design a uniform system around these
- Create national guidance and formats for OAP and SENIF as a minimum.
- A statutory demand that all local authority SEND strategic work and data collection must include the early years.
- Stronger guidance for local authorities that SENIF should not be spent on children with high needs but allocated to low and emerging needs.
- Shift emphasis in SENIF from application procedures to reporting
- Delink DAF and DLA, replacing DLA with 'involvement of a SEND professional'
- Strong inclusion training for all Ofsted inspectors with an inspection framework that clearly rewards good inclusive practice in all settings and in all age groups.
- Area SEND inspections to focus on long term patterns and not just a snapshot to improve identification of issues and support collaboration.
- Strengthening of CSA section on SEND to be a statutory demand, informing local authorities and enabling stronger market management
- A clear and widely recognised channel for parents to report being turned away from settings to be established in every local authority
- An early years-focused OAP to be present in every local authority area as standard, supporting the delivery of inclusive practice in settings.

## **About the Organisation**

Dingley's Promise is the largest provider of specialist early years provision in England with nine Centres in Berkshire, Gloucestershire, Southampton, Bournemouth and Worcestershire. In 2025 the organisation expects to open six more settings in the south and midlands, followed by four additional settings as it expands into the north in 2026.

Dingley's Promise has grown significantly in the past five years and is now actively working to build inclusion of children with SEND in the early years across England. The organisation's Manifesto for Early Years Inclusion was launched at the House of Lords

in November 2023. The event was attended by a wide range of stakeholders all of whom have an interest in building inclusion in the educational system.

The ongoing work of each of the Dingley's Promise Centres, informs the training and lobbying that the organisation engages in, ensuring that there is always a practical basis for the recommendations they make. Dingley's Promise training courses have benefited over 20,000 learners and they are continually increasing the breadth of courses offered in response to demand from the sector. The charity currently supports over 40 local authority areas with strategic support to build more inclusive early years provision in their local area. This work is delivered through the DfE-funded Early Years SEND Partnership, and Comic Relief, plus direct contracts with local authorities.

Dingley's Promise is an advisor to the Department for Education, early years SEND advisor on the Safety Valve and Delivering Better Value programme, member of the Change Programme Board and advisor to NCFE on the content of new qualifications, and to the Childcare Works Board. They are also part of the Stronger Practice Hub Advisory Group, The Early Years SEND Partnership Advisory Group, and the Leeds University Business Schools Early Years Employment Research Hub.

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## **1. Support for children with SEND in the early years**

### **Assessing the quality of SEN support**

Dingley's Promise has worked hard to provide support for early years settings around the assessment and early identification of need. As such, we recommend that there is immediate action to more widely promote and roll out the DfE Assessment guidance, which we designed on behalf of the department. This was launched in November 2024 and the vision was for this resource to be rolled out to settings across the country providing a consistent format for identifying needs in children alongside the use of

graduated approach. The guidance and toolkit supports ongoing assessment and enables identification as early as possible, removing the need to wait for the direction of SEND specialists.

To optimise its effectiveness and impact, this assessment guidance should also be used by health professionals in conjunction with the two-year-old check and when accessing specialist support, giving a common language and reference point for health and early years teams to work collaboratively. It should also be used by local authorities to link to processes such as funding applications. It should also be used by schools so that when a child transitions the documentation is comprehensive and consistent, and as such valued as providing relevant and transferable information.

The impact of this multipurpose use will be a reduction of paperwork in settings, greater confidence of practitioners to identify and support needs early, improved joint working with health teams and schools, and vitally, reduced pressure on parents to repeat their stories within different processes. A more joined up process will also avoid activities needing to be unnecessarily repeated when families or early years educators move into different local authority areas.

### **Defining what inclusion looks like**

Dingley's Promise have been working on a tool to assess the quality of inclusive practice in early years settings, as part of the Childcare Works programme. It responds directly to the need to understand with clarity what good inclusion is – something which is critical if we are to build an inclusive system.

The tool will help settings to understand how inclusive they are, recognising that there is a distinct difference between strong SEND practice and strong inclusive practice. Strong SEND practice can be achieved by a knowledgeable SENCO who understands the systems around working with families, applying for support, and accessing specialist services or provision. Strong inclusive practice on the other hand, relies on a whole setting approach to inclusion which enables all children to thrive together.

