

Inclusive Early Years Practice

Early Years Team

The Early Years Team aim to support all those working in the early years to ensure the best possible start in life for children with special education needs and/or disabilities by promoting positive early experiences that contribute to a better, happier childhood through improved life chances and better experiences.

'Every learner matters and matters equally' - Our vision is to achieve inclusion and equity for all Solihull children and young people. [Solihull's Strategy for Inclusive Education](#)

What is a special educational need (SEN) or disability?

A child has SEN if they have much more difficulty learning than others of the same age, or a disability that makes it hard to benefit from the facilities generally available in local schools and childcare settings.

Special education provision is additional to or different from what is usually provided for children of that age (Children and Families Act 2014).

According to the Equality Act 2010, a disability is a physical or mental impairment, which has a long-term and substantial adverse effect on someone's ability to carry out normal day-to-day activities.

What does inclusive early years practice mean?

Effective inclusive practice provides all children with access to opportunities and support during the earliest and most influential years of their learning and growing. It also helps enable children to be confident in who they are and what they aspire to in the future. This may mean providing reasonable adjustments to children with SEND.

Early years settings are well placed to provide a safe environment where parents, staff and children can learn about each other's differences and similarities and learn to empathise and value each other.

What is equality?

Equality means recognising and responding fairly to the individual needs and identities of all others. It provides everyone with an opportunity to reach their full potential and have an equal chance to live their life as they choose.

What is equity?

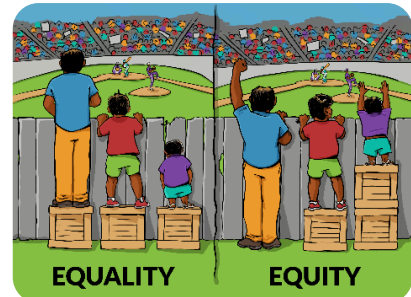
In the simplest terms, it means fairness, which is not necessarily the same thing as equality.

It's not about everybody getting the same thing, It's about everybody getting what they need in order to improve the quality of their situation.

Cynthia Silva Parker

Provision relating to disability discrimination is different to other discrimination, settings:

- May, and often **must**, treat a disabled person more favourably than a person who is not disabled.
- May have to make changes to practices to ensure, as far as is **reasonably possible**, that a disabled person can benefit from what you offer to the same extent that a person without that disability can.



Interaction Institute for Social Change | Artist: Angus Maguire.

What are reasonable adjustments?

Childcare providers have a duty to make 'reasonable adjustments' under the Equality Act 2010. Childcare providers must make reasonable adjustments to policies and physical features which put disabled children at a disadvantage compared with non-disabled children.

The duty is anticipatory: it requires settings to think ahead and consider what adjustments they may need to make so that disabled children can be included in the life of the setting as fully as possible. Settings can often avoid discrimination by thinking ahead, planning and making reasonable adjustments.

The reasonable adjustments duty includes three key requirements:

- To make adjustments to provisions, criteria or practices
- To make adjustments to physical features; and
- To provide auxiliary aids and services.

These requirements apply differently in different settings: early years settings that are not schools are required to meet all three of the requirements; early years settings that are schools are required to meet the first and the third requirements. Whilst the duty to alter physical features does not apply to schools, schools have accessibility planning duties that do not apply to other providers.

Examples of reasonable adjustments may include (please note this list is not comprehensive):

- Higher levels of adult support.
- An adapted or bespoke curriculum.
- Quiet/low arousal spaces.
- Developmentally appropriate toys e.g. providing toys which are usually associated with much younger children.

- Changing rooms/classrooms for a cohort – e.g. if a child with restricted mobility cannot easily access an upstairs room – moving/swapping whole group to downstairs room.
- Staff training –e.g. medical training, Makaton training, Autism training, PECS etc.
- Changes to routines – e.g. child not brought to sit until meal is on table, child eats in a quieter space away from other children.
- Allowing a child to bring in a home packed lunch if they are restrictive in their eating.
- Visuals – set up and ready to go for child’s start in setting.
- Using Radio aids/hearing aids etc.
- Adapting a uniform policy for a child with sensory needs.
- Provision of larger text for visually impaired children.
- Ear defenders.

