

# 1

## Legislation and policy

### Chapter objectives

To develop awareness of:

- the progression in special needs and early years provision
- definitions of key terminology
- key historical changes in legislation and policy
- current legislation, guidance and policy.



### Introduction

The term 'special needs' is frequently used in a generic manner and has become indicative of a separate and discrete area of education and wider society, yet we are currently experiencing increasing societal changes that promote inclusion in all aspects of our lives. It could be suggested that all people have needs and that these needs will vary as their lives develop and change, some having severely traumatising effects demanding very specific short- and/or long-term support, but at other times causing less impact. At times we all require very specific, individual support but this does not necessarily imply that we are different, or have special needs, more that we are human. We should therefore strive to provide effectively for the individual needs of *all* children at *all* times, enabling each child to achieve his/her full potential. Provision should ensure that each child is offered a range of appropriate, challenging experiences to support development at his/her own pace and thus ensure success. High-quality early years provision would

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then respond to the needs of all children, whether or not any of the children have identified special needs.

### Development of nursery provision in the UK

Within the UK, there is a well-documented diverse range of early years provision that has undergone periods of growth and expansion, mostly on a needs-led basis (for example, Abbott and Langston, 2005; Baldock et al., 2005; Maynard and Thomas, 2009). Here, key developments will be briefly explored.

#### The late 1800s to the early 1900s

At the beginning of the twentieth century, there was no statutory pre-school provision in the UK, although in Europe the importance and value of preschool provision had been identified and early years settings were encouraged. As far back as 1869, the French government supported the development of crèches and continued to support further expansion and development. Van der Eyken commented:

What we see throughout the nineteenth century in Europe therefore, is a ferment of ideas, of quick development and of official recognition for the world of the young child, and by 1908 it was possible to say that half the children between two and five in Belgium, a quarter of those in France and between 2 and 10 per cent in Germany were regularly attending institutions of some kind. (Van der Eyken, 1967: 60)

In the UK at this time, there was no such perceived need for early years provision. Few women worked, with most remaining at home to fulfil their duties as wives and mothers. However, some 3- and 4-year-old children were placed in elementary classes alongside their older peers, remaining seated for the majority of the school day and following inappropriate curricula set for older children. Learning, sometimes in classes of 60 children, was by rote and severe punishments were administered for misdemeanours. In 1908, the Education Act gave local education authorities (LEAs) the power to offer free nursery education in nursery classes housed within elementary schools. However, without legislation to enforce such provision, this did not secure nursery education for all 3- to 5-year-olds, simply those living near to schools which offered the service. Subsequent governments have followed a similar pattern, although currently we are seeing support for free nursery places for all young children whose parents desire it.

### Some early pioneers

Throughout history, despite the lack of government support, early years pioneers have recognised, very clearly, the value of early years education. There was an increasing need to provide for the growing population of children requiring daycare, owing to a continuing increase of the female workforce, but also for children with special needs. These special needs could be the effects of poverty and war, major factors of the time, resulting in 'over-crowding, malnutrition, poor hygiene, disease and the ravages of poverty' (Van der Eyken, 1967: 65).

Robert Owen (1771–1858) was one of the earliest and most influential early years pioneers. A cotton-mill manager in New Lanark, Scotland, Owen reduced the working hours of young children in his mill and set up a school for the children of mill workers. Owen, according to David (1990: 18), 'believed that environmental factors, particularly during the earliest years of life, shaped the future citizen, and what he worked for was the education of an engaged future citizenry, not a subjugated and underachieving one'. Although we may question Owen's motives, his school encouraged children to explore play activities within a philosophy similar to Froebel, a German educator who was responsible for opening Germany's first kindergarten in the mid-1800s. He acknowledged the importance of play for young children and advocated kindergartens that encouraged exploratory play using appropriate resources to stimulate and extend children's knowledge. This philosophy still exists today but is, in the eyes of some, compromised by the introduction of the Early Years Foundation Stage, which they view as too formal and structured for 3- and 4-year-old children in the UK. In 1906, sisters Rachel and Margaret McMillan were instrumental in the introduction of the school meals system and in 1913 opened their first nursery school in Deptford with its own outdoor play space, which prospered rapidly. Owing to the poor general state of the nation's children at the time, the McMillan sisters were providing for many children with special needs and at the same time campaigned for nursery education for all, as Bradburn summarised:

She (Margaret) realized that poverty, ignorance and disease were not only harming an adult population but mortgaging the growth of the next generation also. She yearned to change the system which created the conditions she abhorred. At the same time she realized that sick children could not wait for political reform. She fought to cure the dirt and disease that she saw everyday in the mothers and children around her, and kept up the fight for political reform as well. (Bradburn, 1976: 45–6)

The McMillan sisters continued throughout their lives to work for a nationwide nursery education system for all children.

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Maria Montessori, founder of the Montessori Education system, first published her work 'the Montessori Method' in 1912, based on observations of her own young children and placing the child at the heart of the learning process. Within a Montessori classroom, the adult is a guide to the child, supporting the child's exploration and discovery but not intervening or imposing. A range of Montessori materials (didactic teaching materials) enable the child to explore, develop skills and self-check. These central materials are part of a broader range of stimulating experiences offered to the child. Beaver et al. (2000) summarise the method:

The child is at the centre of the Montessori method. She (Montessori) believed that children learn best through their own spontaneous activity and that they have a natural inquisitiveness and eagerness to learn. The role of the adult is to provide a planned environment that will allow the child the opportunity to develop skills and concepts. (Beaver et al., 2000: 81)

#### The early to mid-1900s

In 1907, and again in 1916, a case for separate and discrete early years provision was raised, as was the suggestion that children should not be compelled to commence formal education at the age of 5, but without positive results. It was, however, the beginning of an understanding that a different form of education was required for our youngest children.

In 1918, the Maternal and Child Welfare Act separated daycare and education, placing responsibility for daycare provision within the remit of the Department of Health (DoH), with education remaining under the Board of Education. At the same time, the 1918 Education Act gave local authorities the power to support nursery education for children aged 2 to 5 years, specifically to promote healthy physical and mental development.

By the late 1920s, the UK government appeared to view nursery education from a more positive perspective with an education enquiry committee report in 1929 recognising the different needs of under 5s and identifying a need for separate nursery education.

Grace Owen (1928: 15), the honorary secretary to the Nursery Schools Association, concluded at the time that: 'It cannot be long before nursery schools for children between two and five years of age are the accepted instrument for securing adequate nurture for very young children'. This is an ideal yet to be achieved in the twenty-first century.

Until the start of the Second World War, there was little change in the range of provision available. Benefits to children, short and long term, were still not well researched and children's developmental needs and the importance of appropriate early years provision not recognised by all. Robson (1989: 4) highlighted: 'The developmental needs of the child seemed secondary to political, economic and social factors and the pamphlet (Nursery Schools and Nursery Classes 1936) described the under-fives "problem" as being due to modern housing conditions, the growth of traffic and all kinds of pressing social, industrial and financial considerations'.

In 1943, the Board of Education White Paper again highlighted a need for nursery provision, concluding that nursery schools were needed nationwide to offer appropriate educational experiences to the very young. The 1944 Education Act that followed continued to support the notion of nursery education, but sadly the country then experienced economic difficulties and the expansion of nursery provision was severely compromised.

During the Second World War, the government supported pre-school provision by way of grants, predominantly to release women to war-related workplaces as the majority of the male workforce was fighting for their country. In addition, the women needed to supplement the poor wages sent home by their husbands. Once the grants were removed after the war, many of the nurseries closed, thus returning the nation to a diversity of pre-school provision and most parents to a lack of useful provision, dependent on where they lived and their financial status.

