

**PROPOSAL FOR THE FUTURE APPROACH TO SUPPORT COMPLEX SPECIAL EDUCATIONAL NEEDS FOR CHILDREN IN EARLY YEARS SETTING**

*To:* **Children and Young People Committee**

*Meeting Date:* **8 December 2015**

*From:* **Adrian Loades, Executive Director: Children, Families and Adults Services**

*Electoral division(s):* **All**

*Forward Plan ref:* **N/A** *Key decision:* **No**

*Purpose:* **To consider a change in the approach to supporting and funding complex special educational needs in the early years. In addition to propose criteria that will deliver spending that remains within budget limitations.**

*Recommendation:*

- a) To support a move from funding children in early years settings with complex Special Educational Needs and Disabilities (SEND) through Early Years Access Funding to funding through Education, Health and Care Plans by 2018.**
- b) To support the introduction from April 2016, for two years, of a limit on the maximum amount of hours per week (15 hours) the Local Authority funds per child through the Early Years Access Funding unless the child is eligible for free school meals, when the maximum would be 30 hours.**

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## 1.0 BACKGROUND

- 1.1 Since 2003, the Local Authority (LA) has allocated resources to early years and childcare settings to support access for children with special educational needs and disabilities (SEND). The funding provides for additional adult support. Parents and carers continue to pay the place fee where required. The funding is non statutory and has proved successful in enabling children with complex disabilities to attend local early years settings (non-maintained) near to their homes.
- 1.2 The Early Years Access Funding comes from the High Needs Block which is money provided by the Department for Education (DfE) for special educational needs schools, further education colleges and early years settings. This money also funds Statements of Special Educational Needs (Statements) and more recently Education, Health and Care Plans (EHC Plans).
- 1.3 The following table shows the number of children, who over the past seven years, have had the benefit of Early Years Access Funding. A high percentage of the children accessing the additional funding have subsequently been issued with a Statement or more recently an EHC Plan.

**Table 1 Financial Year Number of pupils**

2008-09	74
2009-10	157
2010-11	186
2011-12	198
2012-13	228
2013-14	274
2014-15	278

- 1.4 There has been pressure on the budget for this support due to increasing demand which has resulted in an overspend despite increased funding. Whilst thresholds for eligibility have stayed the same, demand has risen. The budget and spend over the past five years has been as follows:

**Table 2**

Financial Year	Budget	Spend	Over/Underspend (-)
2014-15	£660,864	£735,864	£75,000
2013-14	£560,864	£716,497	£155,633
2012-13	£502,149	£597,702	£95,553
2011-12	£452,149	£428,313	-£23,835
2010-11	£380,950	£462,513	£81,563
2009-10	£204,682	£318,650	£113,968
2008-09	£203,000	£205,327	£2,327

- 1.5 Support for parents of disabled children who return to work, and need to access additional adult support within the childcare setting, was unfunded when the Childcare Sufficiency duty was placed on the Local Authority. The Early Years Access Funding provided the funding for the additional support required.
- 1.6 The SEND Reforms bring a new approach. Children who currently have Early Years Access Funding and complex needs may be eligible for an EHC Plan

from birth upwards. The EHC Plan can identify a range of funding from across the Local Authority and partners. Parents are able to request a personal budget through the EHC Plan which could include additional support to access additional adult support in childcare settings. This means that the funding would be allocated to the child and not the setting and encourages/enables parents/carers to shape how that allocation is used for their child. As the EHC Plan becomes embedded very young children will have their needs identified through an EHC Plan and therefore will no longer require support from the discretionary Early Years Access Funding.

## **2.0 MAIN ISSUES**

2.1 The budget for this support is currently set at £674,081 (2015-16). Given the trend of increasing demand/cost, it is not expected that the funding pressure will diminish. Therefore we need to consider a change in our approach which moves from discretionary over-committed funding but still allows and promotes the accessibility of early years settings for children with complex SEND. The following proposal has been developed to manage the unit cost and continue to support access to childcare:

- Over the next three years the Local Authority will provide up to a maximum of 15 hours (free childcare) of Early Years Access Funding (additional adult) support. However, for children meeting eligibility for additional support, where their parents/carers wish for their children to have more than 15 hours attendance at an early years setting, the parent/carer would need to accept responsibility for funding the additional adult support to meet their child's needs over and above that funded by the Local Authority.
- Where parents need more than 15 hours of early years childcare to be able to go to work (this would need to be established through the referral process) and who are eligible for free school meals, the Local Authority would fund up to an additional 15 hours (a total of 30 hours).

2.2 This proposal would offer a small saving of £74K in 2016-17 whilst ensuring that families with vulnerable children continue to have access to support and are supported to return to work. However, this does not offer a long-term sustainable solution to the problem of increasing demand pressure on the budget.

2.3 Therefore it is proposed that the Early Years Access Funding Budget allocated to settings is replaced over two years by the statutory support offered through the EHC Plan process and allocated to the child. Support offered through an EHC Plan is likely to be at a net lower cost to the Council because it engages other support from partners and from other budgets and will only be for those with the highest level of need.

## **3.0 ALIGNMENT WITH CORPORATE PRIORITIES**

### **3.1 Developing the local economy for the benefit of all**

3.1.1 The following sets out details of implications identified by officers:

- The proposal supports a local workforce and early years care providers in both the private and voluntary sectors in communities.

### **3.2 Helping people live healthy and independent lives**

3.2.1 The following set out details of implications identified by officers:

- The proposal supports young children with disabilities to access the local care and early years provision to where they and to be able to participate fully with their peers from their community in the opportunities this provides.
- Parents and carers of pre school children with disabilities are supported to return to work.

### **3.3 Supporting and protecting vulnerable people**

3.3.1 The following sets out details of implications identified by officers:

- Children with disabilities are supported with their medical and complex care needs.

## **4.0 SIGNIFICANT IMPLICATIONS**

### **4.1 Resource Implications**

4.1.1 The following sets out details of significant implications identified by officers:

- The proposal will bring the spend within budget of the SEND high needs block.

### **4.2 Statutory, Risk and Legal Implications**

4.2.1 The following sets out details of significant implications identified by officers:

- The proposals are within the requirements of the SEND Reforms as set out in The Children Act 2014.
- Any risk is managed by a gradual move to EHC Plans and in supporting early years settings with the EHC process.

### **4.3 Equality and Diversity Implications**

4.3.1 The following sets out details of significant implications identified by officers:

- The proposal supports, equality and diversity for children and their families.

### **4.4 Engagement and Consultation Implications**

4.4.1 The following sets out details of significant implications identified by officers:

- Officers will consult with families and stakeholders. The children will be too young to be able to voice their views but this will be considered through the EHC process.
- There will be briefing events for both providers and parents/ carers.

- Information will be added to the Local Offer web pages.

#### **4.5 Localism and Local Member Involvement**

4.5.1 There is no significant implication.

#### **4.6 Public Health Implications**

4.6.1 There is no significant implication.

<b>Source Documents</b>	<b>Location</b>
Special Educational Needs and Disability (SEND Commissioning Strategy)	Meredith Teasdale Room 222 Shire Hall Castle Hill Cambridge CB3 0AP  Email: Meredith.Teasdale@cambridgeshire.gov.uk