

The EYFS 2014 and equality / SEND – the main changes

When you read through the revised EYFS 2014 you will notice some changes to requirements relating to equality of opportunity and special educational needs and disability (SEND) that must be reflected in your policies and procedures. This is a walk-through of the main changes and some thoughts about how to reflect them in your documentation and provide information about them to parents and Ofsted.

The EYFS and inclusion / equality / diversity / equal opportunities – the changes (?)

- **The EYFS 2012** requires providers to have an equality policy (requirement 3.18) to be shared with staff as part of induction training. EYFS 2012 requirement 3.66 gives detailed information about what information should be included in the equality policy.
- **The Childcare Register 2012** – requirement CR6.4 - 'Childminders must ensure that the childcare is accessible and inclusive by taking all reasonable steps to ensure that the needs of each child, relating to their childcare, are met.' Requirement CR6.5 states that providers must be inclusive and provisions must be accessible to all children.
- **The Equality Act 2010** - requires childminders to be 'anticipatory' and to make 'reasonable adjustments' to accommodate the needs of children and families with special educational needs and disabilities. We must ensure that no child or parent is directly or indirectly discriminated against.
- **The SEN Code of Practice 2002** - the current SEN Code of Practice contains information about how the needs of children with SEN must be managed. Childminders who care for funded children must have a copy of the SEN Code of Practice in their files.

To comply with the requirements childminders must currently –

- Have a policy that covers inclusion / equality / diversity / equal opportunities – note that while written policies are not a requirement of the EYFS 2012 for childminders it is very important that you can explain them fully during your inspection. It is also a requirement of the Childcare Register to have a written policy on equality if you care for older children.
- Share information about the equality policy with parents to comply with the Childcare Register.
- Share information with the equality policy with staff during induction training.

The EYFS 2014 also requires providers to have an equality policy (requirement 3.20) to be shared with staff as part of induction training. However, requirement 3.66 has been re-worded and is now requirement 3.67 - it does not give any information about what to say in the policy – instead it says –

Providers must have arrangements in place to support children with SEN or disabilities.

To comply with the EYFS 2014 inclusion / equality requirements childminders must –

- Have a policy that covers inclusion / equality / diversity / equal opportunities – advice about what wording to use is not provided in the EYFS but current inclusion / equality / diversity / equal opportunities policies will be fine.
- Share information about the policy with parents to comply with the Childcare Register 2012.
- Share information about the policy with staff during induction training.

It is clear that providers working within the EYFS 2014 must comply with equalities legislation in the same way as we do now. Just because the EYFS 2014 no longer gives advice about the wording of a policy, this does not mean the inclusion / equality / diversity / equal opportunities policy is any less important.

The revised EYFS continues to require compliance with the Equality Act 2010 and other equality legislation.

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The EYFS 2014 and special educational needs and disabilities – the changes

The EYFS 2012 requirement 3.72 states that providers are required to inform parents about *'How the setting supports children with special educational needs and disabilities'*.

Requirement 3.57 states *'The provider must ensure that, so far as is reasonable, the facilities, equipment and access to the premises are suitable for children with disabilities.'*

To comply with the requirements childminders must currently –

- Provide information for parents about how they support children with special educational needs and disabilities. This does not necessarily need to be in the form of a written policy but information must be given to parents.
- Check that their provision – house, garden and outings – is suitable for children with disabilities. Most childminders have an accessibility audit or similar document to evidence this compliance.

The EYFS 2014 says the same as the EYFS 2012 in requirement 3.73 - providers are required to inform parents about, *'How the setting supports children with special educational needs and disabilities.'*

Note that there is a new SEND Code of Practice and all Local Authorities will be required to make sweeping changes to the ways they manage the needs of children with special educational needs and disabilities.

The wording has been revised to take account of the new Special Educational Needs and Disabilities (SEND) legislation which will become law in September 2014. The legislation aims to ensure –

- Early identification – which is key to ensuring children receive appropriate support so they make the best possible progress.
- Children and parents must be involved in decision making and be given greater control over what services are available to them.
- Collaboration between services involved in children's lives must be improved, with services offering support from birth to age 25.

You will notice that, in the EYFS 2014, requirement 3.66 (equality of opportunity) has been re-numbered 3.67 and re-named '*Special educational needs and disabilities*'. This does not mean you can throw away your equality policy because it is still required by the Childcare Register – it just means that you need to add a further SEND policy to your policies and procedures file.

