

From: Rory Love, Cabinet Member for Education and Skills
Sarah Hammond, Corporate Director of Children, Young People and Education

To: Children, Young People and Education Cabinet Committee – 16 January 2024

Subject: Review of Early Years Education in Kent

Key decision:

Classification: Unrestricted

Past Pathway of report: N/A

Future Pathway of report: N/A

Electoral Division: All

Summary: This report provides the Children, Young People and Education Cabinet Committee with the background and findings of a review into early years education services in Kent.

Recommendation(s):

The Children, Young People and Education Cabinet Committee is asked to consider and note:

- (i) the content of the report
- (ii) the services intention to undertake a public consultation on a new model of universal, targeted and specialist support for settings, including a new process to access SENIF funding
- (iii) a further decision report will be brought to this committee on the outcomes of the consultation later this year.

1. Introduction

- 1.1 In November 2022, the Director of Education and SEND requested a comprehensive review of early years education in Kent.
- 1.2 A high-quality early years education is vitally important. Children attend early years provision at a crucial developmental point in their lives. The education and care that they receive affects not only future educational attainment but also their future health and happiness.¹
- 1.3 The scope of the review was to:

¹ <https://www.gov.uk/government/publications/best-start-in-life-a-research-review-for-early-years/best-start-in-life-part-1-setting-the-scene>

- Understand the quality and impact of the early years childcare and education provision in Kent, especially in relation to SEND and inclusive practice.
 - Understand the quality and impact of the different elements of that provision, including processes and systems associated with the allocation of funding and resources.
 - Understand the total investment from Children, Young People and Education (CYPE) in the provision.
 - Understand how it all fits together.
 - Provide evidence-based recommendations about future developments of the provision.
 - Provide evidence-based recommendations that can be incorporated into a strategy for early years education in Kent.
- 1.4 Since that time, range of activities have been undertaken to inform the findings of the review (see Appendix One for details of the timelines of activity).
- 1.5 In July 2023, a Member led 0-5 Task and Finish Group produced a report which was presented to the Children, Young People and Education Cabinet Committee detailing activity in relation to the development of a 0-5 Strategy. It identified the broad range of support available to young children and their families and the challenges faced by the early years sector.
- 1.6 Findings from this review echo those of the 0-5 Task and Finish Group in relation to the local and national challenges that the early years sector face. These include significant staff recruitment and retention issues, struggles to release staff for training and personal development, the perception that they do not have the same professional status as their school age counterparts and the escalating costs of providing childcare placements.
- 1.7 Against this backdrop, the sector is seeking to deliver good quality childcare and education for an increasing number of children with developmental delays and complex needs, and increasing numbers of children identified as having Special Educational Needs (SEN) and requiring Education Health Care Plans (EHCP).
- 1.8 The Early Years Review itself is concerned with:
- The educational provision delivered by nurseries and childminders, and specifically how children, their families and providers experience the early years education system.
 - The impact of the professional resources available to support those providers in the delivery of an inclusive, early years education provision has on children and their families.
- 1.9 The findings of the review point to the need for a fundamental cultural change within early years education with greater focus on inclusion and recognition and value for the sector itself.
- 1.10 The findings also indicate the need for a whole system change in relation to the structures and processes involved in the graduated approach to create clear

pathways enabling earlier and accurate identification of needs and timely access to support, according to need.