### The 1950s to 1970s

After the end of the Second World War, growth in pre-school provision continued in an ad hoc manner but availability varied geographically. Throughout the 1950s and 1960s, when the population was fast overtaking available housing, the sheer lack of available space for housing development resulted in the building of many high-rise flats. This produced additional concerns for young children and families as the basic design of such accommodation limited socialisation for adults and children alike and left many families isolated from friends, family and their local community. Over the years, many of these tower blocks became run-down and high-rise estates were often known (and in some cases still are known) for their problems of vandalism, crime, drug and alcohol abuse, anti-social behaviour and social deprivation. At a time when nursery provision was still not available to all, the quality of opportu-

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nities and experiences offered to these children could be described as minimal and lacking challenge.

The Plowden Report (CACE, 1967) highlighted the value of early years provision that led to some expansion of nursery provision, but these developments were predominantly in inner-city areas deemed to have exceptional needs (educational priority areas). Additional expansion at this time came mainly from the private sector and voluntary agencies, with an increase in campaigning for more provision for the under-5s.

### The playgroup movement

Throughout the 1960s, the playgroup movement expanded nationally, responding directly to local need and the lack of state provision. Van der Eyken concluded:

The efforts of these groups have done a great deal to stimulate concern about the under-fives. No one, however, would suggest that these self-help solutions are in any way an alternative to the provision of proper facilities and trained supervision for young children. They have arisen out of a growing recognition by parents of the needs of their children. At considerable personal sacrifice these parents are doing what they can to fill a void that they recognise exists. Inevitably their efforts can only alleviate the need. To satisfy that need is the responsibility of society as a whole. (Van der Eyken, 1967: 83)

Often being held, and still being held, in church halls or community centres, playgroups were predominantly run by mothers who maintained a rota to attend and supervise 3- to 4-year-olds at play, charging a nominal fee to cover expenses. Few of these mothers had formal training, qualifications or experience of such work. Since the first playgroups were introduced, the Pre-School Play-groups Association (now the Pre-School Learning Alliance – PLA) has been instrumental in providing guidance, training and support to all playgroups as well as continuously campaigning for the early years.

### The 1970s to 1990s

In 1972, the Conservative government boldly pledged to provide free nursery education for every 3- and 4-year-old within ten years, another government commitment to early years education that was to remain unfulfilled. By the mid-1980s, little progress had been made, as highlighted within the Policy Analysis Unit report which concluded that:

In Britain there is hardly any provision at all for two year olds and part-time care only for 20 per cent of three year olds. Low priority has been given by successive Governments to child-care for under-fives, and there is no longer any statutory responsibility on local authorities to provide facilities for pre-school children, except those 'at risk'. (Policy Analysis Unit, 1986: 2)

*The Children Act (1989)* brought together preceding public and private law relating to children and identified a core value of the welfare of the child being 'paramount'. The Act also reinforced the importance of the family and of those who have 'parental responsibility' for children, trying to redress the balance between 'the needs and rights of children and the responsibilities and rights of parents' (Beaver et al., 2000: 196).

The Children Act defined 'children in need' and made clear how local authorities should provide for them, enabling children to remain at home with their families whenever appropriate. In addition, regulations were set for daycare providers covering such issues as space available, staffing ratios and qualifications of staff, all of which were monitored via the annual inspection process.

The terminology within the Children Act (children in need) should not be confused with educational terminology (special needs or educational needs).

### 1990–1997

From this point in time, there was little change in early years provision offered to 3- to 4-year-old children until 1996 when the Conservative government passed The Nursery Education and Grant Maintained Schools Act (1996) which formalised the Nursery Voucher Scheme and offered parents of children in their pre-school year vouchers to exchange for sessions with local providers.

Instead of the anticipated expansion of available provision offering greater choice to parents, many playgroups were forced to close. The incentive of monetary gain encouraged schools to open empty classrooms as nursery classes and some parents, perhaps misguidedly, perceived pre-school provision in schools as more 'educational' and thus 'better than' playgroups. Some schools added to parents' dilemmas by guaranteeing reception class places to nursery class attendees only. Playgroups were also subject to inspection by the social services department (SSD), whereas nursery classes on school premises were not.

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For voluntary sector providers, registering with the scheme meant increased income, without which they were no longer financially viable, but also brought about the introduction of Office for Standards in Education (OFSTED) inspections demanding changes in methods of assessment, monitoring, recording and policy production. Groups registered on the scheme were expected to follow the Desirable Learning Outcomes (SCAA, 1996), outlining six areas of learning to be addressed with the children.

At this changeable time, training for playgroups and other voluntary providers was instigated around the country, as was support for groups to cope with the extra administrative tasks. As from 2000, Desirable Learning Outcomes were replaced by *Early Learning Goals* (QCA, 1999) as part of the Foundation Stage of Learning designed to prepare children from the age of 3 years until the end of the reception year in primary school for the National Curriculum following school entry.

### 1997–2010

In 1997, a new Labour government, with their commitment to progression in the early years, was elected. At this point, initial guidance emerged regarding the evolution of Early Years Development and Childcare Partnerships (EYDCPs) and a requirement for authorities to produce Early Years Development and Childcare Plans, from April 1998. Also in 1998, the government issued its National Childcare Strategy and at the time it was considered 'more ambitious in scope than anything produced by the previous government' (Baldock et al., 2005: 22), who identified the five key areas of focus within the strategy:

- tackling child poverty in the UK
- supporting increased partnerships in the early years
- encouraging further expansion and innovative practice
- breaking down the division between 'care' and 'education' and placing responsibility within the Department for Education and Employment (DfEE)
- improvements in the regulation of provision nationwide.

This National Childcare Strategy was seen as a positive step towards improved services for all young children and their families, and in 1999 the Working Tax Credit was introduced to encourage parents to return to work if they wished to, although parents faced a small mountain in trying to complete the forms and gain access to the



money. Sure Start was a key element of the revised programme of change which offered interagency provision in areas designated as socially deprived: 'The development of Children's Centres is based on establishing holistic services for children under five, aiming to provide ... integrated service provision to better meet the needs of all children and families and to provide early assessment and intervention for children with additional needs' (Baldock et al., 2009: 43). Parents were involved from the start in the planning and implementation of the local community setting to ensure the needs of the community were heard, respected and included. Following the initial establishment of Sure Start pilot settings, the government has continued to roll out the programme nationwide over subsequent years. Integrated settings, with interagency philosophies, became a further area for government expansion with the intention of providing interagency and integrated settings in every community in England. This was combined with the establishment of the National Professional Qualification in Integrated Centre Leadership, to ensure effective leadership of such centres.

Following the re-election of the Labour government in 2001, the speed of change in early years, which some felt had already been considerable, seemed to take on renewed vigour. Building on their previous term's raft of changes, the commitment to continue with their policies was clear.

The Education Act 2002 implemented the recommendations from the White Paper, 'Schools: Achieving Success'. This act 'is a substantial and important piece of legislation intended to raise standards, promote innovation in schools and reform education law' (DfES, 2003b). Relating to early years, the key areas of change lay in:

- the introduction of the Foundation Stage profile to replace baseline assessment
- the role of the LEA in childcare and early education
- changes to the inspection process for childminders, daycare and nursery education
- renewed focus in promoting and safeguarding the welfare of children.

