

## BRIEFING NOTE

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Date: January 2016

### **GUIDE FOR PARENTS: FUNDING OF EARLY YEARS EDUCATION IN ENGLAND FOR CHILDREN WITH A HEARING, VISION OR MULTI-SENSORY IMPAIRMENT**

### **ADDITIONAL FUNDING FOR CHILDREN AGED 2-4 YEARS TO HELP THEM PARTICIPATE IN EARLY YEARS EDUCATION**

#### **1. INTRODUCTION**

If your child has a sensory impairment<sup>1</sup>, you may be able to get additional funding for your child from your local authority so that s/he is able to fully participate in early years education, such as at the local playgroup or nursery or with a childminder.

This briefing note describes what your child may be entitled to from your local authority.

#### **2. YOUR CHILD'S ENTITLEMENT**

##### **Entitlement for all children**

From the age of 3, all children are entitled to free early years education for 15 hours a week for 38 weeks of the year.

##### **Entitlement for some two year olds**

Children from the age of 2 years can access free early years education for 15 hours a week for 38 weeks of the year if any of the following is true:

- a) you get Disability Living Allowance for your child
- b) your child is adopted
- c) your family is on low income<sup>2</sup>.

##### **Additional entitlements for disabled children and children with special education needs**

In addition, your local authority has a duty to provide additional support that will:

- a) enable your child to participate in early years education
- b) ensure s/he is not placed at a substantial disadvantage compared with a child who is not disabled.

These legal duties are set out in statutory guidance issued by the government.

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<sup>1</sup> Your child has a sensory impairment if they have a hearing impairment, vision impairment or multisensory impairment.

<sup>2</sup> To qualify, families should be receiving one of the following:

- Income Support;
- income-based Jobseeker's Allowance (JSA);
- income-related Employment and Support Allowance (ESA);
- support through part 6 of the Immigration and Asylum Act;
- the guaranteed element of State Pension Credit;
- Child Tax Credit (but not Working Tax Credit) and have an annual income not over £16,190;
- the Working Tax Credit 4-week run on (the payment you get when you stop qualifying for Working Tax Credit).

For example<sup>3</sup>, The Special Educational Needs and Disability Code of Practice (2015) issued by the government states that:

local authorities must ensure that all providers delivering funded early education places meet the needs of children with SEN and disabled children. In order to do this local authorities should make sure funding arrangements for early education reflect the need to provide suitable support for these children.

When securing funded early education for two-, three- and four-year-olds local authorities must promote equality of opportunity for disabled children

### 3. FUNDING FOR YOUR CHILD'S EARLY YEARS EDUCATION

Early years providers receive a basic rate per hour from the local authority for all children. They will also receive additions for particular characteristics, such as flexibility of opening times and the number of children from families on low income. A premium payment is also made for children from families on low income.

There is an expectation that early years providers will:

- a) make 'reasonable adjustments' to its practices and services to prevent your child being put at a substantial disadvantage compared with other children.
- b) make the necessary provision to meet your child's special educational needs.

However, it is recognised that the basic rate of funding will not be sufficient to enable early years education providers to meet the needs of a significant number of children with special educational needs. Therefore, local authorities are required to provide additional special education needs funding (or top up funding) to enable early years providers to meet the needs of these children.

Guidance issued by the Government in 2012<sup>4</sup> shows how this top up funding works.

A case to illustrate how a child with SEN is funded to access early years education:

A four year old child has additional needs costing £5,000 more than what is normally available in a nursery.

The nursery receives funding for 15 hours of education through the Single Funding Formula to provide what should be normally available.

The Local Authority responsible for securing the child's access to early years education pays a top-up of £5,000 the early years provider.

The government expects local authorities to develop their own schemes for operating this 'top up funding' so arrangements will vary from local authority to local authority. However, most schemes have common elements:

- a) Local authorities will have an early years inclusion fund. This will be called different names in different local authorities, such as early intervention grant, early support grant, early support fund or early access funding. The purpose will be to provide additional funding to enable children with special educational needs or/and disability to attend and fully participate in early years education.
- b) Local authorities will set out what provision they expect early years providers to make for children with SEND and the level of a child's needs that will trigger top up funding. This is sometimes called the eligibility criteria. The level of top up funding will vary according to each child's needs. Those with the greatest needs will attract a higher level of top up funding.

<sup>3</sup> If you would like more detailed information on the responsibilities of local authorities please see the National Sensory Impairment's guidance Education Funding For Children with a Sensory Impairment in the Early Years 0-5 Years. This can be found at [www.natsip.org.uk](http://www.natsip.org.uk). You need to register on the website to see the document. Registration is free.

