

EXECUTIVE DECISION

From: Sarah Hammond, Corporate Director of Children, Young People and Education
To: Rory Love, Cabinet Member for Education and Skills
Subject: Early Years Review: Implementation of a revised model of Early Years Education in Kent.

Decision number: 24/00061

Key decision: Affects more than 2 electoral divisions.

Classification: Unrestricted

Past Pathway of report: Children Young People and Education Cabinet Committee – 9th July 2024

Future Pathway of report: Cabinet Member Decision

Electoral Division: All

Summary: This report details the findings of a public consultation into a revised model of Early Years education in Kent and presents recommendations regarding implementing the outcomes of the Early Years Review.

Recommendation(s):

The Cabinet Member for Education and Skills, in consultation with the Cabinet Member for Integrated Children’s Services, on is asked to:

1. Agree the proposals as set out in the Proposed Record of Decision (PROD).

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 The scope of the review was to:

- 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.
- 1.3 Findings of the review were presented to Children, Young People and Education Cabinet Committee on 16 January 2024.
Item 11 - [Agenda for Children's, Young People and Education Cabinet Committee on Tuesday, 16th January, 2024, 10.00 am \(kent.gov.uk\)](#)
- 1.4 At that time, the intention to undertake a public consultation on a revised model of universal, targeted and specialist support for settings, including a revised process to access Special Educational Needs Inclusion Funding (SENIF) was shared.
- 1.5 A public consultation was subsequently undertaken. Having considered the feedback from that consultation this report describes the revised model of support for Early Years education in Kent to be implemented.

2. Current provision and context

- 2.1. The key issues identified from the review into Early Years education in Kent were that:
- while there are examples of good inclusive practice within Early Years overall, there is a lack of inclusive culture.
 - the Early Years education system is disjointed and
 - there is too much bureaucracy within the system.
- 2.2. The proposals presented in the consultation outlined five overarching recommendations about how Early Years education in Kent should work in the future. More specifically, the consultation described how a revised model of universal, targeted and specialist support could work in the future to create the improvements required to address these issues.
- 2.3. In addressing these issues, the revised model will improve outcomes for young children by increasing the capacity of professionals to undertake more direct work with children, upskill and build confidence with Early Years educators in relation to SEND and reshape resources, pathways and processes to enable earlier identification of need.
- 2.4. The public consultation lasted for eight weeks, commencing 11 March 2024 and ending 5 May 2024.
- 2.5. A full description of the process and analysis of the consultation responses is included as Appendix 1. A summary is provided in Sections 2.7 to 2.10.
- 2.6. In the interim period, a proposal for a key decision to extend the existing Service Level Agreements (SLA) for the Specialist Nursery Intervention for one year until 31 August 2025 was discussed at the Children Young People and Education Cabinet Committee on 16 May 2024. This decision is now being implemented [Decision - 24/00027 - Specialist Nursery Intervention Service Level Agreement Extension \(kent.gov.uk\)](#). An extension was required to ensure

continuity of service while transitioning to the revised model. The decision was sought prior to this paper being presented to allow sufficient time for school governing bodies agree to the extended SLA and to ensure placement decisions for September 2024 can take place, providing clarity for children, parents and nurseries.

Summary of consultation responses

- 2.7. As noted above, the consultation identified recommendations about how Early Years education in Kent should be provided in the future and key changes to the existing model of universal, targeted and specialist support for Early Years settings, alongside a revised process to apply for SENIF, that collectively would address issues identified within the review.
- 2.8. The consultation received 237 responses. 51% of these were from professionals responsible for or employed to work in an Early Years education setting (including nurseries and childminders) with children aged 0-5 and their parents and families in Kent. Of this group, most respondents were nursery owner/managers of nursery Special Educational Needs Co-ordinators (SENCOs).
- 2.9. Responses were received from each district in Kent, although the overall distribution was uneven. The highest number of responses from professionals came from Canterbury district and the highest number of parent responses was received from Tunbridge Wells and Tonbridge and Malling districts. No responses from parents were received from Thanet district.
- 2.10. Overall, consultation responses were positive with the majority of responses being in agreement with the revised model described. Additional information is available in Appendix 1. Having considered feedback from the consultation, the model to be implemented is outlined below.

Revised model of universal, targeted and specialist support

- 2.11. Interventions at universal, targeted and specialist level collectively form a graduated response. This is the term used within the Special Education Needs (SEN) Code of Practice to describe the approach taken to meeting the needs of children and young people with SEND. (SEN Code of Practice 6.44) The revised model will address concerns identified within the review regarding a disjointed system by creating a more cohesive and joined up graduated response, with clearer pathways, a dedicated resource to support at each level of intervention and a focus on earlier identification of need.
- 2.12. A key issue identified within the review is that while there are good examples of inclusive practice, there is a lack of an inclusive culture. At a universal level, the Early Years and Childcare Service (EYCS) will move to a Link Worker model, providing universal support and removing the need for settings to self-refer to the service. Removing the need for self-referrals will enable the service to work more proactively with all settings across the county to embed universal strategies and practice, laying the foundation for that cultural shift to occur. Removing the requirement for self-referral will enable the service to provide a truly universal offer, rather than being SEND focused and will support earlier

identification of need. More consistent implementation of universal strategies will benefit all vulnerable children, not only those with SEND.