While emphasis had been placed on pre-school children (generally aged 3–5 years) up until this point, the government's next major initiative was the *Birth to Three Matters* framework (DfES/SureStart Unit, 2002), offering structure to working with the very youngest children for the first time.

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Practitioners viewing the child holistically was fundamental to this framework, within which four aspects of early childhood were identified: a strong child, a skilful communicator, a competent learner and a healthy child. The framework further divides the child developmentally, with each section of activities being age appropriate:

- 1 Heads up, lookers and communicators (0–8 months).
- 2 Sitters, standers and explorers (8–18 months).
- 3 Movers, shakers and players (18–24 months).
- 4 Walkers, talkers and pretenders (24–36 months).

In 2003, the Children's *National Service Framework* (NSF) evolved – 'a 10-year programme intended to stimulate long-term and sustained improvement in children's health ... the NSF aims to ensure fair, high quality and integrated health and social care from pregnancy right through to adulthood' (DoH, 2009a). Offering a set of standards to be achieved, standard 8 refers specifically to disabled children and children with complex needs, so is particularly relevant to this text.

Arguably the most significant document to reach our desks has been *Every Child Matters* (ECM) (DfES, 2003a). Reviewing the situation and research at that time, the government revealed the following facts relating to young children (DfES, 2003a):

- There had been a fall in the number of children living in relative low income (from 34 per cent in 1996/97 to 28 per cent in 2002/03).
- This has been matched by a fall in the number of children living in absolute poverty (from 34 per cent in 1996/97 to 17 per cent in 2002/03).
- Three million of the 12 million children in this country have experienced the separation of their parents.
- As of January 2004, 1.4 million (17 per cent) school children had special educational needs (SEN), of whom almost 250,000 (3 per cent) have a statement.
- There are at least 500,000 disabled children in England.
- As of 31 March 2004, there were 61,000 looked after children in England.
- As of 31 March 2004, there were 26,300 children on Child Protection Registers.

Such findings encouraged the government to maintain their drive to improve outcomes for all children, and in 2004 a barrage of supplementary guidance documents emerged outlining the changes planned for the future of all children and young people in an attempt to improve their outcomes through the ECM framework (see the timeline at the end of the chapter).

The ECM framework set out the national agenda for change from central government through local authorities to practitioners and parents, with the NSF being integral to all developments. Following ECM's considerable consultation process, the Children Bill was 'the first step in a long-term programme of change, creating the legislative spine for developing more effective and accessible services focused around the needs of children, young people and their families' (DfES, 2004a: s. 2.2). The central aims were to:

- establish the five outcomes across the full range of services for all children – to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being
- appoint a Children's Commissioner for England to lead on and monitor developments
- ensure that at local level partnerships between all relevant parties exist to inform planning and provision
- ensure the safety of all children at all times
- establish Children's Trusts which will 'secure integrated commissioning leading to more integrated service delivery and better outcomes for children, young people and their families' (DfES, 2004a: s. 2.20). EYDCPs are likely to be incorporated within the new Children's Trusts
- establish a Director of Children's Services in each authority, 'to ensure clear accountability across the children's services functions of the local authority' (DfES, 2004a: s. 2.28).

The ECM framework supports the view that while many children are successful and achieve their potential, there are many who do not, so at a more local level the overarching aims are to be addressed through supporting families, giving children a positive start in life, early intervention and effective provision, integrated inspections, combined with reforms of the children's workforce to ensure higher-qualified staff who are able to provide effectively for all children. The ECM framework of change is further supported by the Children Act (DfES, 2004b) which legislated for some of the key changes, such as

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Directors of Children's Services, improved interagency working systems and practices, integrated inspections and the Children's Commissioner. The Act also reviewed child protection procedures and identified strategies to reduce the number of children 'slipping through the net'. Another indication of the government's commitment to change in early years came in the form of *Choice for Parents, the Best Start for Children: A Ten Year Strategy for Childcare* (HM Treasury, 2004). In recognition of the growing wealth of research highlighting the vital importance of the earliest years in a child's life, the strategy addresses family issues surrounding work and family life.

The *Children's Workforce Strategy* (DfES, 2005a) emerged from the ECM framework and builds on the ten-year strategy claiming that: 'Success depends in a large part on the capacity and quality of those people who plan, manage and deliver services at the front line. We need a skilled and more stable workforce in sufficient numbers, led and deployed around the needs of children and young people' (DfES, 2005a: 3). This ambitious and long-awaited reform was to address issues such as qualifications, pay and conditions, retention and recruitment, and strong leadership. The reform documentation was followed by the *Common Core of Skills and Knowledge for the Children's Workforce* documentation (DfES, 2005b) which set out the levels of required knowledge in each of six key areas:

- effective communication and engagement
- child and young person development
- safeguarding and promoting the welfare of the child
- supporting transitions
- multi-agency working
- sharing information. (DfES, 2005b: 4)

In 2006, we saw the Children Act emerge which formalises:

the important strategic role local authorities play through a set of new duties. These duties will require authorities to improve the five Every Child Matters (ECM) outcomes for all pre-school children and reduce inequalities in these outcomes; secure sufficient childcare for working parents; and provide better parental information services. (Sure Start, 2008)

*The Children's Plan* was launched in 2007 (DCSF, 2007a), again building on ECM, and aiming to:

strengthen support for all families during the formative early years of their children's lives, take the next steps in achieving world class schools and an

excellent education for every child, involve parents fully in their children's learning, help to make sure that young people have interesting and exciting things to do outside of school, and provide more places for children to play safely. (DCSF, 2007a cited in Wall, 2010: 20)

Next was the *Early Years Foundation Stage* (EYFS) (DCSF, 2008d) which brought guidance for the education and care of all children aged 0–5 years. This combined the earlier *Birth to Three Matters, Curriculum Guidance for the Foundation Stage* and the *National Standards for Under 8s Daycare and Childminding* and again incorporated the principles of ECM offering a smooth transition for provision covering the under-5s. However, with it arrived its critics stating that prescriptive planning for the very youngest children could lead to misinterpretation of the guidance and thus less appropriate provision for our children. The EYFS was a central focus within both the *Choice for Parents, the Best Start for Children: A Ten Year Strategy for Childcare* (HM Treasury, 2004) and *Childcare Act 2006* (Sure Start, 2008). So we saw a continuation of rapid and considerable change to our early years planning and provision. The five ECM outcomes were to be met through:

- setting the standards for the learning, development and care of children
  - ensuring equality of opportunity and anti-discriminatory practice
  - creating the framework for partnerships with parents and other professionals
  - improving quality and consistency across the sector
  - laying secure foundations for the future of the children.
- (Adapted from DfES, 2007: 7)

Throughout all these changes and developments, the profile of parents has been consistently raised, culminating in *Every Parent Matters* (DCSF, 2007b) outlining how crucial the parenting role is and how we need to identify gaps in our current supporting systems and ways forward, to ensure all parents are valued, have access to the services they need and are involved in decision-making processes.

During this period of time, the government was also developing the children's workforce strategy and the Children's Workforce Development Council (CWDC) was established. In 2008, the government launched its targets for the workforce in the *2020 Children and Young People's Workforce Strategy* (DCSF, 2008a) focusing on: '... ensuring that people in the workforce have the skills and knowledge they need to support children who are particularly vulnerable, including those who are

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looked after, are disabled or have mental health needs' (DCSF, 2008a: 7).