<sup>4</sup> School funding reform: Next steps towards a fairer system. Improving arrangements for funding pupils and students with high needs: Additional illustrative information – Dept for Education (2012)

c) There are arrangements to:

- make an application for additional funding
- assess your child's needs to see what additional support may be required
- consider your child's assessed need to see if it is sufficient to attract top up funding, and if so at what level (many local authorities operate a 'panel'<sup>5</sup> of people to decide this)
- monitor and review the support your child is receiving such as a review each term.

#### **4. FREQUENTLY ASKED QUESTIONS**

4.1 This section tries to answer questions that parents ask. Please remember that each local authority has its own arrangements for supporting early years education for children with special educational needs or/and a disability. Therefore, this briefing note provides general answers. To get specific information about arrangements in your local authority you can:

- view the special educational needs section or local offer section of your local authority's website
- speak to the local authority's special educational needs and disability information, advice and support or guidance service
- speak to your support teacher (e.g. Visual impairment teacher, Teacher of the Deaf, Multi-sensory impairment teacher)
- speak to your child's childminder/nursery/playgroup.

#### **4.2 How are applications made for inclusion or top up funding?**

Arrangements may vary between local authorities so you will need to check the website and consult those people listed in paragraph 4.1.

In most cases the local authority expects the application to be made by your child's early education provider. The applications are made to the local authority special educational needs service or sometimes the early years service.

If your child is about to start in an early years setting and it is clear she or he will need additional support, it is advisable that the application is made by the early education provider in time to ensure support is available for the start of term. Some local authorities consider applications frequently, such as every month, but others may consider applications less frequently.

It is helpful to talk to the manager of the early years setting as soon as possible and well before your child is due to start. This will help ensure that there is an understanding of your child's needs and the implications for funding, which in turn will help with the application to the local authority. Information from your child's health and early years review when they are 2 may be helpful in supporting the application.

To make a decision, local authorities will need information on your child's needs and the support required to be able to participate in early years education and make progress toward their early learning goals. Most local authorities have an application form to complete for early years education providers that will ask questions about your child's needs. This information may need to be provided by audiology departments, vision clinics, specialist teachers who support your child, and/or your child's playgroup, childminder or nursery if they are already attending. You should also be asked to contribute information on your child's needs.

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<sup>5</sup> The panel will have different names in different local authorities such as the early support panel, SEN resources panel, early years intervention panel.

#### **4.3 What level of needs does my child have to have to get top up or inclusion funding?**

Each local authority sets out its own criteria for providing top up funding and it will differ depending on where you live. Local authorities are likely to only provide top up funding in cases where the support required is in addition to that which should be normally available. They are likely to consider the level of your child's sensory loss, the impact this is likely to have on your child's development, and their ability to participate in early years education. They will also consider whether they have any needs in addition to their vision or hearing loss. In the majority of cases, children are likely to have at least a moderate vision or hearing loss, although some local authorities may not provide additional funding unless the child is experiencing a significant loss. However, local authorities will consider a number of other factors, such as your child's mobility and safety and support required with language and communication.

#### **4.4 How much top up funding will the early years setting get for my child?**

It depends on the level of your child's needs. Local authorities should consider how much additional funding an early years provider requires to meet your child's needs over and above the basic rate of funding (see example in section 3). Some local authorities have developed what is called a resource banding (or level) approach. Each band has a different level of funding. There is a description of needs for each band and the higher the description of need, the higher the funding. Your child needs are matched to the most appropriate band. Other local authorities may not use this approach and fund each child based on their individual needs.

#### **4.5 Is the allocation of additional funding permanent?**

No it is not permanent. The level of funding is reviewed. Some local authorities review this every term. In some cases it may be clear that your child needs additional support to make progress and fully participate in education. In others it may be reduced if it is clear your child can make good progress and join in without the level of additional support being currently provided.

#### **4.6 Does my child need a statement of SEN or an Education, Health and Care (EHC) Plan to get additional funding?**

No. Most local authorities recognise the importance of early support and make their decisions with reference to your child's needs rather than on whether your child has a statutory plan. If it is clear that your child has very significant needs and is struggling to make progress, or it is clear that s/he won't make progress and participate in education without significant additional support, then a request for statutory assessment and a EHC Plan can be made by parents or any of the professionals involved with your child.<sup>6</sup>

#### **4.7 Will the early years top up funding remain when my child starts school?**

No. When your child starts school there are different arrangements for funding your child's additional needs. Unlike early years providers, all schools are given funding for pupils with special educational needs called the 'notional special educational needs budget' which is part of their overall budget. From its total budget a school has to contribute the first £6,000 of any additional cost of meeting your child's needs. So when your child starts school, it will be their school that needs to contribute the first £6,000 of meeting their additional needs. The local authority will provide top up for any additional needs above £6,000. Legally, school aged children do not need to have an Education Health and Care Plan to get top up funding, but a number of local authorities do have a policy requiring a child to have an EHC Plan<sup>7</sup> to attract top up. In these circumstances it will be important to ensure a request for an Education, Health and Care Assessment and Plan is made at least six months before your child starts in reception, and preferably earlier.

