

## **Children & families Committee**

**18 September 2023**

### **Special Educational Needs Inclusion Fund Policy (SENIF)**

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**Report of: Danielle Holdcroft, Head of Service Early Years, Family  
Help & Prevention**

**Report Reference No: CF/31/23-24**

**Ward(s) Affected: All**

#### **Purpose of Report**

- 1 To request approval to consult on revising the mechanism of support provided to enable children with special educational needs (SEN) to access their early education entitlements.
- 2 This is supporting the council's Corporate Plan objectives as follows:

An open and enabling organisation	Ensure that there is transparency in all aspects of council decision making.
A council which empowers and cares about people	Support all children to have the best start in life.  Ensure all children have a high quality, enjoyable education that enables them to achieve their full potential.

## Executive Summary

- 3 This report sets out the statutory duty to support children aged 3 and 4 with SEN to access their early education entitlements.
- 4 Support is currently provided for 2, 3 and 4 years olds with SEN via a grant to childcare providers to assist them to make adjustments to their provision. The grant is by application and is linked to the number of hours the child attends the provision and the level of support required.
- 5 This report sets out the limitations of the current process and proposed revisions to refocus SEND support on high quality provision using the graduated approach.

### RECOMMENDATIONS

The Children & Families Committee is recommended to:

1. To consider and approve the consultation on the policy set out in appendix 1 from 18<sup>th</sup> September 2023 and to report back to Committee with the outcome from the consultation process for a final decision.

## Background

- 6 SEN Inclusion Funding currently provides support for children through the graduated approach from SEN Support (based on the number of hours early education entitlement) up to receipt of Education, Health and Care Plans (EHCP) for children who meet this criteria. This includes 2, 3 and 4 year-olds.
- 7 The Early Years Dedicated Schools Grant (DSG) for 2 year olds is top sliced by 1.9% to create a budget to enable 2 year olds with additional needs to be supported in the settings, following approval of the overall DSG budget at Children and Families Committee on 13 February 2023. The same percentage top slice will continue to be required in 2024-25.
- 8 An allocation is made from High Needs DSG to create the SEN Inclusion Fund for 3 and 4 year olds and a budget for early years EHCPs of £1,106,545 was agreed in 2023-24 will continue to be required in 2024-25.

- 9 A Settling in Grant is available to support the transition of children with complex / specialist needs into childcare.
- 10 Specialist equipment may be requested, based on a health professionals' recommendation to enable a child to access their early education. This is paid from the Early Years supplies and services budget. Actual spend last financial year 2022-23 was £37,686.
- 11 Under the current procedures, grants are based on a funding formula of £9 per hour. This is less than the National Living Wage and does not take account of employers on costs. Payment in hours is not a statutory requirement and takes the focus off provision and directs it towards one-to-one support which is not relevant for the majority of children at a SEND support level.
- 12 Financial support is provided for children with an Education, Health and Care Plan (EHCP) as set out in the plan.
- 13 Current SEN Inclusion funding arrangements are being reviewed and alternative options considered due to:
  - (a) A growing number of children with additional needs attending settings in Cheshire East, some of which have severe complex/specialist needs who may start to access provision as early as 6 months of age. Increasing numbers of families are experiencing settings reporting that they cannot meet their child's needs.
  - (b) Insufficient budget - SEN Funding is paid via the SEN Inclusion Fund. This fund is to support 'low and emerging needs' and is paid linked to the child's access to their Free Early Educational Entitlement. However, in Cheshire East this budget supports all children with SEND in early years, including those who are accessing an Education, Health and Care plan. This has been in place since April 2017. This is reflected in budgets from 2023/24.
  - (c) Childcare providers are raising concerns that the current levels of funding are not sufficient to cover the cost of additional staffing hours and are often focused on additional hours rather than the quality of provision.
  - (d) The inclusion funding supports children to access their early education entitlement, including the 30 hours entitlement, but children may be in settings for more than their early education entitlement hours each week.