EYFS requirement 3.67 says – **Special educational needs** – '*Providers must have arrangements in place to support children with SEN or disabilities.*' The footnote states* – '*... providers who are funded by the local authority to deliver early education places must have regard to the Special Educational Needs (SEN) Code of Practice (see section 77(1)(g) and (4) of the Children and Families Act 2014)**. ... are expected to identify a SENCO.*'

Requirement 3.58 states, '*Providers must provide access to an outdoor play area or, if that is not possible, ensure that outdoor activities are planned and taken on a daily basis (unless circumstances make this inappropriate, for example unsafe weather conditions). Providers must follow their legal responsibilities under the Equality Act 2010 (for example, the provisions on reasonable adjustments).*'

The **SEND Code of Practice** is here -

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>.

*This is what the Code of Practice says (all the numbers in EYFS requirement 3.67 above) –

'1:23 *These educational settings and schools must have a written SEN policy:*

- *Settings in receipt of government funding for early education. Providers, in particular accredited childminders who are part of an approved network, may work together to develop their SEN policy.*

1:29 *Provision for children with special educational needs is a matter for everyone in the setting. In addition to the setting's head teacher or manager and the SEN coordinator (SENCO) all other members of staff have important responsibilities. In the case of accredited childminders that are part of an approved network, the SENCO role may be shared between individual childminders and the coordinator of the network.*

4:4 *All providers delivering Government funded early education are expected to have a written SEN policy.*

4:15 *Early education settings will need to identify a member of staff to act as the special educational needs coordinator (SENCO). In the case of accredited childminders who are part of an approved network, the SENCO role may be shared between individual childminders and the coordinator of the network. The reference to the SENCO should be taken to mean any practitioner who acts in the capacity of SEN coordinator; this may be the head of the setting.'*

****The Children and Families Act 2014** (section 77(1)(g) and (4)) states – '*77 Code of practice (1) The Secretary of State must issue a code of practice giving guidance about the exercise of their functions under this Part to— (g) Providers of relevant early years education. (4) The persons listed in subsection (1) must have regard to the code in exercising their functions under this Part.*'

There are other references to SEND in the EYFS 2014, most notably -

- **Requirement 1.6** contains an overarching statement – ‘Practitioners **must** consider whether a child may have a special educational need or disability which requires specialist support. They **should** link with, and help families to access, relevant services from other agencies as appropriate.’
- **Requirement 2.3 – 2 year progress check** – ‘If there are significant emerging concerns, or an identified special educational need or disability, practitioners **should** develop a targeted plan to support the child’s future learning and development involving parents and/or carers and other professionals (for example, the provider’s Special Educational Needs Co-ordinator or health professionals) as appropriate.’
- **Requirement 2.4 – 2 year progress check continued...** ‘The [2 year progress check] summary **must**: focus particularly on any areas where there is a concern that a child may have a developmental delay (which may indicate a special educational need or disability).’
- **Requirement 3.73 - Information for parents and carers** – ‘Providers **must** make the following information available to parents and/or carers: How the setting supports children with special educational needs and disabilities.’

Further legislation states that funded providers must write a SEND Local Offer to share information about their SEND provision with parents and the Local Authority. It is my belief that Ofsted inspectors will be looking for a written Local Offer from Sept 1st.

To ensure inclusion and cover disability, the following ‘Safeguarding disabled children’ leaflet from the NSPCC might be useful to share with parents -

http://www.nspcc.org.uk/Inform/research/findings/safeguardingdisabledchildren_wda48261.html.

Changes you might need to make to comply with the EYFS 2014 -

- You will need to think about what arrangements you have in place to support children with SEND and share your policy with parents.
- A lot of childminders will be required to write a Local Offer for their LA and give a copy to parents.
- If you deliver funded sessions you must have a copy of the revised SEND Code of Practice in your files.
- If you work with an assistant or other childminder(s) one of you must be nominated as SENCO.
- You must be able to show your inspector how you are prepared to make reasonable adjustments to meet the needs of children with SEND – many LAs will provide audits.

Further advice about writing a policy and Local Offer and links to legislation is available from Childcare.co.uk in the Childminding Forum free files - <http://www.childmindinghelp.co.uk/freeresources/freedownloads.html>.