In the same year, the guidance to support the Childcare Act of 2006 was published: *Raising Standards – Improving Outcomes* (DCSF, 2008b) demanding that all Local Authorities (LAs) work to: 'improve the five Every Child Matters outcomes of all young children (aged 0–5) in their area and reduce inequalities between them, through integrated early childhood services' (DCSF, 2008b: 3). Following on from the *Raising Standards – Improving Outcomes* strategy of 2008, the government produced the *Early Years Quality Improvement Support Programme (EYQISP)* (DCSF, 2008c) which offers guidance to LA early years officers and leaders of settings with a set of 'tools' to enhance existing quality assurance mechanisms they may have in place. Five principles underpin the guidance:

- Strengthening leadership for learning
- Developing practitioner learning
- Facilitating partnerships for learning and development
- Supporting progress, learning and development
- Securing high quality environments for learning and development.  
(DCSF, 2008c: 6–7)

As part of the ongoing commitment to improved partnerships with parents, provision for children and interagency working, the government updated the EYFS in 2008 in light of feedback received from 'local authorities, schools and early years providers' (DCSF, 2008d).

Early in 2009 saw a health focus emerge with the arrival of *Healthy Lives, Brighter Futures: The Strategy for Children and Young People's Health* (DCSF, 2009a), established to improve the health of our youngest children, leading to healthier lifestyles as adults. We also saw the *Next Steps for Learning and Childcare* (DCSF, 2009b) which updated the ten-year childcare strategy and called for improved support for families, increased access to early learning opportunities, improved quality of all provision, increased information for all parents and more financial support for those families in greatest need.

Shortly after, schools became the focus of government attention, culminating in the publication *Your Child, Your Schools, Our Future: Building a 21st Century Schools System* (DCSF, 2009c). The vision is one of a system that:

provides a great start in life for every child in every school. A system that responds to the global economy, a changing society, rapid technological innovation and a changing planet. A system in which every child can enjoy growing up, and which develops the potential and talents of every child and young person and gives them the broad skills they need for the future. And a system which breaks down the link between deprivation, disadvantage, disability and low educational achievement and so impacts upon intergenerational poverty.

Also in 2009, the government developed and piloted ContactPoint (DCSF, 2009d) as an outcome of Lord Laming's report on child protection issues following the tragic death of baby Peter. ContactPoint is a new online directory which: 'provides a quick way for authorised practitioners in different services to find out who else is working with the same child or young person. This will make it easier for them to work as a team and deliver faster, more coordinated support' (DCSF, 2009d). Also stemming from Lord Laming's report came a review of the work of health visitors, aiming to highlight their changing role and suggest ways forwards to address the needs of all young families and their children across the country more effectively. *Getting it Right for Children and Families* (DoH, 2009b) outlines changes needed at national and local levels to ensure improved services to support the healthy development and care of every child. Working in the same area, the government's guidance on Information Sharing also stemmed from the Laming report and strives to set the way for improved services so no child can 'slip through the net'. The guidance (DCSF, 2009e), for practitioners and managers working in all agencies, advises on when information should be shared, plus the mechanisms to do this effectively: 'To support early intervention and preventative safeguarding or child protection situations' (DCSF, 2009e).

## The range of early years settings

As can be deduced from the preceding section, the range of early years settings has grown considerably and continues to grow. While under the umbrella of making more choice available for parents, the considerable array could present as a confusing range which will still not ensure equality of access for all parents and their children as all communities are unlikely to be able to offer the 'full range' of services.

Historically, providers could be divided into three broad categories and have been well documented (for example, Maynard and Thomas, 2004; Pugh, 2001). The range of provision now includes schools, day nurseries, childminders, nannies, preschool groups, nursery classes, children's centres, extended provision, Sure Start centres and many more.

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Now, in the twenty-first century, many of our Sure Start settings have been developed into Children's Centres. When this is combined with the increase in schools offering breakfast clubs and after-school clubs, we can see the beginnings of more flexibility for families, which many would view as positive. However, there are some issues:

- If you live in a rural location without transport, how accessible will your nearest integrated setting be in reality?
- How can we ensure parents have sufficient information to make informed decisions and choices when the rate of change is so rapid and the range of settings is considerable?

In conclusion, early years provision has developed according to need and at varying rates, owing to a lack of consistent government funding. The current range of provision is only now becoming more unified following very recent legislation, guidance and increased funding.

### The historical development of special needs provision and legislation in the UK

An exploration of the development of special needs provision will highlight key chronological events, indicating a progression from eighteenth-century perspectives to the present day, however it is not possible to explore all legislation and policy within this chapter so readers are referred to the timeline at the end of this chapter for further information.

During the eighteenth century, the first public schools for the deaf and the blind were opened, followed in the early nineteenth century by the development of asylums for 'idiots'. Throughout this historical period, children with special educational needs were, for the most part, unacceptable to society. For religious, societal and/or cultural reasons, parents often experienced great shame and tremendous guilt, and in some cases either abandoned their children or kept them hidden from society.

Armstrong (2007) summarises the position for young children with disabilities in the early 1800s:

many disabled children from poorer families were sent to workhouses, reformatory or industrial schools where they received basic education and training. There were also the lunatic asylums where children and adults diagnosed as insane or 'mentally defective' were placed, and where they sometimes received



education and training, but the residential special schools, which were located in asylums controlled by doctors, psychiatrists and philanthropists, were detached from the education sector and the influence of educationists. (2007: 554)

In 1870, *Forster's Education Act* provided education for all children – a significant move forwards. In the 1890s, LEAs were required to make special provision for all blind and deaf children, and were given the option to provide for 'mentally defective' children. School meals and medical inspections were introduced under the 1909 Education Act in an attempt to alleviate future problems with the nation's health.

Throughout the 1920s and 1930s, Freud's work became established, offering explanations for adult behaviours and feelings, and linking them back to early childhood experiences. This highlighted implications for the importance of those early experiences. At this time, the first child guidance clinic was founded to respond to the prevalent problems of poverty and lack of work, and their impact on the young children of the time.

The Education Act 1944 instigated the appointment of a Minister for Education and the formation of the Ministry of Education, and stated that LEAs 'should have regard to the need for securing that provision is made for pupils who suffer from any disability of mind or body by providing special educational treatment' (Ministry of Education, 1944: 5). The Handicapped Pupils and School Health Regulations of 1945 identified 11 categories of disability: blind, partially blind, deaf, partially deaf, delicate, diabetic, educationally subnormal, epileptic, maladjusted, physically handicapped and with speech defects. At this stage, medical practitioners undertook diagnoses and children were placed in the most appropriate facilities, resulting in many children being sent away from their homes to boarding schools. Within the 1950s, many parents rebelled against this 'medical model' of diagnosis as their children, often very vulnerable, were transported considerable distances from their families and local communities resulting in the children becoming even more vulnerable.

The 1970 Education (Handicapped Children) Act (DES, 1970) placed the responsibility of special needs provision within the remit of LEAs and, as a result, special schools were established.

Perhaps one of the earliest references specifically regarding special needs within the early years was the Court Report of 1976 which highlighted the need for focus on the screening of health and devel-

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opment in the early years to identify difficulties within a developmental framework.

In 1978, the *Warnock Report* (DES, 1978) was published, having examined in great detail the provision available at the time for all 'handicapped children and young people'. This report, innovative at the time, was to inform subsequent legislation and significantly change the face of special needs provision. One of the key issues raised was that all children have the right to an education and, as society was now more accepting of 'difference', that for children experiencing difficulties we should be committed to 'educating them, as a matter of right and to developing their full potential' (1978: 1.11). The fact that this basic principle needed stating reflects somewhat negatively on the education system and societal perspectives prior to 1978. The report continued to suggest a continuum of special needs as opposed to children fitting into one or more categories. The report clarified that children can experience short- and/or longer-term needs, and that provision must be flexible to accommodate change.