2. Current provision and context

- 2.1. In Kent, early education and childcare is delivered through a diverse market, including a local authority-maintained nursery, state funded mainstream schools and academies with nursery units and Private Voluntary and Independent (PVI) nurseries and childminders who operate as individual businesses and are therefore subject to market forces.
- 2.2. The provision is of a high standard, with 98% of 1,489 registered providers judged as good or outstanding by OFSTED in their most recent inspection. This matches the South-East region and is slightly better than the England average of 96%.
- 2.3. Based on official statistics from [childcare providers and inspections as of 31 March 2023, published by Ofsted](#), nationally, there has been a downward trend in the number of childcare providers registered with Ofsted and Kent is reflective of that trend.
- 2.4. However, while the overall number of providers is falling, Kent's Childcare Sufficiency Assessment report 2022/23² indicates a current oversupply of childcare places for children 0–4-year-old across Kent in general, with a Kent wide surplus of 7083 places.
- 2.5. The same assessment shows that whilst the vast majority of families access childcare within the same district in which they live, nearly 10% of families (over 4000 0–4-year-olds requiring childcare in Kent) travel to other districts for this purpose. The primary reasons for this being: lack of quality childcare, lack of affordable childcare, lack of sufficient local childcare and parental choice.
- 2.6. Nationally, findings of [Coram's Childcare survey for 2023](#) conclude that children with SEND are not taking up childcare places to the same extent as their peers, and that training and confidence of mainstream early years and childcare providers are critical barriers in supporting children with additional needs in mainstream settings.
- 2.7. Findings from stakeholder engagement undertaken by Early Education (research partner) identified that "Parents / carers of children with SEND may experience rejections from settings due to insufficient support and lack of accountability."
- 2.8. The Council has a statutory duty to ensure equal access for all children and young people to a sufficient, sustained market of high quality free early education and / or childcare provisions. (see Appendix Two)

² https://www.kelsi.org.uk/_data/assets/pdf_file/0004/91237/Childcare-Sufficiency-Assessment-2022-23.pdf

2.9. In doing so, the Council will need to consider that existing challenges within the sector are likely to be exacerbated by the government expansion of the early years free entitlements, evidence of a localised supply and demand issue and concern that young children with SEN will be disproportionately impacted by these factors.

Support services

2.10. KCC and its partners are committed to enabling all children to get the best start in life and a range of education support services delivered by the Children, Young People and Directorate and commissioned providers contribute to this aspiration.

2.11. The total estimated cost of this provision is approximately £8.5m.

2.12. From an education perspective, most early years services are provided by The Education People (TEP). TEP is the local authority’s traded company (LATCo) that also provides school improvement teams, supported employment and other educational services as part of its core contract, managed within CYPE.

2.13. Support services are also provided by the Council itself and Kent’s special schools (as illustrated below). These services form a Graduated Response of Universal, Targeted and Specialist support that childcare settings and childminders can access to support the development of inclusive practice.



2.14. Within TEP, the **Sufficiency and Sustainability** and **Partnership and Integration** Teams are responsible for ensuring the sufficiency and quality of childcare places. The **Equality and Inclusion** (E&I) team work directly with settings to support the implementation of universal inclusive practices. (see Appendix Two)

- 2.15. There are 10 Equality and Inclusion Advisors within the team. Access to support from E&I is through self-referral. The total number of requests for E&I for 2022-2023 was 954. This is equivalent to 69% early years settings across the county. Although this is a countywide service, there are district variations in the level of take up. Across the county Maidstone, Folkestone and Hythe, Swale and Canterbury each have 80% or more of their settings accessing this universal support offer, whereas Gravesham and Tonbridge Wells have 60% or less. (see section 2.34 – 2.40)
- 2.16. Within the Council, Special Educational Needs Inclusion Fund (**SENIF Practitioners**) also work in early years settings. This team works alongside the Specialist Teaching and Learning Service (**STLS**) to provide practical advice, support and modelling of strategies. Despite their name, they are not responsible for the SEN Inclusion Fund itself, nor are they funded by it.
- 2.17. This is also a countywide service, accessed through self-referrals via the Local Inclusion Forum Team (LIFT) meetings. There are 11 SENIF Practitioners within the team and one Lead Practitioner.
- 2.18. In 2022-2023, the service received 576 requests for support with settings in Canterbury and Dartford making the most requests and Tonbridge and Malling the least. (see section 2.34 – 2.40)
- 2.19. **Portage** is a non-statutory service that has been supporting families in Kent for over 40 years. It is jointly funded by health and the Council. Portage supports children aged 0–5 years with complex needs and delay in at least two areas of development or children with a diagnosis which is likely to lead to developmental delay in at least two areas. (see Appendix Three)
- 2.20. The demand on the service has grown on an annual basis. The increase in referrals to the Portage service started before the COVID-19 pandemic and has continued to remain high. The total number of children referred to the service in 2008 was 270, this has risen to 900 referrals in 2021 and 1049 referrals in 2022. The increase in referrals could be due to increased awareness of the service as well as a general increase in the number of children with additional needs and more complex needs, including the impact of the response to COVID-19 on children's early development.
- 2.21. Most of the understanding of impact come from the following sources:
- Parental Survey - Last academic year 2021-2022, 78 parents/carers responded to the survey and the average rating was 4.78 out 5 (5 being excellent) for the overall service received. For group work sessions the average rating was 4.77 out 5.
 - The National Potage Service survey conducted in 2023 reveal that 99% of respondents felt that Portage had contributed to their child's progress, with 63% stating it to a 'Great Extent' and 36% to 'Some Extent'.
 - Stakeholder feedback - Professional feedback from settings, including nurseries, pre-school and TEP have stated that a skilled portage worker can have a positive impact in supporting transition into a setting's practice by modelling behaviour and training.