- (e) A small number of parents defer their child's entry to school. This creates an increased pressure on the budget as the children are funded for longer.
  - (f) The Early Years Supplies and Services budget, in addition to part funding the shortfall in the SEN Inclusion Fund, also provides specialist equipment to enable a child to attend their childcare provision. In the attached draft SENIF policy specialist equipment is factored into the bands and will be paid from the SENIF fund and not out of base budget.
- 14 The recommended model is set out in appendix 1. The revised methodology focuses on an incremental approach to support, concentrating on flexible provision to support childrens needs, such as training to upskill practitioners, additional equipment, and resources or for children with the most complex needs additional staff support at times they may require it to effectively meet their needs. The revised draft policy moves us away from a set hours formula to a banding system which will fund additional provision above and beyond what a setting is expected to have "ordinarily available" to all children. The banding system is an "up to" amount that can be applied for termly so will only cover the cost or contribute towards the cost of what is required.
- 15 As an example, a child may be assessed as meeting the Tier 4 banding, an occupation therapist recommends that they need a specialist walking frame to access provision in the setting, no other equipment or support is required and the walking frame costs £2,500. We would pay the £2,500. If the equipment was £6,000 we would contribute the maximum banding amount of £5,500. Paying an "up to" amount per band will enable us to distribute the SENIF fund in a much more precise and equitable way to meet childrens individual needs.
- 16 Assessment of the bands will be based on the settings application as before, the applications will be assessed on a monthly schedule by the early years quality and inclusion coordinators in consultations with officers. A recommendations report is prepared for final approval by the Head of Service for Early years. Where an organisation makes an appeal that cannot be addressed by the early year's coordinator. The appeal will escalate to the early years forum for a decision who may request additional supporting information.
- 17 Crucially, the Special Education Needs Inclusion Fund (SENIF) is targeted support for childcare providers to meet individual needs. Support is not provided directly to the child / family.

- 18 The proposed SENIF policy would not include children with EHCPs. A Separate budget would be created to fund EHCPs. The proposed SENIF policy focuses on 2, 3 and 4 year olds with emerging needs, pre EHCP.
- 19 Consultation will be targeted at Ofsted registered childcare providers delivering the early education entitlements and parents via the Parent Carer Forum. The draft report set out in appendix 1 will be provided and responses collected and analysed.
- 20 The policy will be finalised following consultation and approval to implement will be sought with the final decision resting with the committee

## **Consultation and Engagement**

- 21 Pre-consultation with a multi-agency team of professionals and parent carer former representatives who are part of the early years SEND reforms task & finish group and the Early Years Reference Group, a sub group of Schools Forum.
- 22 Consultation on the draft policy will take place for 4 weeks from 25<sup>th</sup> September to the 20<sup>th</sup> October 2023 through autumn 2023 with the aim to implement the policy for new applications from January 2024, and all funding via the new policy from September 2024.

## **Reasons for Recommendations**

- 23 The Early years entitlements: local authority funding operational guide 2023 to 2024, Education and Skills Funding Agency (“the operational guidance”) sets out what local authorities must have regard to when discharging their duties to secure free early years provision and should be read alongside the statutory guidance from the DFE “Early education and childcare April 2023”.

25 , Para 5.3 of the operational guidance under the heading ‘Allocation of funding’ provides *as part of the preparation and review of their ‘local offer’ ,local authorities must consult with early years providers ,parents and SEN specialists on how the SEN inclusion fund will be allocated .Under this ‘local offer’, local authorities should publish details on how the SENIF will be used to support their early years SEN cohort . These details should include the eligibility criteria for the fund, the planned value of the fund at the start of the year and the process for allocating the fund to providers.’*

<https://www.gov.uk/government/publications/early-years-funding-2023-to-2024/early-years-entitlements-local-authority-funding-operational-guide-2023-to-2024>

## Other Options Considered

26 No alternatives - Local authorities must consult with early years providers to set the value of their local SENIF.

Option	Impact	Risk
Do nothing	Failure to meet statutory duty	Very high
Consult	Meet statutory duty and develop policy that meets need	Very low