Within the report were clear recommendations for LEAs (not health authorities) to assume responsibility for assessing and identifying young children with possible special needs. Furthermore, methods of assessment were detailed to move forwards from the sole use of intelligence quotient (IQ) tests. The report made clear that a variety of methods should be employed to ensure the most effective provision according to need and that within child factors should be considered in conjunction with additional possible causal factors, including those within the school/setting.

Parental partnerships were seen as crucial for effective provision if all children with special needs were to achieve their full potential. The child should be assessed as an individual with a differentiated curriculum reflecting this, if appropriate.

The ensuing Education Act 1981 echoed the key principles of the Warnock Report and placed special educational needs provision firmly on the legislative agenda. Key points included:

- LEAs were given the responsibility of identification and assessment of special educational needs.
- Multidisciplinary assessments could lead to a formal assessment of special educational needs, culminating in a statement of special educational needs, which would be reviewed annually.

- A focus should be placed on individual needs rather than on categories of need.
- Provision for children with special educational needs to become the responsibility of the LEA.
- All categories of handicap were removed.
- Effective parental partnerships should be established.
- Integration should occur wherever practicable.

In addition, definitions of special educational needs were consolidated (DES, 1981, s. 1.1):

Children have a learning difficulty if:

They have significantly greater difficulty in learning than the majority of children of their age, or

They have a disability which prevents or hinders them from making use of the educational facilities generally provided in schools, for children of their age. It continued, that a child has a learning difficulty if he/she:

Has a learning disability which requires educational provision that is additional to, or otherwise different from, the educational provision made generally available within the school, or: If he/she has a physical disability.

The Children Act (1989) consolidated previous public and private laws regarding the welfare of children. Additional definitions and revised terminology were clarified:

A child shall be taken as 'in need' if:

He is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him by services by a local authority under this Part; His health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services;

Or,

He is disabled. (DoH, 1991: s. 2.3)

The Children Act also clearly identified a need for effective multidisciplinary working systems, as summarised by Anderson-Ford (1994: 20): 'The Children Act, like the 1981 Act, clearly defines the need for communication between teachers, the school health service and social services departments (SSDs) as well as between the LEA and SSDs at a senior management level'.

The Education Reform Act 1988 (DfEE, 1988) introduced the National Curriculum, outlining core and foundation subjects, with flexibility for modification to accommodate the learning needs of

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children with special educational needs. A key focus of the Act was to ensure that all children had equal access to a broad and balanced curriculum.

The Disability Discrimination Act, in 1995, demanded that all schools should have admission statements for children with special educational needs, but specifically for those with physical disabilities. Schools needed to ensure that all pupils had equal access to facilities, resources and curriculum, and that an anti-discriminatory philosophy existed. One may have argued, however, that the limitations, general conditions and planning of some school and pre-school buildings rendered this Act difficult to adhere to, despite the best of intentions of staff and governors alike.

Part three of the 1993 Education Act (DfEE, 1993) addressed problems and issues that had arisen since the implementation of the 1981 Act. Major reviews of the 1981 Act highlighted key areas for change, as outlined by Lindsay (1997: 20): 'The Act was inconsistent, inefficient and clearly did not meet the objective of ensuring each child with SEN received a quality assessment, and provision to meet the needs identified'. In summary, the 1993 Education Act revised the 1981 Act and introduced the following changes:

- School SEN policies must reflect the new approach.
- Greater responsibility should be given to parents within positive, effective working partnerships.
- An independent tribunal system should be established.

The *Code of Practice* (DfEE, 1994) guidance document (as opposed to legislative) was introduced in 1994, detailing the responsibilities previously laid down within the 1993 Act. It offered LEAs and practitioners very clear and specific guidelines on all aspects of special educational needs provision, including identification, assessment, a five-staged approach to assessment and statementing, reviews and the new role of the Special Educational Needs Coordinator (SENCO).

One of the key issues for all early years practitioners was that provision for children below the age of five years was included within section 5 of the Code of Practice, giving support to the philosophy of early identification and intervention within a multidisciplinary framework.

At that particular time, with playgroups dominating pre-school provision, these requirements were considerable as, although very

skilled and knowledgeable adults staffed such groups, they often lacked formal qualifications and, more specifically, special needs training. Training programmes were introduced nationwide, mainly through either LEAs or the Pre-School Playgroup Association, to ensure that all children's needs could be addressed.

The newly created role of SENCO (DfEE, 1994: para. 2.14) brought with it considerable requirements and responsibilities, as summarised by Smith (1996: 9):

- taking responsibility for the day-to-day operation of the school's SEN policy
- liaising with and advising fellow teachers
- coordinating provision for pupils with SEN
- maintaining the school's SEN register and overseeing the records of all pupils with SEN
- liaising with parents
- contributing to staff in-service training
- liaising with external agencies.

In reality, many SENCOs were already full-time practitioners and these responsibilities were therefore additional, although in some instances new appointments were created. However, pre-school providers also had to maintain a SENCO and, with many playgroup employees remaining in post for relatively short terms, this created ongoing difficulties for many groups.

The five stages of assessment from identification through to formal statements detailed within the Code applied to children from birth, although the Code did not expect special educational needs to arise during the first two years of a child's life, unless the child had a specific condition from birth and/or major health and development difficulties.

The Code outlined the requirements for effective planning of provision for individual children on the special needs register (Individual Education Plans – IEPs), which could include such information as a summary of the difficulties, steps taken to accommodate those needs, details of parental views, resources (materials and human) required, detailed targets for future working, and information on assessments, monitoring and reviewing the provision.

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### 2000 onwards

The Special Educational Needs and Disability Act 2001 incorporated further changes for education and as a result the Special Educational Needs Code of Practice 2001 was published, followed by the Disability Discrimination Code of Practice.

The Special Educational Needs Code of Practice (DfES, 2001c) included a section on identification, assessment and provision of special educational needs in early education settings. The five-staged approach from the 1994 Code was now replaced by a 'graduated response' incorporating Early Years Action and Early Years Action Plus:

Once practitioners have identified that a child has special educational needs, the setting should intervene through *Early Years Action*. If the intervention does not enable the child to make satisfactory progress the SENCO may need to seek advice and support from external agencies. These forms of intervention are referred to (below) as *Early Years Action Plus*. (DfES, 2001c: s. 4.11)

The new Code of Practice (DfES, 2001c) identified key changes from the original Code of Practice (DfEE, 1994) as:

- a stronger right for children with SEN to be educated at a mainstream school
- new duties on LEAs to arrange for parents of children with SEN to be provided with services offering advice and information and a means of resolving disputes
- a new duty on schools and relevant nursery education providers to tell parents when special educational provision is being provided for their child
- a new right for schools and relevant nursery education providers to request a statutory assessment of a child. (DfES, 2001c: iv)

Another area emphasised within the new Code of Practice was the value of and need for effective multidisciplinary working systems, providing for the needs of children within a 'seamless' service that addressed the needs of children as well as their parents. However, practitioners and organisations such as NASEN have identified possible shortcomings within the guidance, including the lack of provision for non-teaching time for SENCOs to allow for planning, preparation and record-keeping (although the guidance suggests that this should be reviewed within settings), plus the recurring issue of training and funding. Considerable importance is placed on parental partnerships and multidisciplinary working, but these place additional demands on SENCOs' time to create, monitor, review and

maintain systems and processes. It could be that without the allocation of specified time to undertake such activities the outcomes may be limited, although working practices inform us that many SENCOs achieve this despite the time implications. This will be further explored in Chapter 7.