For further information see [Disabled Children and the Equality Act 2010: What Early Years providers need to know and do.](#)

Children have the right to be included and barriers denying this equality should be addressed. If children face inequality early in life this can have a long-term impact on their life chances and affect their self-esteem, confidence, trust of others.

Inequality is growing in the UK despite evidence showing that a fairer and more equal society benefits everyone and supports young children’s development, health, education and well-being.

Common questions and misconceptions

Can I put a child with SEND on a reduced timetable?

- As a general rule – **no**.
- All children are entitled to access their full education entitlement.
- In very exceptional circumstances there may be a need for a temporary part-time/reduced timetable to meet a pupil’s individual needs, for example where a medical condition prevents a pupil from attending their full entitlement and a reduced timetable is considered as part of a reintegration package, or the physical or mental health of the child means that accessing their full entitlement would not be in their best interests. This should be supported by evidence from professionals involved.
- In these rare, and exceptional, circumstances a school or setting may reduce the timetable of a child. However, the school or setting must **not** do so without securing parental agreement. Reducing the entitlement to education of children with SEND places them at a disadvantage and, in addition, it could be construed as an unofficial exclusion. This is unlawful. Every effort should be made to support a child or young person to access full provision; the threat of exclusion must not be used to influence parents to engage with a part-time timetable.
- Where these exceptional circumstances are met, a time-limited reintegration plan, including a review date, should be written and agreed with parents/carers.
- All reduced timetable arrangements should have the primary purpose of the successful reinstatement of the child’s full entitlement attendance, reintegration and inclusion within a maximum of **6 to 8 weeks** from the date of the part-time arrangement starting.

- If a child remains on a reduced timetable for more than 6-8 weeks, the setting **must** notify the Local Authority so relevant funding (EEF & EYIF) can be adjusted.
- The Equality Act 2010 outlines that children with additional needs, and those children undergoing assessment for their developmental needs, have the right to access the **same opportunities and hours as other children**.

Can I say that our setting cannot meet the child's needs?

- No. Children **cannot** be excluded from settings because of their special educational needs and/or disabilities.
- The term "Cannot meet need" is a legal term that may only be used by a setting during the application for, or review of, an Education Health Care Plan.
- The Equality Act 2010 states that: Schools and settings have a legal responsibility to ensure that children with special educational needs and/or disabilities have the right to receive their entitlements, and every effort is made to make reasonable adjustments to make this happen; **this duty is anticipatory**.

Can I exclude a child because they might hurt other children?

- No. Children **cannot** be excluded from settings because of their special educational needs and/or disabilities.
- The duty falls upon the setting to ensure an up-to-date risk assessment is in place which details what support and provision the setting will put into place to minimise the risk to the child and others.
- The Code of Practice states: Where a child has a significantly greater difficulty in learning than their peers, or a disability that prevents or hinders a child from making use of the facilities in the setting and requires special educational provision, the setting should make that provision.

What can you do to be inclusive?

To be an inclusive provider, early years settings should be proactive at addressing barriers to inclusion such as negativity, conscious and unconscious bias, and stereotyping.

Settings need to be confident, committed, and competent in their ability to be equal and inclusive. This takes a whole group approach to help develop positive attitudes and implement clear strategies.

Suggestions include:

- Make sure your setting has budgeted for future SEND children and the extra provision they may need.
- Make reasonable adjustments – where possible before the child starts in setting.
- Follow the [Graduated Approach](#) and evidence this through [Assess, Plan, Do, Review](#) cycles.
- Work in partnership with parents/carers to ensure that they are provided with opportunities to collaborate and contribute towards their child's learning and development.

- Have a risk assessment in place (if required)
- Refer to your [Early Years Team Area SENCo](#) for support
- Access relevant additional funding e.g. [Early Years inclusion Fund \(EYIF\)](#), [Disability Access Funding \(DAF\)](#).
- If relevant, make an application for an [Educational Health Care Assessment](#) for additional support to meet child's needs.

Further information and support