Any attempt to define what inclusion is must ensure that it takes into account the existing work which is happening in various bodies including; Ofsted, the Department for Education, third sector organisations, the Department for Health, specific programmes such as 'The Change Programme' It should also tie in with national documents such as the Early Years Assessment Guidance and the EHCP process. Any final definition must be collaborative and adopted by all stakeholders, or it will ultimately be ineffective and counterproductive.

### **Achieving high quality inclusion in settings**

To achieve high quality inclusion in early years setting, there are three key areas that need to be considered:

1. Workforce development
2. Clear and accessible funding streams
3. Accountability.

For more background on these, please refer to the Dingley's Promise Manifesto for Early Years Inclusion<sup>1</sup>, which includes both evidence of need and clear recommendations. We will address these later in this submission under the different focus areas outlined in the request for evidence.

### **Improving outcomes for children with SEND**

The government has announced that they want to ensure 75% of children reach a 'good level of development' at the end of their reception year, rather than the 65% which currently reach that target. This target is simply unachievable without more effective and timely support for children with SEND in the early years. Early identification and support is crucial for setting the trajectory for each individual child. It is widely acknowledged that outcomes at this age correlate to outcomes at GCSE level, further enforcing the importance of the early years for education. Research done by the IFS<sup>2</sup> on outcomes of children who lived near Sure Start Centres shows that while identification of SEND at age 5 was higher, it was lower at ages 11 and 16, suggesting that early intervention led to a reduction in long term needs and better outcomes for children. It is therefore important that we invest heavily in early years as this will lead to better outcomes for all children and also reduce spend in the education system as a whole.

### **Workforce issues for early years SEND**

The early years workforce has been struggling for some time, with large numbers leaving the sector and difficulties in recruiting new staff. One of the key issues we have identified is that our early years educators who are passionate about SEND and inclusion often seek a move to schools for increased pay.

Specialist input in many areas of the country is extremely low in early years compared to schools, This lack of specialism in children's earliest years has a detrimental impact as educators, who are passionate about supporting children with SEND can feel unsupported and choose to leave the sector, feeling ill equipped to respond to growing levels of need.

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<sup>1</sup> <https://dingley.org.uk/manifesto/>

<sup>2</sup> <https://ifs.org.uk/publications/short-and-medium-term-impacts-sure-start-educational-outcomes>

The pressures of supporting children with SEND effectively, supporting their families and doing what is best for them to improve their life outcomes weighs heavily on many early years educators. They feel a huge responsibility for giving those children the best start – often with less knowledge than they would like and scarce resources available. Research conducted by the University of Leeds for the Early Education and Childcare Coalition<sup>3</sup> found that a key reason for staff to leave the sector was the rise in the number of children with SEND, and the lack of specialist knowledge and support to meet their needs.

This vicious circle needs to be broken. Settings do not currently have enough staff to offer the enhanced ratios necessary for high quality inclusive practice, but equally the impact of not having enough staff, means that more are leaving the sector because they are unable to give children with SEND the required levels of support. There should be careful review of the changes to ratios, recognising that the less staff there are in the setting, the harder it is to offer high quality inclusive practice. This in turn increases the likelihood that more children will get turned away, and more staff will leave the sector.

### **Training needs**

Inclusion training for early years educators is key to ensuring high quality inclusion. Dingley's Promise is leading on providing inclusion training to the early years workforce. Our own research showed that 77% of settings believed inclusion training was important, but only 53% of settings reported they had accessed this kind of training, meaning that almost half of early years settings across the country are potentially struggling with a lack of knowledge and confidence.

We currently have almost 20,000 learners accessing our seven short courses, with four courses currently in development. Our post training survey results show that 96% of learners feel they can take more children with SEND as a result of completing the training, showing the direct impact of the training on both knowledge and confidence, and its potential impact on the entire workforce with greater uptake.

We strongly believe that inclusive practice training should be a mandatory for all those working in early years and is a key element of the induction process when starting a new role. Without such training educators simply are not fully equipped to respond to the needs of all children and we will continue to see our most vulnerable children being excluded from settings who do not feel confident to support them. Families and settings feel that every educator should understand how to support children inclusively, not just the SENCO, this whole setting approach is critical to effective inclusion.