## Implications and Comments

### *Monitoring Officer/Legal*

- 24 The Council is under a number of statutory duties under the Childcare Act 2006 including but not limited to - section 6 the local authority's duty to secure sufficient childcare for working parents; section 7 a duty to secure early years provision free of charge.
- 28 Local authorities are required to have Special Educational needs inclusion fund (SENIF) for all 3 and 4 year olds with special educational needs (SEN) who are taking up the free entitlements, regardless of the number of hours taken. The funds are intended to support local authorities to work with providers to address the needs of individual children with SEN. The fund also supports local authorities to undertake their responsibilities to strategically commission SEN services as required under the Children and families Act 2014.
- 29 In order for the consultation to be fair there are guidance principles that must be followed and these are known as the "Gunning Principles"
- The consultation must be at a time when proposals are still at a formative stage
  - Sufficient reasons must be given for the proposal to permit intelligent consideration and response.
  - Adequate time must be given for consideration and response.

- The product of the consultation must be taken into account when finalising any proposals.

30 Legal services will continue to provide support as and when required.

#### *Section 151 Officer/Finance*

- 31 The SENIF schemes are funded through the council's DSG allocation.
- 32 As reported to committee the council's DSG reserve deficit is at £46.9m at 31/3/2023 due to the pressures on high needs budget.
- 33 The council's DSG Management Plan (approved at September 2022 Children and Families Committee) sets out the approach to the deficit.
- 34 The next version of the management plan will consider the impact of an improved SENIF offer.

#### *Policy*

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An open and enabling organisation	A council which empowers and cares about people	A thriving and sustainable place
<p>Ensure that there is transparency in all aspects of council decision making – <b>We are seeking approval to consult on a new draft policy.</b></p> <p>Support a sustainable financial future for the council, through service development, improvement and transformation – <b>We are proposing to change the way we support early years providers to improve inclusive</b></p>	<p>Support all children to have the best start in life – <b>Our revised policy focuses on provision for individual children to meet their additional needs.</b></p> <p>Ensure all children have a high quality, enjoyable education that enables them to achieve their full potential – <b>Through providing bespoke additional funding we can ensure early years children get</b></p>	<p>(Include which aim and priority)</p>

<b>practice by refocusing on quality provision and upskilling the workforce.</b>	<b>the best support from the offset of their education journey, removing barriers early and supporting independence.</b>	
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### *Equality, Diversity and Inclusion*

- 36 An Equality Impact Assessment is in draft and will conclude alongside the final report following consultation.

### *Human Resources*

- 37 None. Consultation and policy to be implemented by existing resources.

### *Risk Management*

- 38 The consultation will be overseen by Head of Service Early Years, Family Help & Prevention and Childcare Development Manager.

### *Rural Communities*

- 39 No specific implications for rural communities.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 40 This report has direct implications for children and young people, and cared for children with SEND aged 2-4 years.

### *Public Health*

- 41 The resulting policy following consultation will have a positive overall impact on the health and wellbeing of Cheshire East residents, with the greatest impact on 2, 3 and 4 year olds with SEND and their families.

### *Climate Change*

- 42 The existing statutory requirement to maintain a SENIF policy already helps the council to reduce energy consumption and promote healthy lifestyles through localised service delivery.



<b>Access to Information</b>	
Contact Officer:	<p>Danielle Holdcroft, Head of Service Early Years, Family Help &amp; Prevention</p> <p>danielle.holdcroft@cheshireeast.gov.uk</p>
Appendices:	Appendix 1 – Draft SENIF policy
Background Papers:	<p>Early years entitlements: local authority funding operational guide 2023 to 2024, Education and Skills Funding Agency, para 5.3:</p> <p><a href="https://www.gov.uk/government/publications/early-years-funding-2023-to-2024/early-years-entitlements-local-authority-funding-operational-guide-2023-to-2024">https://www.gov.uk/government/publications/early-years-funding-2023-to-2024/early-years-entitlements-local-authority-funding-operational-guide-2023-to-2024</a></p>

# Special Educational Needs Inclusion Funding (SENIF)

## Policy for the Support for children with special educational needs and disabilities accessing the early education entitlements

**DRAFT** 5<sup>th</sup> September 2023



*Working for a brighter future together*

## 1. BACKGROUND

1.1. Cheshire East Council has a statutory duty to deliver an Special Educational Needs Inclusion Fund (SENIF) to support early years providers in meeting the needs of individual children with SEN.