- 2.22. In addition to the above, the Council commissions two services from Special Schools in Kent. One of these is the **Specialist Nursery Intervention**. This is commissioned from 11 special schools across the county through a Service Level Agreement that expires July 2024. The service focuses on the identification and assessment of children with SEND.
- 2.23. Referrals to the Specialist Nursery Intervention are made through the Portage Service or STLS where a Graduated Response has been implemented. The admissions process is overseen by the SENIF Finance Manager.
- 2.24. The intervention is strictly two terms with children usually only attending on average for nine hours a week, whilst also attending their existing mainstream setting. This equates to three, three-hour sessions a week (or average nine hours in total per week). This can be extended if required.
- 2.25. There are three intakes a year. If children are referred and accepted, they will typically have to wait until the start of the next term to attend.
- 2.26. The service has seen the level of demand for support increase significantly. The service supported 561 children 2022-2023, which is a higher number of children than ever before and a 40% increase compared to 2019-2020.
- 2.27. During 2020-2021 and 2021-2022, 69% of children attending the specialist nurseries did so for an observation period used to gather evidence to inform the EHCP statutory assessment. In 2020-2021 this equated to 235 children, 97% of who were issued with an EHCP.
- 2.28. In academic years 2020-2021, of the 368 children who received a specialist intervention, 226 children (61.4%) went on to specialist provision in Reception Year (year R) and 118 (32.1%) went on to mainstream. (see Appendix Four)
- 2.29. The **Specialist Teaching and Learning Services** (STLS) is commissioned by the Council from 12 Special Schools in Kent through a Service Level Agreement that expires in August 2025.
- 2.30. There are 14.4 full time equivalent Early Years teachers across the County. During 2022-2023 academic year, the service supported on average 609 early years settings and 1240 children across the county each term.
- 2.31. There is variation across districts, in terms of the number of teachers and the level of support provided. Although it is evident that there are high caseloads in early years, 60% of total cases across the county have been open for more than six months and 22% of total cases are either inactive, dormant or on hold. In some districts, over 90% of cases have been open for longer than six months and over 70% of cases are inactive.
- 2.32. When investigating some of the reasons behind a high number of cases being open for so long, the majority were related to the SENIF process, where if a child is receiving SENIF, the case would remain open regardless of whether support was being actively provided by the service. (see Section 2.34 – 2.40)

2.33. In July 2023, 156 early years settings responded to the STLS Annual Survey. Of these, 81% reported receiving support through LIFT, 80% received support from a specialist teacher and 42% received support for transition. Respondents rated the quality of support received as an average of 4.41 on a scale of one to five.

The Graduated Response: How it all fits together.

2.34. The Graduated Response refers to the implementation of strategies and interventions at a Universal, Targeted and Specialist level in a mainstream setting. Each level of strategy must be implemented, and the outcomes assessed through a “plan, do, review” cycle. Implementation of a Graduated Response with limited success must be evidenced to access SENIF.

2.35. The provision of SEN Inclusion Funding is itself a statutory funding scheme. All local authorities are required to have SENIF and must fund it themselves from the early years funding block of the Dedicated Schools Grant (DSG), the High Needs Funding (HNF) block of the DSG or a mixture of both. In Kent, SENIF is currently funded through the HNF block.

2.36. SENIF funding can be requested:

- for a child attending a Kent setting, a registered Kent childminder, or registered Kent Out of Hours provider and SENIF criteria is met (see below).
- for a maximum of 30 hours per week pro rata on attendance and eligibility for the Free Early Education Entitlement (FEEE).
- when the child is in receipt of Free Early Education Entitlement (FEEE) for three- and four-year-olds in line with the Headcount dates.