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<sup>3</sup> <https://www.earlyeducationchildcare.org/early-years-workforce-report>

There are now over 200 settings in England who hold the Dingley's Promise Mark of Achievement for Inclusion, meaning that they commit to training all their staff in inclusive practice and have inclusion training as part of induction. There must be clear expectations on settings to access inclusion training for every member of staff, so that they can deliver truly inclusive practice for all children and reassure families that mainstream providers can support their children effectively.

### **Role and capacity of specialist early years providers**

Specialist early years providers do exist across England, but they are few and far between. The largest specialist early years provider is Dingley's Promise, which currently has nine specialist Centres in the south and midlands. A paper was submitted at the request of the Department for Education in July 2024 about the specialist early years sector and potential for the future, and the key points are highlighted again here. In light of the emphasis placed in the SEND and AP Plan on Alternative Provision for school-aged children, we need to consider why this is not also considered a key part of the system in the early years. A [review of the costs and benefits of specialist early years provision](#), and the impact it has on driving wider inclusion should be a priority.

To ensure that settings contribute to inclusion, it is critical that early years specialist provision should not be attached to a special school, as this may lead to children being labelled as requiring specialist support too early, and influencing their future journey to stay within specialist education when a child may thrive in the mainstream with the right support. With the introduction of shared provision, an entry exit pathway<sup>4</sup> and partnership working with mainstream settings, the number of children accessing mainstream education when they leave Dingley's Promise has risen from around 35% to 70%. It is vital that we recognise the role of specialist early years provision in effectively identifying and meeting needs early, to allow every child who would be able to thrive in mainstream education to access it.

Important factors which ensure specialist settings build wider inclusion:

- Admission of children to settings should be decided in partnership with local authorities
  
- Family support work should link in with the local authority to keep them updated on who is accessing support and signpost to other local resources

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<sup>4</sup> <https://councilfordisabledchildren.org.uk/resources/all-resources/filter/inclusion-send/entry-exit-pathway>

- The data from settings should be used to create a pipeline for schools to start transitions early and prepare for children with information from professionals who have experience of their needs.

- The local authority should receive data about the children in the settings and the pathways to assist with sufficiency planning

- Local mainstream providers should be encouraged to ask for support and advice where needed from the specialist provision, as they are a key resource and examples of good practice.

Specialist early years settings should receive core funding through the High Needs Block, as a critical part of the education system for children with SEND aged 0-25, this will facilitate the building of wider inclusion in the system.

Specialist early years settings should receive Nursery Education Grant and Disability Access Funding, and where children have emerging needs, they may also receive SENIF.

Going forward, we should be investing to ensure that settings are fully funded to provide their specialist provision rather than being expected to fundraise in order to deliver their vital services. Full investment provides reassurance to families and places value on such settings within the sector.

### **Education Health and Care Plans in the early years**

Dingley's Promise have been working with the Department for Education to advise local authorities on their strategies for early years inclusion. They have also worked with the DfE funded Early Years SEND Partnership, to deliver support specifically on transitions to local authorities. A key pattern that has emerged as a result of this work is that schools are increasingly demanding that EHCPs are in place before a child enters school, and this is leading to a rise in deferrals as children stay longer in the early years due to the absence of an EHCP.



From our experience, an effective strategy increasingly being used in local areas to address this is to consider focusing on the reception year in school as the focus for making EHCP applications. This requires funding for both the early years settings conducting enhanced transitions to hand over tailored support strategies they have developed through using the graduated approach, and the reception activities to identify which children need to apply for an EHCP and then make the application.

This joint investment in the early years and reception year, facilitates excellent transitions and results in better outcomes for children. It can also resolve the current increase in the number of deferrals to stay within early years, where children who have not managed to secure an EHCP are told the school cannot meet their needs. This would build recognition that strong inclusive practice and early identification of need is critical as a first step to identifying emerging needs, and if assessed consistently using the Assessment Guidance, reception staff could use these to facilitate effective transitions before assessing whether an EHCP is the required for the child.

It is critical that we ensure the early years is funded effectively to fully implement the graduated approach, which should in turn be linked to the Ordinarily Available Provision document within each Local Authority. This document outlines what every setting is expected to deliver to all children in the local area. The success of this process is reliant on improvements to funding processes, improved funding levels and ease of access to sufficient SEND funding in the early years.