1.2. Support from the government for children to access early education and childcare:

- 1.2.1. funding 15 hours a week of free childcare for all 3 and 4 year olds
- 1.2.2. funding 30 hours a week of free childcare for 3 and 4 year olds in households where both parents work
- 1.2.3. funding 15 hours a week of free childcare for all disadvantaged 2 year olds – for 40% of all 2 year olds
- 1.2.4. tax free childcare
- 1.2.5. child tax credit entitlement.

1.3. This policy takes account of the increasing government support for children to access early education and childcare:

- 1.3.1. April 2024 – 15 hours for working parents of 2 year olds
- 1.3.2. September 2024 - 15 hours for working parents of children 9 months plus
- 1.3.3. September 2025 - 30 hours for all working parents from 9 months to primary school age
- 1.3.4. Increased access to wrap around childcare for school aged children.

1.4. Approximately 80% of the free early education entitlement in Cheshire East is delivered by the private / voluntary / independent sector, and 20% in schools.

1.5. SENIF supports the following corporate objectives:

- 1.5.1. Support all children to have the best start in life
- 1.5.2. Increase the opportunities for children, young adults and adults with additional needs
- 1.5.3. Ensure all children to have a high quality, enjoyable education that enables them to achieve their full potential
- 1.5.4. Thriving urban and rural economies with opportunities for all.

1.6. An application for SENIF may be made for children accessing the Free Early Education Entitlements for 2, 3 and 4 year olds in Cheshire East. The child does not need to be resident in Cheshire East but must access the Free Early Education Entitlement in Cheshire East.

## 1.7. Early Years SEND Offer - Levels of support

1.7.1. **Tier 1 – Universal Help** - First Concerns – “Ordinarily Available Provision”. A provider would be expected to meet the needs of a child in this category using their own responses. Under exceptional circumstances where the provider demonstrates a need for support with their practice, support may be provided to enable practitioners to deliver Quality First Teaching and inclusive practice. This may be in the form of an assessment conversation carried out by a Portage, Quality and Inclusion Practitioner. Grant funding would not be provided.

1.7.2. **Tier 2 – Extra Help** - SEND Support – children with low and emerging needs where practitioners require support and training to meet those needs. This may be in the form of an assessment conversation carried out by a Portage, Quality and Inclusion Practitioner. Grant funding would not be provided.

### 1.7.3. **Tier 3 – Targeted Help**

1.7.3.1. Band A – **Transition support** – *for up to 10 weeks – SEND Notification from Health / Transferring Setting / Portage*. These children have special educational needs which require enhanced support so that they can access early education opportunities whilst their needs are being fully assessed for any further longer term support. Maximum Funding £1,000 per term.

1.7.3.2. Band B – **Targeted Support** – These children will have special educational needs that will have an effect on their ability to actively engage with the nursery session without some support. Maximum Funding £1,500 per term.

1.7.3.3. Band C – **Enhanced Support** – These children will have complex and special educational needs that will have an effect on their ability to actively engage with the majority of the nursery session without enhanced support. Maximum Funding £2,700 per term.

1.7.3.4. Band D – **Resources and Equipment** - Some children with special educational needs may require specialist equipment to enable them to have full access to the Early Years Foundation Stage within their early years setting. Providers are required to make reasonable adjustments to meet the needs of all children. Funding is available in exceptional circumstances. Applications must be endorsed by the child's physiotherapist or occupational therapist. Maximum Funding £2,000 (£5,000 by exception for complex and specialist help at Tier 4) per term.