The other half of the SENDA 2001 related to disability discrimination and it was at this stage that early years providers became responsible for meeting the set requirements. The guidance (CDC, Sure Start and NCB, 2003: 2) comprised two key duties:

- not to treat a child less 'favourably' for any reason related to their disability
- to make 'reasonable adjustments' for disabled children, such as arranging staff training to ensure a child with a particular condition can be provided for appropriately following entry to the setting.

The Audit Commission published their review of SEN provision in 2002 entitled *Special Educational Needs: A Mainstream Issue* which explored the progress of authorities and settings in managing and providing quality services for children with SEN and concluded that: 'Whether and how children's needs are identified appears to be influenced by a range of factors, including their gender, ethnicity and family circumstances, where they live and which school they attend ... Some continue to face considerable barriers to learning' (Audit Commission, 2002: 51). The report made ten recommendations for improvement.

*Together from the Start: Practical Guidance for Professionals Working with Disabled Children (Birth to 2) and their Families* was published by the DfES and DoH in 2002 and explored the delivery of services for the very youngest children with disabilities. While the common themes appeared – early identification and provision, partnerships with parents and interagency working – it also highlighted the need for strategic direction for this particular age group. Noticeably, three key barriers to existing provision were highlighted: a lack of sensitivity at the time of diagnosis, inconsistent patterns of provision and the lack of coordination between multiple service providers which it addressed in more detail (DfES and DoH, 2002: 3). Within an inclusive climate, the guidance suggests that as most birth-to-two-year-olds will spend most of their time within the family home, priority must be given to authorities ensuring effective and responsive intervention within an effective partnership system with parents and other agencies.

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The same year saw the publication of *Supporting Families Who Have Children with Special Needs and Disabilities* (Sure Start, 2002) which used the Together from the Start definition of special needs (Sure Start, 2002: 5):

A child under four years of age has a disability or special needs if she or he:

- is experiencing significant developmental delays, in one or more of the areas of cognitive development, physical development, communication development, social or emotional development and adaptive development; or
- has a condition which has a high probability of resulting in developmental delay.

The purpose of the guidance was to ensure 'access to a good quality service from SureStart programmes; ensure issues of access and quality; help develop awareness of the needs of families and how to respond appropriately; build on and share knowledge and information about special needs services' (2002: 3). The document continued to outline procedures and effective provision, taking into account interagency working, parent partnerships, early assessment and intervention. The need to respect and value contributions of parents, other professionals and the whole community emerge as ongoing themes.

Sure Start then issued their guidance entitled: *Area Special Educational Needs Coordinators (SENCOs) – Supporting Early Identification and Intervention for Children with Special Educational Needs* (Sure Start, 2003). This guidance 'sets out the envisaged role and practices of Area SENCOs as they empower all those working with children in the early years to create inclusive and effective early learning environments' (2003: 2). Aiming at a target of one Area SENCO to every 20 non-maintained early years settings by 2004 (2003: 2), the guidance continued to identify the roles he/she will adopt and what knowledge and skills are necessary to undertake the job. Interestingly, the original intention of ensuring Area SENCOs were qualified teachers was later removed from the draft document and senior managers had the right to set their own qualifying criteria.

The Early Support Pilot Programme, which adopted the main principles from Together from the Start, was piloted in 2003 and offered guidance for all professionals, across agencies, working with young children with disabilities. Focusing on early identification and appropriate intervention, Early Support has now become the gov-



ernment's mechanism for improving interagency working and streamlining systems in support of all families with a child or children with a disability. The government states the programme will 'make a real difference to the lives of disabled children and their families' (DCSF, 2004).

The National Service Framework (2003) referred to earlier, contained 11 standards to be met, with standard 8 specifically relating to children with disabilities and/or complex health needs. This standard states that: 'Children and young people who are disabled or who have complex health needs receive coordinated, high quality child and family centred services which are based on assessed needs, which promote social inclusion and, where possible, which enable them and their families to live ordinary lives' (DoH, 2004). The standard then identifies key themes to support the standard:

- services which promote social inclusion
- access to hospital and primary health care services
- early identification
- early intervention and support
- palliative care
- safeguarding young children
- multi-agency transition planning. (DoH, 2004)

Also in 2004, *Removing Barriers to Achievement: The Government's Strategy for SEN* (RBA) was published (DfES, 2004c). Dovetailing with the government's array of early years and children's strategies at that time, but most specifically the ECM, the RBA strategy outlined the government's vision for continued improvements in SEN provision. Chapters focused on early identification, removing barriers to learning, raising expectations and achievements, delivering improved partnerships and interagency working. The strategy 'sets out the Government's vision for giving children with special educational needs and disabilities the opportunity to succeed. Building on the proposals for the reform of children's services in Every Child Matters, it sets out a new agenda for improvement and action at national and local level' (DfES, 2004c). We also saw the establishment of a team of *National SEN Advisers* in 2004 to work with local authorities in an advisory capacity.

It should be noted that many of the changes in early years already discussed in this chapter also make reference to special needs provi-

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sion. For example, the National Service Framework, Every Child Matters and the Code of Practice all share common aims of improving early identification and intervention, family support, inclusive services, working with parents, skilled early years workforce and interagency working. Early in 2005, the government produced their report, entitled *Improving the Life Chances of Disabled People*, with the ambitious aim that: 'By 2025, disabled people in Britain should have full opportunities and choices to improve their quality of life and will be respected and included as equal members of society' (Cabinet Office, 2005). Of the four key areas identified, one relates specifically to families with young children with disabilities, ensuring that provision is tailor-made to respond to individual child and family needs and that parents should have access to their own individualised budgets, offering them greater choice and control over their provision. This links directly to the government's Direct Payments Scheme (DoH, 2004) which offers parents of disabled children (aged 0–17 years) the option of receiving direct payments from the government to arrange their own package of services to respond to their child's needs. Currently, social services and/or LEAs provide funding and set up and pay for the services offered.

Baroness Warnock, the original leader of the Warnock committee in the 1970s, also contributed to the inclusion debate in 2005 by producing a leaflet suggesting a U-turn in her original views from the 1970s. She concluded that: 'pressure to include pupils with problems in mainstream schools causes "confusion of which children are the casualties"' (Behaviour4Learning, 2005). Special schools, she claims, still have a place, as inappropriate placement in mainstream school does not guarantee successful inclusion. She continues to suggest that it would be more financially viable to retain some special schools as opposed to closing them all and attempting to replicate their provision in every mainstream school. Attracting much media attention at the time, her views received considerable criticism. The Independent Panel for Special Educational Advice (IPSEA) suggested that: 'Mary Warnock's 2005 attack on statements needs to be commented on because she is accorded the status of special educational needs guru by politicians and the media, and this risks her recent contribution to the debate being accorded a significance which it does not merit' (2005: 9).