2.37. The funding should target children with lower level or emerging SEN, along with those with the Education Health & Care Plan. The most common uses of the SENIF reported by settings is to provide additional staff support for children with SEND focused on their particular needs.³

2.38. In 2021-2022, there were 1015 applications made on behalf of 723 individuals, totalling £1.6m. Total spend on SENIF in 2022 – 2023 was £1.9m. As of 27 January 2023, there were 500 active SENIF agreements in place.

2.39. In Kent, the Graduated Response consists of:

- Universal support provided by the Equality and Inclusion team.
- Targeted support provided by SENIF Practitioners.
- Specialist support provided by Early Years STLS.

2.40. Although there are exceptions in specific instances, and although every effort has been made to simplify the process, it is generally regarded as overly bureaucratic and time-consuming. (see Appendix Five)

3. Commissioning Intentions

³ [How early years providers support disadvantaged children, children with SEND, the home learning environment and healthy eating](#)

3.1. Future commissioning intentions will seek to address the following key issues identified from the review:

Lack of inclusive culture

- Although there are examples of good inclusive practice in early years, this is not universal and the ability of settings to be inclusive is restricted by staff turnover, lack of knowledge and confidence in supporting children with SEN, lack of adequate funding and even restrictions with physical space. Consequently, children with SEN may struggle to find childcare places.
- The sector feel that they are not considered equal to their school age counterparts. We need to create a positive culture of recognition of the role of early years workforce, including childminders, as educators, on a par with their school counterparts.

A disjointed system

- The Local Authority has a duty of ensuring there is sufficient SEN provision for all phases of education. It is unclear to what extent that a comparable process is in place for early years. Specifically, it is unclear how the current sufficiency planning considers SEN in early years planning and how this intelligence is used to influence planning for areas where there are deficits.
- SENIF funding does not continue with child into Year R, although this is still considered early years provision. This means that there is often a gap between SENIF funding and HNF for the child in Year R impacting on the support received in school for the same child.

Too much bureaucracy

- The Council invests significant levels of funding in services and interventions to support early years settings in Kent, specifically in relation to promoting inclusive practice. Activity data clearly demonstrates increasing demand for these services, but with minimal evidence of impact beyond anecdotal feedback.
- The system is too bureaucratic, families must tell their stories more than once and providers must complete multiple processes to access support and funding.
 - For example, the Graduated Response required to access SENIF has at least three different application processes which require significant and often duplicated information. The process of application coupled with waiting time for the required resources can result in up to six months before support is in place.
 - Specialist Nursery Intervention is a valued service experiencing increases in demand, but some stakeholders have described the referral process as 'patchy', 'number crunching' and 'an admin decision'.

- Access to support might be time limited, delayed and create an expectation for a specialist rather than mainstream pathway.
 - Settings do not have capacity to build capacity, skills and confidence through structured training, focus needs to be on flexible, independent learning such as Dingley's Promise and mentoring or role modelling of strategies and interventions by professional resources i.e. more boots on the ground.
- 3.2. In February 2022, a virtual exploration session was held with colleagues from E&I teams, SENIF practitioners and STLS early years leads and teachers to understand the current process and explore what potential avenues there were to take a different approach. Views and experiences were not too dissimilar, and it was agreed unanimously that the process should be and could be improved.
- 3.3. These findings are echoed by two external organisations commissioned to support the review through engagement (Educoach) and research (Early Education). Both partners provided reports detailing their findings and subsequent recommendations (see Appendices Six and Seven) for key themes and recommendations).
- 3.4. Any future activity will be considered within the strategic context of:
- The Council's commitment in discharging its statutory duty for children and young people with SEND.
 - The Council's drive for greater inclusion of children with SEND in mainstream settings and schools as outlined in the Countywide Approach to Inclusive Education (CATIE).
 - Framing Kent's Future
 - Securing Kent's Future
 - Delivery of the Safety Valve and the Accelerated Progress Plan (APP).
- 3.5. In response to the review, we intend to:
- work with in house and commissioned services to collate data for 2022-2023 academic year.
 - work with in house and commissioned services to implement measures that enable demonstration of impact rather than just activity.
 - undertake a public consultation on a new model of universal, targeted and specialist support for settings, including a new process to access SENIF funding.
 - produce a full set of recommendations regarding the future of early years education in Kent that can inform a future Education Strategy.
- 3.6. These actions will support Framing Kent's Future through the implementation of new models of care and support.
- 3.7. These actions will support Securing Kent's Future by:
- Supporting Objective 1 in bringing the 2023/2024 budget back into balance through cost avoidance achieved by supporting more children in mainstream schools from the outset of their statutory education and

avoiding the use of non-maintained independent special school placements.