1.7.4. **Tier 4 - Complex and Specialist Help** – Exceptional bespoke support. These children will require a totally individually designed curriculum in order to make expected progress and access all aspects of the Early Years Foundation Stage. Their complex and special educational needs will have an effect on their ability to actively engage with all aspects of the nursery session without enhanced support. Maximum funding £5,500 per term.

- 1.8. Funding should be used to amend and adapt provision, enhancing the early years offer of inclusion. This may be for continuous professional development, purchase of identified resources, and enhanced ratios.

## **2. LEGAL AND BUDGETARY FRAMEWORK**

- 2.1. All grant decisions will be made based on the set of principles, set out in this Policy, and within the agreed budget approved by Council each year. The budget for the grants is managed carefully and flexibly to ensure that the Council has money available throughout the year. As far as possible the Council tries to ensure that no one is disadvantaged due to the time of year they apply.
- 2.2. Where financial support is provided by the Council, a contract will be issued to the childcare provider to confirm the grant funding to be made available for a specific child and support to be delivered by the childcare provider.

## **3. APPLICATION PROCESS**

- 3.1. Support for children with special educational needs and disabilities accessing early education provision operates within set criteria, agreed by the Director of Strong Start, Family Help and Integration and relevant Council Officers in line with the Council's Corporate Outcomes.

### **How to apply**

- 3.2. Applications for Support for children with special educational needs and disabilities accessing the Free Early Education Entitlement must be made by the childcare provider, not the child's parent / carer, using the Council's application form and associated guidance notes that are available on the Council's website.
- 3.3. The application form must be completed in full. Incomplete application forms will not be considered, which could cause a delay or defer to your application. Supporting documentation (listed on the application form) may also be requested prior to the application being fully considered. Failure to supply all required documentation will result in the application being treated as incomplete.
- 3.4. The closing dates for receipt and acceptance of complete applications are published on the Cheshire East council website.
- 3.5. Grants cannot be paid retrospectively. Any work commenced prior to acceptance of the grant offer will not be eligible for funding.

- 3.6. All successful applicants will be required to complete a post grant monitoring report as set out in section 5.0 of this Policy.

### **What can be funded**

- 3.7. Where a child is eligible for funding as set out in 1.7 and subject to any specific requirements set out in the funding agreement for an individual child, grant spend may include transition support, enhancing staff ratios, key person time to engage with specialist support from outside agencies, developmentally appropriate resources, training and upskilling the workforce.

### **3.8. What cannot be grant funded**

- 3.8.1. Funding of a childcare place
- 3.8.2. 1:1 support unless specified in an EHCP or has the most complex and enhanced support requirements confirmed in the contract
- 3.8.3. Standard inclusive practice

### **3.9. Who can apply**

- 3.10. To qualify for a grant organisations must meet the criteria listed below:

- 3.10.1. Must be an early education and childcare provider<sup>1</sup> within the Cheshire East area;
- 3.10.2. Provide value for money;
- 3.10.3. Have a set of audited accounts, or as a minimum an organisation bank statement, and are able to provide such information as the Council reasonably requires in order to satisfy the Council as to the organisation's financial position;
- 3.10.4. If a voluntary sector organisation, have a management committee with an up-to-date Governing Document which must be signed by at least two members of the committee who are unrelated to each other;
- 3.10.5. Have appropriate safeguarding policies relevant to their organisation;
- 3.10.6. Have a bank or building society account in the name of the organisation applying;
- 3.10.7. Complete the current application form in full, providing all required information.

### **3.11. Criteria for Funding / support**

- 3.11.1. Providers are required to demonstrate that the provision required for the child is significantly beyond high-quality inclusive practice and will be measured against incremental descriptors.

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<sup>1</sup> 'Provider' means; an early years provider registered on the Ofsted Early Years Register, a childminder registered on the Ofsted Early Years Register, a childminder registered with a childminder agency which is itself registered with Ofsted, or schools taking children aged two and over which are exempt from registration with Ofsted as an early years provider.