The Disability Rights Commission published the *Special Schools Debate* in July 2005 (DRC, 2005) which examined 'educational opportunities for disabled children'. Highlighting that significant improvements had been made, the report concluded that children with disabilities 'continue to experience inequality in the education

system' (DRC, 2005). Schools are seen as critical to future progress in three specific areas:

- providing children and young people with the opportunity for self-development, reaching their individual potential and successful transition to independent adult life and becoming contributory citizens
- transmitting society's values to children and young people
- offering a place and a reason for interaction between different children and communities. (DRC, 2005)

The report supports the government's progress and recommendations in documentation such as RBA and clearly defines a need for society, government and practitioners to end discussion relating to where children should be educated (special or mainstream) and begin developing our thinking and practices to support an education system 'which fosters and promotes disabled people's belonging and inclusion' (DRC, 2005).

This report was closely followed in October 2005 by an *Inquiry into Special Education Needs* by IPSEA. While summarising the current situation relating to SEN assessment and provision, the report highlighted some areas for improvement, such as improved DfES responses to complaints about LEAs, possible changes to the SENDIST service and an improved role for government itself in leading future changes.

The Disability Discrimination Act of 2005 (DCSF, 2007c) updated previous versions and laid down the requirements for all public bodies to:

- eliminate discrimination
- eliminate harassment based on disability
- promote equality of opportunity between disabled people and other people
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life
- take steps to take account of disabled people's disabilities even where that involves treating disabled people more favourably than other people. (DCSF, 2007c)

The Act makes clear that all schools must now create, monitor and

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review their work to ensure they meet their Disability Equality Duty and a wealth of useful guidance is available, with one area focusing on the early years (DCSF, 2009f).

In 2007, we saw the emergence of *Aiming High for Disabled Children: Better Support for Families* (AHDC) (HM Treasury, 2007), highlighting the government's commitment to improving services for young children with disabilities and their families. Having acknowledged that:

disabled children are less likely to achieve their full potential without appropriate and improved support systems the government invested £340 million to ensure progress in the following areas:

- increased access to services
- more responsive support, and
- higher quality support for all children. (adapted from Wall, 2010: 21)

In the same year, the *Inclusion Development Programme* (IDP) was published, building on the *Removing Barriers to Achievement* strategy of 2004 and incorporating Early Support approaches. The IDP (DCSF, 2007d) aims to improve provision (and therefore outcomes) for all children with special needs and disabilities and is funded over a four-year period (until 2011), with each academic year taking a different focus – for example, in 2009/10 the focus is on autistic spectrum disorders, and in 2010/11 it will focus on behavioural, emotional and social needs. Through offering support and professional development materials to practitioners, it is hoped that the workforce will become more highly trained to accommodate the needs of all children in an inclusive manner. There is also specific guidance for the early years phase (DCSF, 2008e) which practitioners could find particularly useful. However, the materials are online and while a practitioner can enrol and gain a certificate if they successfully complete the modules, we need to ask how many practitioners have the time to access these crucial materials.

In 2008, John Bercow reviewed provision for children with speech, language and communication needs (*The Bercow Report*, DCSF, 2008f), identifying that improvements were needed in the following areas:

- understanding the importance of the need to communicate
- improved early identification and intervention
- services to respond to the needs of the family
- joint working between agencies, and
- improved equity of access to appropriate support. (adapted from Wall, 2010: 22)

Forty recommendations were made in the report and the follow-up action plan, *Better Communication* (DCSF, 2008g), clearly outlines the means by which these will be met.

2008 also saw the publication of the *Quality Standards for SEN and Outreach Services* (DCSF, 2008h), which although not mandatory, offer guidance on how to:

- illustrate good practice in the provision of SEN support and outreach services
- help guide the development of local provision and support
- assist local authorities in determining appropriate resources and arrangements, and
- assist in the monitoring and evaluation process. (DCSF, 2008h: 2)

Following on from the AHDC in 2007, the government published *Aiming High for Disabled Children: Best Practice to Common Practice* (DCSF, 2009g) which highlighted the progress to date in each of the identified areas from the original document and the next stages of work to take place. By using case studies, it is hoped that the examples of excellent practice will encourage further developments nationwide to improve provision and access to provision for all young children with disabilities and their families.

The Lamb inquiry was requested by the government to explore parental satisfaction in SEN provision. Sir Brian Lamb's report (DCSF, 2009h) highlighted numerous areas where parents felt less than satisfied with their experiences of the SEN system, stating that:

The failure to comply with statutory obligations speaks of an underlying culture where parents and carers of children with SEN can too readily be seen as the problems and as a result parents lose confidence in schools and professionals. As the system stands it often creates 'warrior parents' at odds with the school and feeling they have to fight for what should be their children's by right; conflict in place of trust. It does not and should not have to be like this. (DCSF, 2009h: 2)

The 11 recommendations will require considerable change from all those involved in SEN provision but hopefully should lead to significant improvements in years to come, if successfully implemented.

The CWDC has also produced updated guidance for all practitioners on the use of the Common Assessment Framework (CAF) with a specific focus on early identification, assessment and intervention (CWDC, 2009a). This non-statutory guidance covers all aspects of the CAF and its uses to ensure proactive and interagency provision is

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in place to avoid any more children 'slipping through the net' of provision. Reflecting the key principle that early identification and intervention make a difference, the guidance builds on all other policy initiatives stemming from ECM.

Within this chapter, I have only touched the surface of the documentation that has emerged and for this reason a supplementary timeline is offered at the end of this chapter with further legislation, guidance and policy documents included. An online search would direct the reader to each document.

When considering the expanse of documentation published since 2001, the reader can begin to understand how and where many of these initiatives begin to dovetail and build on the anticipated success of each other. Through a comprehensive review and a clear vision, the government is hoping to enable greater choice and flexibility for families and their children as well as ensuring high-quality and effective provision for all children, within frameworks specifically designed to address the needs of each child, at each stage of their formative years. At all times, the safety and protection of children is seen as of paramount importance. However, while this array of change may appear to be highly desirable and of great value to all, there are many criticisms that could be raised, such as how are early years practitioners expected to find time to access, read and assimilate the complex information contained within the vast array of publications? How will the changes be implemented at local level and will there be equity nationwide regarding funding? Time will tell, but I am sure that, despite the innovations that have emerged, each with commendable justification, problems and difficulties are also likely to emerge.

### Summary

Early years provision has changed considerably over the past century to offer a diverse range of opportunities to young children and their families, and all registered early years providers must now have due regard to the Special Educational Needs and Disability Act 2001 (DfES, 2001b), hopefully ensuring appropriate special educational provision for all children within an interagency framework. However, issues such as funding, training, resources and accommodation can impact on the levels of provision available and the range offered in different areas of the country and in different settings, so we are still a long way from a system that offers equity to all children at all times. Huge strides have been made, but further progress is still needed to ensure optimum achievement for all very young children.

Special educational needs provision, both generally and in the early years, has received more national attention over the past 20 years than ever before and, while we can acknowledge that the central aim is to strive continuously to improve systems and provision, the current situation (and relevant legislation and guidance) is not necessarily the answer to ensure equal and appropriate provision for all. As Farrell concludes, we are currently in a situation balancing both positive and negative aspects:

On the positive side parents now have a much louder voice, there are more mechanisms to support them and they have far greater rights of appeal ...

Perhaps more important are the continued problems associated with the bureaucratic and cumbersome statutory assessment procedures which, despite the proposed changes in the new Draft Code, still seem to be a millstone round the necks of all those involved in striving to provide the best quality education to pupils with SEN and their families. (Farrell, 2001: 8)

While we are definitely moving in the right direction, we still have a *long* road ahead.

*The reader is recommended to access directly documents referred to in this chapter for more detailed information, as only the briefest of overviews has been possible.*



### Points for reflection

- Assess the training needs of all practitioners in your setting with regard to special educational needs.
- Identify any training needs and how to address them.
- Ensure your setting meets all current government requirements.