- Further transforming the operating model of the Council (Objective 4) by making processes less time-consuming and bureaucratic we can free up our resource to focus on working directly with children and the providers that support them. A greater focus on understanding and demonstrating impact will enable more effective decision making about how and where to focus the use of resources.

4. Other Considerations

4.1. As part of KCC’s core contract with The Education People (TEP), there is a service specification in place for the Early Years and Childcare Service (EYCS) costed at £5,227,842 (as of January 2023), accounting for almost 50% of the total core contract cost. The overall purpose of the EYCS is to ensure equal access for all children and young people to a sufficient, sustained market of high quality free Early Education and/or Childcare provision.

5. Financial Implications

5.1. Current spend on staffing resources and structures within the scope of this review totalling approximately £8.6m are set out below. This is in addition to the SENIF funding paid directly to early years providers, and described in section 2.38, of approximately £2.0m.

Organisation	Team	Cost	Comments
TEP	Sufficiency and Sustainability	£1,129,058	Based on TEP EYCS cost breakdown 2023/2024
	Partnership and Integration	£596,625	
	Improvement and Standards	£1,450,548	
	Education for Sustainable Development	£383,209	
	Equality and Inclusion	£856,425	
KCC	Portage (based on 2022/2023 actual spend & income profile)	£880,706	a £206,701 health contribution is currently made towards this service.
	SENIF Practitioners	£575,000	Based on budget 2022-2023
Special Schools	Specialist Intervention Nurseries	£1,829,409 (2022/2023)	£1,908.074 (2023/2024)
	Specialist Teaching and Learning Service (STLS)	£915,072	Based on 17.7 FTE teachers, 3.8 FTE support staff
Total		£8,616,052	

*TEP costs reflect the contract value as of 1 April 2023.

5.2. This information is an approximate financial assessment of the financial position within early years. Some information is reflective of contract costs. Some information is difficult to separate, as they are derived from combined budgets. All spend is funded from the ring-fenced Dedicated Schools Grant and not from wider council funding (i.e. general fund).

6. Legal implications

6.1. The Childcare Act 2006 and Childcare Act 2016 place duties on English Local Authorities to secure sufficient and quality childcare for working parents, as described in the Early Education and Childcare Statutory guidance for local authorities 2023.⁴

7. Equalities implications

7.1. An initial Equalities Impact Assessment has been completed. The EQIA noted positive consequences that a new model might bring and did not note any negative consequences against any of the protected characteristics.

7.2. The EQIA will be update following public consultation. This will be especially relevant in relation to potential negative impacts that require mitigation.

8. Governance

8.1. Accountability for statutory functions in relation to Sufficiency and SENIF, Safety Valve and Accelerated Progress Plan sits with Corporate Director Children, Young People and Education. Responsibility sits with the Director for Education and Special Education Needs.

9. Conclusions

9.1. A detailed review of Early Years education provision in Kent has been undertaken.

9.2. The review builds on the findings and recommendations of the 0-5 Member Task and Finish Group and reflects the findings and recommendations of two independent partners (Educoach and Early Education) as well as a range of stakeholders who have been engaged throughout the review.

9.3. The findings of the review point to the need for a fundamental cultural change within early years education with greater recognition and value for the sector itself.

9.4. The findings also indicate the need for a whole system change in relation to the structures and processes involved in the graduated approach to create clear pathways enabling earlier and accurate identification of needs and timely access to support, according to need.

⁴ [Early education and childcare - Statutory guidance for local authorities \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

10. Recommendation(s):

The Children, Young People and Education Cabinet Committee is asked to consider and note:

(i) the content of the report

(ii) the service's intention to undertake a public consultation on a new model of universal, targeted and specialist support for settings, including a new process to access SENIF funding

(iii) a further decision report will be brought to this committee on the outcomes of the consultation later this year.

11. Contact details

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