3.11.2. SENIF is a contribution towards meeting the needs identified in the application and should be used in conjunction with other funding streams such as the Disability Access Fund (DAF) and Early Years Pupil Premium.

3.11.3. Consideration for funding may be triggered by SEND notification from Health, evidence of graduated response, Assess-Plan-Do-Review cycle, child presenting difficulties in at least one of the four broad areas of need, and significant and persistent delay in meeting milestones.

### **3.12. General Conditions**

- 3.16.1. All grants will be subject to a contract.
- 3.16.2. Grants are classed as one-off and should not be seen as repeat funding;
- 3.16.3. Grants are valid for a period set out in the contract and will be paid in advance of completion of the project;
- 3.16.4. Organisations must be able to participate in a monitoring process and provide monitoring information to evidence how the grant money has been spent and adherence to the conditions of the grant. This must include receipts or invoices and a written report of the project;
- 3.16.5. Organisations must notify the Council of any changes in circumstances which affect their financial position throughout the period in which the grant monies are being used;
- 3.16.6. The grant must only be used for the purposes specifically stated in the application form and agreed in the contract. Should it be spent in any other way, without written approval from the Council, the organisation may be asked to return some or all of the monies paid;
- 3.16.7. If a successful application is cancelled or only partially achieved, or if the organisation is wound up, some or all of the grant may be recovered by the Council;
- 3.16.8. All conditions under which the grant has been awarded, including any Special Conditions, must be met. Failure to do so could result in the organisation being asked to repay the grant monies to the Council.

## **4. DECISION MAKING PROCESS**

- 4.1. The grant applications will be assessed on a monthly schedule by the Early Years Quality and Inclusion Coordinator, in consultation with officers from other council departments as appropriate, against a scoring criteria based on the priorities outlined in 1.7.
- 4.2. Having assessed all applications a Recommendations Report is prepared by the Early Years Quality & Inclusion Lead for final approval by the Head of Service for Early Years, Family Help and Prevention in line with the Council's financial scheme of delegation.

4.3. Organisations will be notified to inform them of whether they have been recommended for approval or not. The outcome of the decision will be notified to organisations within 3 weeks of the application.

4.4. Appeals –

4.4.1. In the first instance, appeals should be addressed to [earlyyearssenhelpline@cheshireeast.gov.uk](mailto:earlyyearssenhelpline@cheshireeast.gov.uk) for consideration by the Early Years Quality and Inclusion Coordinator and Early Years Quality & Inclusion Lead.

4.4.2. Where an organisation or parent continues to disagree with the award decision, concerns will be considered by the Cheshire East Early Years Forum who may request additional supporting information. The appeal will be determined by the Head of Service for Early Years, Family Help and Prevention. A response will be provided within 8 weeks of receiving the official appeal.

4.5. Complaints and compliments about any aspect of the grant process will be dealt with under the Council's Corporate Complaints Procedure. A copy of the Council's Corporate Complaints, Compliments and Suggestions Policy is available from the Council's website.

## **5. MONITORING AND RECORD KEEPING**

5.1. Following a successful application and in order to ensure that monies are used in an appropriate manner, a monitoring report will be required following project completion. This report shall include, but shall not be limited to, how the grant money was used and what difference the funding made.

5.2. Invoices, receipts and photographs must be made available to the Council on request.

5.3. Invoices or receipts dated prior to the date of the funding contract will not be accepted or reimbursed.

5.4. The Council reserves the right to monitor the use of the grant and ask for evidence to support an application.

5.5. The organisation must allow reasonable access to premises/accounts upon request from the Council.

5.6. Organisations must retain records relating to the grant for an appropriate period (to be confirmed in the contract).



5.7. If organisations do not supply satisfactory monitoring reports and supporting information in full and within the set time scale they may be asked to repay the grant funding to the Council. Failure to comply with the conditions of this grant may be taken into account when considering any further applications for grant funding made by the same organisation in the future.

END