### Suggested further reading

Farrell, M. (2004) *Special Educational Needs: A Resource for Practitioners*. London: Paul Chapman Publishing.

Hayward, A. (2006) *Making Inclusion Happen*. London: Sage.

Maynard, T. and Thomas, N. (eds) (2009) *An Introduction to Early Childhood Studies*, 2nd edn. London: Sage.

Wolfendale, S. (2006) *Meeting Special Needs in the Early Years: Directions in Policy and Practice*. London: David Fulton.

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## TIMELINE OF KEY LEGISLATION, REPORTS AND GUIDANCE SINCE 2000

*For further information, internet searches should take you directly to the documents*

Date	Author	Title
2001	DfES	SEN Code of Practice
2001	DfES	Inclusive Schooling: Children with SEN
2002	DfES	Education Act
2002	Sure Start	Supporting Families who have Children with Special Needs and Disabilities
2002	LGA	Serving Children Well: A New Vision for Children's Services
2002	DfES	Birth to Three Matters
2002	DfES and DoH	Together from the Start: Practical Guidance for Professionals Working with Disabled Children and their Families
2003	DfES	Report of the Special Schools Working Group
2003	Sure Start	Area SENCOs: Supporting Early Identification and Intervention for Children with Special Educational Needs
2003	Audit Commission	Special Educational Needs: A Mainstream Issue
2003	DoH	National Service Framework
2003	DoH	Assessing Children's Needs and Circumstances: The Impact of the Assessment Framework
2003	DfES	Every Child Matters (ECM)
2004	DfES	ECM: Change for Children
2004	DfES	ECM: Change for Children in Schools
2004	DfES	ECM: Change for Children in Social Care
2004	DfES	ECM: Change for Children in Health Services
2004	DfES	ECM: Working with Voluntary and Community Organisations to Deliver Change for Children and Young People
2004	DfES	ECM: Next Steps
2004	DfES	Children Act
2004	DCFS, DoH & Sure Start	Early Support Programme
2004	DfES and DoH	Disabled Children and Young People and those with Complex Health Needs
2004	HM Treasury	Choice for Parents, the Best Start for Children: A Ten-year Strategy for Childcare
2004	Ofsted	Special Educational Needs and Disability: Towards Inclusive Schools
2004	DfES	Management of SEN Expenditure
2004	National Strategies	Learning and Teaching for Children with SEN in the Primary Years
2004	DfES	Removing Barriers to Achievement – The Government's Strategy for SEN
2004	DfES	Introduction of SEN Expert Advisers
2005	DfES	The distribution of resources to support inclusion
2005	Prime Minister's Strategy Unit	Improving the Life Chances of Disabled People
2005	DRC	Special Schools Debate
2005	DCSF	Higher Standards: Better Schools for All, More Choice for Parents
2005	House of Commons Education & Skills Committee	Special Educational Needs: Third Report of Session 2005–06
2005	Ofsted	Removing Barriers: A Can-Do Attitude
2005	DCSF	Disability Discrimination Act
2005	DCSF	Disability Equality Duty guidance
2005	DfES	Common Core of Skills and Knowledge for the Children's Workforce
2006	DCSF	Children's Workforce Strategy
2006	DfES	Children Act
2006	CWDC	The Lead Professional: Manager's Guide
2006	DCSF	The Rose Review
2007	DfES	Early Years Foundation Stage
2007	DfES	Every Parent Matters
2007	DCSF	Inclusion Development Programme
2007	DCSF	Children's Plan
2007	HM Treasury/DfES	Aiming High for Disabled Children: Better Support for Families
2007	DCFS, DoH & Sure Start	Best Practice in Key Working: What do Research and Policy Have to Say?
2007	DCFS, DoH & Sure Start	Team Around the Child



2007	DCFS, DoH & Sure	Information Sharing, the Common Assessment Framework and Early Support Start
2007	DCFS, DoH & Sure	Working with Parents in Partnership Start
2007	DCFS, DoH & Sure	Improving Access and Inclusion in Early Years Services Start
2007	DCFS, DoH & Sure	Family Structures Start
2008	DCSF	The Education (Special Educational Needs Coordinators) (England) Regulations 2008
2008	DCSF	Bercow Review
2008	APPGA	Half-way There Report
2008	DCSF	2020 Children and Young People's Workforce Strategy
2008	DCSF	21st Century Schools: A World Class Education for Every Child
2008	DCSF	Better Communication: An Action Plan to Improve Services for Children and Young People with Speech, Language and Communication Needs
2008	DCSF	Quality Standards for SEN Support and Outreach Services
2008	DCSF	The Education of Children and Young People with Behavioural, Emotional and Social Difficulties (BESD) – revised guidance
2008	DCSF	Early Years Foundation Stage Profile Handbook
2008	DCSF	SEN – A Guide for Parents and Carers
2008	National Strategies	Attainment and progress for pupils with SEN/LDD
2008	DCSF	Every Child a Talker
2008	DCSF	Raising Standards, Improving Outcomes
2008	DCSF and Cabinet Office	Families in Britain: an evidence paper
2008	DCSF	What is a Children's Trust?
2008	DCSF	The Impact of Parental Involvement on Children's Education
2008	DCSF and National Strategies	Social and Emotional Aspects of Development: Guidance for Practitioners Working in the Early Years Foundation Stage
2008	CDC	Inclusion Policy
2008	DCSF and National Strategies	Early Years Quality Improvement Support Programme (EYQISP)
2008	DCSF and National Strategies	Inclusion Development Programme – Supporting Children with Speech, Language and Communication Needs: Guidance for Practitioners in the Early Years Foundation Stage
2009	DCSF	Healthy Lives, Brighter Futures: The Strategy for Children and Young People's Health.
2009	HM Government	Next Steps for Early Learning and Childcare
2009	DCSF	Aiming High for Disabled Children: Best Practice to Common Practice
2009	DCSF	Progression Guidance 2009–10
2009	QCA	Planning, Teaching and Assessing the Curriculum for Pupils with Learning Difficulties: General Guidance
2009	DCSF	Introduction of Contact Point
2009	EDCM	Disabled Children and Health
2009	DCSF	Lamb Inquiry
2009	DCSF	The Education (Special Educational Needs Coordinators) (England) (Amendment) Regulations 2009
2009	House of Commons	National Curriculum Fourth Report of Session 2008–09: Volume 1
2009	House of Commons	SEN and Disability Bill (2nd reading)
2009	United Nations	Rights of Persons with Disabilities
2009	QCA	Planning, Teaching and Assessing the Curriculum for Pupils with Learning Difficulties
2009	DoH	Getting it Right for Children and Families: Maximising the Contribution of the Health Visiting Team
2009	DfES	Safeguarding Disabled Children
2009	CWDC	The Common Assessment Framework for Children and Young People: Early Identification, Assessment of Needs and Intervention: A Guide for Practitioners
2009	DCSF	Your Child, Your Schools, Our Future: Building a 21st Century Schools System
2009	DCSF	Progress Matters: Reviewing and Enhancing Young Children's Development
2009	DCSF/HMO	Information Sharing: Guidance for Practitioners and Managers
2009	DCSF	The Cambridge Primary Review
No date	NASEN	Policy on Partnership with Parents and Carers
No date	NASEN	Policy document on Inclusion
No date	NASEN	Policy on Assessment
No date	NASEN	Policy on Partnership Working
No date	NASEN	Policy on the Inclusive Curriculum