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<sup>6</sup> See a parent's guide to Education Health and Care Assessments and Plans produced by the National Deaf Children's Society which is available on its website <http://www.ndcs.org.uk/document.rm?id=10111> or

The guidance produced by IPSEA at <https://www.ipsea.org.uk/what-you-need-to-know/ehc-plans>

<sup>7</sup> See footnote note 6

#### **4.8 Will the level of top up remain the same if I move to live in a different local authority area?**

Not necessarily, as each local authority runs its own scheme. If you are moving, it is advisable to talk to the new local authority about your child's support needs and about suitable early years education providers. Your child's specialist teacher may be able to help you with this and help ensure relevant information is passed to the new local authority. Once you know where you are going to live and have secured a place with the early years education provider, it will be important to submit a fresh application for additional support funding.

#### **4.9 What if I disagree with the decision made by the local authority?**

Most local authorities will have arrangements for considering appeals. If it is clear that your child is not making progress and not participating in their early years setting, the local authority will review the position. Sometimes additional advice will be offered to the early years providers to enable them to better meet your child's needs. Sometimes, additional funding will be made available to help with emerging difficulties. You can seek advice from the local authority's SEN information, advice and guidance service, and/or seek support from voluntary organisations who may be able to help you in your discussions with your local authority (See details at the end of this briefing note).

#### **4.10 My child attends early years provision for more than 15 hours a week. Will any top up funding apply to the hours above the 15 hours?**

This is a grey area and some local authorities only provide top up funding for the 15 hours of statutory entitlement. However, the government's SEND Code of Practice 2015 states that:

When securing funded early education for two-, three- and four-year-olds local authorities **must** promote equality of opportunity for disabled children. This should include securing relevant expertise among early years providers and working with parents to ensure that appropriate provision is in place to enable each child to flourish. **Local authorities must also secure sufficient childcare for working parents and must work with providers to plan and manage local provision to meet the needs of families and children in their area.**

This, along with the duties under the Equality Act to promote equality of opportunity and take reasonable steps to avoid placing the child at a substantial disadvantage when attending the early years provision, suggests that local authorities should be responsible for helping parents of children with SEND fund the additional cost of meeting the needs over and above what the parent pays to the provider.

#### 4.11 Who can provide support and advice with queries or if I feel am experiencing difficulties in getting the support my child requires?

Your local authority sensory support service and/or the information advice and guidance service which is funded by your local authority can offer advice. If you want support and advice that is independent of the local authority you can contact:

- a) The **National Deaf Children's Society** (NDCS) if your child has a hearing impairment (including a temporary loss such as glue ear). NDCS provides its members with a free information, advice and support services, including advocacy where this is appropriate. Membership of NDCS is free. Further details can be found on their website:

[http://www.ndcs.org.uk/family\\_support/index.html](http://www.ndcs.org.uk/family_support/index.html)

NDCS also run a free phone helpline on 0808 800 8880 or email [helpline@ndcs.org.uk](mailto:helpline@ndcs.org.uk)

- b) **SENSE** provides information and advice for parents of children with a multi-sensory impairment. Details can be found on its website: <https://www.sense.org.uk/content/information-and-advice-service>.

You can contact SENSE by phone on 0300 330 9256 or 020 7520 0972 or by textphone on 0300 330 9256 or 020 7520 0972 or by email at [info@sense.org.uk](mailto:info@sense.org.uk)

- c) **Blind Children UK** offers independent advice to help make sure blind children are supported in education and attend provision that is right for them. It can assist in identifying a suitable early years provider and provide confidential advice around a child's statutory rights. Its website is

<http://www.blindchildrenuk.org/how-we-can-help-you/education-support/>

You can contact Blind Children UK by phone on 0800 781 1444, or by email at

[services@blindchildrenuk.org](mailto:services@blindchildrenuk.org)

- d) The **Royal National Institute of Blind People** offers practical and emotional support to help you face the future with confidence. You will find resources that can ensure that you and your child receive the right support on its website: <http://www.rnib.org.uk/information-everyday-living-education-and-learning-young-childrens-education/early-years>

You can contact the RNIB helpline team by phone on 0303 123 9999 or by email at

[helpline@rnib.org.uk](mailto:helpline@rnib.org.uk).