### **Levels of current and future SEND need**

Evidence from our research with settings showed that 95% of them felt that there had been a rise in the numbers of children with SEND, and 79% felt that rise was significant. More recently we have been hearing from local authorities that the levels of need seem to be evening out slightly. This suggests that this initial acceleration could in part be due to impacts of the pandemic rather than a consistent long-term increase in need.

We must recognise that children in our settings today are not the same as they were ten years ago, and as a result the education system needs to adjust to enable all children to thrive. In relation to the early years, this means ensuring real clarity about what we expect from children as they move towards school. The term 'school readiness' is one that is not trusted by many in the SEND world as it suggests that children must adjust themselves to fit into the way schools operate, regardless of their own needs.

Increasingly there have been calls for schools to be more child ready, therefore it may be prudent to replace the narrative of school readiness with 'transition'. In the social model of disability, it is noted that the person themselves is not inherently disabled, but it is the system that does not cater to them that disables them. This is something we need to think about much more carefully with regard to the cohort of children who are

now in our settings and schools. We need to ensure that many more of our children are supported effectively in education as standard, with a focus on strengthening mainstream inclusion. Without this shift we will continue to see numbers rise and demand for specialist services will continue to outstrip supply.

## **2. Current and future model of SEND provision**

### **Promoting consistency of approach between local areas**

For many years, the autonomy of local areas has been supported by giving freedom to create locally sensitive systems and procedures. This has led to a wide range of differing practice in early years SEND at all levels of the system. With the reduction in funding for local authorities and the corresponding reduction in the sizes of key delivery teams in local authorities, there has been a real surge in requests for more national guidance documents and formats to improve effectiveness and consistency of the delivery and support for children with SEND. An example of such a document is the aforementioned Early Years Assessment Guidance created in partnership with Dingley's Promise. The vision of this document is to bring together various stakeholders around identifying needs early, using formats that cross local authority geographical boundaries and also sector boundaries. This has been widely welcomed by local authorities who recognise the potential for this kind of national guidance to standardise processes and reduce cross border issues. The DfE is currently working on research into SENIF funding models and also Ordinarily Available Provision documents for the early years, both of which we strongly hope will lead to the implementation and broad uptake of national guidance.

Dingley's Promise runs inclusion lunchbreaks for local authority staff, which were established in response to repeated requests for teams to talk across borders and learn from their peers in other local authority areas. In these conversations and through our DfE consultancy, local authorities have been keen to see what others are doing and compare models to improve the effectiveness of systems and processes. As such we have proposed to the DfE that a piece of research is required to identify models currently used to support early years SEND in each local authority Research should establish the way those systems work and then compare those to key outcome indicators. This will help to identify what aspects of the early years SEND model commonly lead to better outcomes. This is a critical piece of work to commission, as it would create a common resource that would show key patterns and good practice related to establishing high quality inclusion nationally.

### **Pipeline for place planning that begins in the early years**

Place planning for schools is critical to meet demand, but currently many SEND strategy meetings have limited or no data from the early years. Early years leaders and teams are not always included in strategic planning, therefore the critical first part the planning process is being missed. In order to improve place planning, we must better integrate early education with the rest of the education system, enabling us to identify children who are coming through, so that all children have their places in school and are not deferred. We also need to make sure that transitions procedures are strong and where an enhanced transition is needed, it is fully funded and supported, to avoid children slipping back in developmental progress during this critical phase.

Major issues are evident with the sufficiency of early years places, which is not surprising when you look at the Childcare Sufficiency Assessments of local authorities. None of these clearly consider supply and demand of places for children with SEND. As a result, we are not place planning in early years or managing the market effectively. As with much tracking and measurement in education, it appears that planning for children with SEND only starts in primary school. This must be addressed if we are to better start the journeys of all children within the education system, assessing and responding early to their needs, rather than working reactively with them without the necessary funding and resource.

Dingley's Promise have created resources for local authorities for the Childcare Works programme <sup>5</sup> which actively focus on sufficiency on the early years. These support local authorities to create data that can demonstrate how sufficient they actually are. This data should be seen as critical for giving children the best start and underlines the point that active place planning and market management needs to begin at the earliest point possible.

We are also involved in creating data dashboards used to demonstrate the effectiveness of early years SEND systems. These have been supported with a guidance document which points local authorities towards the data that can help with planning. It is important that any local authority data dashboards include early years data, as this provides information that can be used to forecast demand in primary schools. Data should at all times include not just EHCPs, but also children receiving SEN support, as this shows the levels of demand and pressure on the systems in their area.

### **What is working well in early years SEND**

From our experience the following is working well and should be supported and developed further:

- Early Years Ordinarily Available Provision

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<sup>5</sup> Childcare works Lab resources

A strong OAP based on the graduated approach gives settings clear guidance on what they are expected to do for all children as a minimum, allows families to see what their children should be offered and enables local authorities to hold settings to account who are not meeting this baseline.

- Strong use of the Graduated Approach

The graduated approach, when used consistently, allows settings to understand children's needs and identify strategies and interventions that enable the child to thrive in a mainstream setting. Families feel confident that a SEND specialist is not needed immediately because early years professionals are able to understand and meet needs themselves. Where further specialist support becomes necessary, the specialists have a comprehensive record of approaches trialled in order to make the most of their time and expertise.

- Funding process focussed on reporting rather than application

Some local authorities have started to move the focus from applications for SENIF to reporting on usage of SENIF. This ensures funding can quickly be put in place to support the inclusion of children with low level SEND needs, encouraging early support and reducing a key barrier to admissions.

- Family support work

Supporting families of children with SEND in the early years empowers them to understand their entitlements and builds their confidence that the mainstream system can effectively support their children if that is appropriate. It also enables use of developmental strategies in the home as well as setting to accelerate progress. Use of celebratory language and a positive approach to the future can have a huge effect on families in the earliest years, which is vital at a time when they are adjusting to something different than they had expected.

- Inclusion training

Currently the Dingley's Promise training has reached almost 20,000 learners across England in partnership with local authorities. The impact of this is striking, with local authority teams saying it has built real confidence in their settings, reducing over reliance on one-to-one support, and enabling children to thrive alongside their peers.

- Specialist provision that builds inclusion

At Dingley's Promise, through the use of shared provision, tailored individual support, family support and enhanced transitions, around 70% of our children now leave us to go to the mainstream, showing how specialist early intervention can lead to wider inclusion.

- Transitions funding

Funding the transitions of children with SEND from early years settings to reception year has the impact of allowing enhanced processes and providing extra support to schools to admit children, whilst securing any EHCP necessary in their first year with them. This reduces deferrals, allowing children to progress alongside their peers, and recognises the extra work necessary for both settings to give a truly enhanced transition, leading to improved experiences for children and their families.

For more details on all of these, please see later responses.

### **Meeting health needs and the costs of that**

Many children with SEND in the early years have significant health needs, and settings report this is becoming more common. In schools, the level of funding to meet these health needs is much higher, and in early years settings, after being trained by health professionals, educators are increasingly being expected to meet those needs directly.

Where a child will go to school and attract health funding, this should also be considered necessary for early years settings. With a detailed plan around the child, settings can buy in specialist input to meet needs and having this funding available would ensure that early intervention happens as soon as possible, leading to better life outcomes and less longer term pressures on health services.

### **3. Finance, funding and capacity of SEND provision**

#### **Current offer and what is needed for the future**

##### SENIF

Local authorities report a vast range of SENIF processes with no consistent model for allocating this funding to children with SEND in the early years. A common theme in many areas is that SENIF is being absorbed by children with medium to high needs, while they are going through the process of securing EHCPs. This leaves very little for children with low and emerging needs, which is what the fund was initially designed to support.

In addition, we need to consider what 'low and emerging needs' means, as this can be seen as contradictory. 'Low needs' is fairly self-explanatory, but emerging needs could mean low or high levels of emerging need and therefore is ambiguous and open to interpretation.

Many local authorities use their high needs block funding to supplement the SENIF because they recognise that some of the children they are funding will receive an EHCP, and as such should be funded from that stream. It should be made clear to all local authorities that children with high needs should be funded from the High Needs Block,

and that SENIF should only be spent on those with low and emerging needs, to ensure we see the vital early intervention that this fund was created for.

There is growing interest from local authorities in reducing the application process for SENIF so that settings can claim this funding in an efficient and timely way. Settings have often stated that it is time consuming and difficult to apply for SENIF and therefore they choose not to make the application. In some cases, they begin to turn children away because the cost of supporting them is too great. In other cases the children are supported directly by the setting but their SEND needs do not appear on any local authority lists, meaning that they may go unnoticed until they reach school. Some local areas have now moved the emphasis from application to reporting, trusting providers to apply when the support is needed, thus removing the barrier to inclusion from the start of the child's journey

#### Disability Access Funding (DAF)

DAF is underspent in a number of local authorities because in order for the setting to secure this money to welcome a child, the parents have to apply for Disability Living Allowance (DLA). Some parents are not ready to do that at this early stage of their child's journey, and others aren't comfortable with the details in the application and need support to complete it. The DLA application is deficit focused, encouraging families to think about what their child can't do and what they are like on their worst days. This approach is not constructive and is counterproductive and emotionally detrimental for families at this early stage. For settings, without a fund to implement changes that may be needed to welcome the child and support them effectively, they are more likely to decide not to take the child – something we want to avoid at all costs. In the future, we would suggest that DAF and DLA are delinked and instead of using DLA as the proxy for DAF, we would encourage the application criteria of 'involvement by a SEND professional' to flag a child as eligible for receiving DAF. This would reduce the pressure on families and enable settings to quickly access the funding they need to welcome every child.

#### Transition funding

In response to rising numbers of deferrals and complaints from schools about transitions, some local authorities have introduced a new funding stream that straddles the early years and primary specifically to fund the transition of children with SEND. This aims to reduce the number of children who are turned away from schools because they want an EHCP to be in place and instead provides extra funding for the child in reception, at which point an EHCP can be secured if necessary. Transition funding has been shown to improve joint working between the early years provider and the school, whilst also ensuring that children are given the maximum support at this critical time.

Ideally, case studies of good practice should be collated and disseminated to local authority areas so that this fund is better known and more effectively used. If evidence shows that this improves the effectiveness of SEND support, it could become another core Government-backed funding stream alongside DAF and SENIF to improve outcomes for children with SEND in the early years.

### **How to achieve financial stability across the system**

An important impact of the SEND and AP plan and the Change programme is that they are increasingly recognising the impact of the early years on wider costs impacting the whole education system.

Funding guidance released by the DfE for 2025 to 2026<sup>6</sup> clearly states that High Needs Block funding is for the early years, and yet some local authority areas have been reporting that leadership do not recognise that the early years should receive this funding. Whilst this guidance is very clear there needs to be a focus on ensuring that local authority leaders recognise this as an important way to spend high needs block funding which will ultimately reduce the cost of interventions later in a child's educational journey. It also ensures that children with high needs in the early years are supported effectively without draining SENIF and leaving insufficient funding for critical low and emerging needs.

## **4. Accountability and inspection of early years SEND**

### **Ofsted's role in driving early years inclusion**

Ofsted have a critical role to play in ensuring that settings understand that high quality inclusive practice is something which is expected of them and will contribute positively to their inspection report. In the past, settings have had concerns that when children with SEND are present during inspections, they are marked down as inspectors see challenging or atypical behaviours. This can lead to children being asked not to attend on inspection day, or in the worst-case scenario children being turned away from the setting.

In order to avoid this, we must ensure that all Ofsted inspectors have strong training on SEND and inclusion, and that inspection frameworks clearly describe the inclusive practice they will be looking for and consistently recognise this during inspections.

It is imperative that Ofsted frameworks clearly illustrate that merely to state that 'high quality practice means all children are included', is not enough. Some settings will understand this, but many others will need inclusion of children with SEND to be specifically mentioned and that this is an expectation for achieving a positive inspection

report. Ofsted have previously said that this does not need to be specifically mentioned, but we hope this is something that will change in the future.

### **Area SEND inspections**

During area SEND inspections, we often see very positive comments made about the early years but this is often inconsistent with the reports on inclusive practice in schools. While this is good to hear, the impact of this in some cases is that local authority leaders focus their attention away from early years and back towards schools where inclusion issues are reported. Many working in the early years in local authorities have expressed to us that they feel early years SEND is not considered as part of the answer to wider issues and so becomes neglected in strategic discussions.

Area SEND inspections need to focus on long term patterns rather than snapshots. They should consider not just how people feel about the early years when they inspect, but whether issues in schools could have been addressed in the early years. In many cases issues that start in the early years only become critical in school. Taking a more holistic view of the child's journey, and consistency between the approach to early years and reception would help us to better identify issues within the system and support a collaborative approach to address these.

### **Powers for local authorities to ensure inclusion in settings**

Local authority teams often say that they cannot hold early years settings to account in the same way they do schools because they are independent businesses. With the rise in the amount of funding the Government is giving to the sector, there has to be a change in this mindset.

#### Childcare Sufficiency Assessment (CSA)

The CSA currently identifies how sufficient a local area is in places for children in the early years. While there is a section that is intended to consider children with SEND, this typically talks about funding streams available and gives the impression that every place in the local area is available for a child with SEND. While this is demanded by law, in reality settings can only offer a certain number of places for children with SEND. For example, if a thirty-place setting has twenty-five children with SEND in the current climate they would not be able to run their business effectively.

The CSA needs to look at both supply and demand of places for children with SEND in the early years to transparently indicate whether there is sufficiency for this vulnerable group of children. As mentioned previously, currently only 6% of local authorities think they are sufficient for children with SEND, which is frankly unacceptable. In order to



address this issue, local authorities must understand their supply and demand accurately.

If effectively developed, CSA is also critical for holding settings to account, because it would outline what percentage of children with SEND they expect to see in the early years. This allows for constructive and supportive discussions with settings who have either significantly more or significantly less children than this, as a strategy for proactive market management. For those with less children, settings should be reminded of their duty to support all children and offered support to enable them to become more inclusive. For settings with more children (sometimes referred to as honeypot settings) the local authority can offer them funding and practical support, potentially using their good practice to support the less inclusive settings.

It is every child's right to access early years provision in their local area, and therefore it is imperative that local authorities are able to hold settings to account, where they may not be demonstrating inclusive values.

#### Clear channels to report being turned away from settings

Research by Dingley's Promise in 2023 showed that one in five parents of children with SEND had experienced being turned away from early years settings. The DfE pulse survey of April 2024<sup>7</sup> specifically focused on the experience of children with SEND and found that 35% of settings had turned children away, and 16% of childminders. Insufficient funding and a lack of staff were cited as the key reasons for this. One issue with solving this problem is that many local authorities say they are not aware when this happens, as parents do not tell them. Consequently, it is important that local authorities have a clear and simple process through which families can let them know if they are turned away from an early years setting. This is not about blame, but to increase transparency and give local authorities the opportunity to support the setting to be more inclusive. Without knowing the size and nature of the problem it is extremely hard to improve it.

Currently in many areas it is the local Family Information Service (FIS) or SENDIASS service that captures incidences of families being turned away in the early years, but this is not advertised or encouraged, therefore only highlighting a small number of the incidences actually taking place. Families of young children must be encouraged to take action if they feel that their child is being prevented from accessing their entitlements and the subsequent response from local authorities and settings must be a positive one which increases family confidence that their voice is heard and being responded to. For this process to be effective there needs to be clear information about how to give feedback, active promotion of this and engagement with parent voice organisations and early years providers to ensure messages are successfully getting through.

#### Ordinarily Available Provision (OAP)

OAP is a common document in local authority areas, which outlines what should be available to all children before specialist support needs to be brought in. However, in many local authority areas it is not in place or available to settings or is designed to support schools rather than early years. Dingley's Promise often speaks about OAP in national conferences, and on many occasions when participants are asked if they know of their local authority OAP document less than 10% of the room raise their hands.

The OAP document is critical for holding settings to account, for enabling families to hold settings and the local authority to account, and for reducing time-consuming applications for funding that will not be successful. We must ensure that there is an effective OAP document in every local authority area that is widely known and accessed by settings and families and is used as a basis for planning provision. This will drive confidence that all children should be offered core support and enable local authorities and families to hold settings to account for providing this.

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Using these three tools will support confidence in local authorities and families to hold the system to account for providing access to early years education with the right support as early as possible. It would also help settings who are already inclusive to secure the recognition and support they deserve from the local authority. It would ensure that the information required is provided to enable local authorities to identify and support settings where children are reportedly being turned away.

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