- 2.13. The current model does not have dedicated support for targeted interventions as part of its graduated response. The revised model will see SENIF Practitioners moving into this space and focusing on delivering targeted support within settings for individual children. This will address the gap and create a more structured pathway of support, preventing children escalating from universal to specialist support where unnecessary. SENIF Practitioners work in settings alongside Early Years educators to role model and demonstrate strategies, building their confidence and understanding of supporting children with SEND.
- 2.14. Within the revised model, Specialist Nursery Intervention (SNI) will continue to work with individual children and will provide support directly to children in their mainstream settings without the need for the child to attend a special school setting, as is (predominantly) the current model. This will remove the need for additional transitions for some of our most vulnerable children (an issue associated with the current model identified within the review). This approach will remove the requirement for children to wait, sometimes up to two terms, for a place to be available in the special school setting and enable children to receive support required sooner. Similar to the SENIF practitioners, this approach will enable SNI staff to work alongside Early Years educators to role model and demonstrate strategies that support children who need specialist interventions, upskilling those educators and building their confidence in supporting children with SEND in a mainstream setting.
- 2.15. Sitting alongside the revised model will be a core offer of training available to settings and childminders that has been designed with input from settings themselves. This will address issues identified within the review related to the training currently available. For example, Early Years settings being unclear where to source training from, which training to prioritise within a limited budget and challenges associated with staff accessing training at the time and in the format provided. Training will address this key issue identified within the review and support the shift towards a more inclusive culture.

Revised process for SENIF

- 2.16. The process to apply for SENIF will change and will be streamlined to remove much of the bureaucracy within the current process. Those applying for funding will still have to demonstrate they implemented a graduated response of universal, targeted and specialist support and additional resource (SENIF) is required to meet the needs of individual children, but settings will be able to provide this themselves without relying on evidence provided by other professionals. For example, children will no longer need to be open to the Specialist Teaching and Learning Service to receive SENIF and Specialist teachers from this service will no longer be required to provide evidence as part of the SENIF application process.
- 2.17. This revised approach will involve the use of a single application process through which the required evidence can be submitted and allow the use of existing iterative plans and documents. These changes will mean SENIF can be

accessed more quickly and efficiently for those who need it, recognise the professionalism, skills and knowledge of early educators and build capacity within the system for professionals to spend more time working directly with children by reducing the requirement for them to provide evidence.

- 2.18. The above change means settings who are more confident and experienced may be less reliant on the support available through the revised model of universal, targeted and specialist support, further freeing up capacity. For those settings less confident, this support will be available to them and training in the revised process will be provided as part of the core training offer.
- 2.19. In summary, a revised model of universal, targeted and specialist support, along with a revised process to access SENIF, was designed and opened to feedback via a public consultation. The model builds on existing good practice and addresses issues identified within the review regarding lack of inclusive culture, disjointed systems and overly bureaucratic processes. The majority of the respondents to the consultation agreed with the model.

3. Commissioning Intentions

- 3.1. Based on the outcomes of the review into Early Years education in Kent and in response to the public consultation, the intention is to implement the revised model of universal, targeted and specialist support for Early Years as outlined in section 2.11 – 2.18 above, alongside a revised process to apply for SENIF.
- 3.2. All proposals and key changes presented for consultation received a majority of “agree” responses when “strongly” and “tend to” agree responses were combined. Additional consideration was given to the proposed revised model for Specialist Nursery Intervention given the small majority of “agree” responses and the concerns raised. The two main concerns raised in relation to this model were that specialist nurseries would be closed and some children cannot be supported in mainstream settings. Under the proposal, however, children who require specialist support will be able to access this while in their mainstream settings and those children who require prolonged support in a specialist setting will still be able to access this. Therefore, this will form part of the revised model.
- 3.3. In relation to Specialist Nursery Intervention which is a commissioned service this will involve the following:
- Implementing a revised Service Level Agreement (SLA) with updated finance arrangements
 - The SLA will be for a period of five years which will provide opportunity for the model to fully embed and demonstrate impact on supporting more children with SEN to transition to and remain in a mainstream school setting.
 - The SLA will include Key Performance Indicators aligned to the Children and Young People’s Outcome Framework that evidence impact in relation to the outcomes children experience.
- 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).
- Delivery of the Safety Valve and the Accelerated Progress Plan (APP).
- The extension of the free childcare entitlement to children nine months and older.

3.5. These actions will support Framing Kent's Future through:

- Priority 1: Levelling Up Kent and our commitment to maintain KCC's strategic role in supporting schools in Kent to deliver accessible, high quality education provision for all families, specifically: Maintain improvement support services for all Kent schools, including maintained schools and academies, to maintain Kent's high-quality education system.
- Priority 4: New Models of Care and Support and our commitment is to support the most vulnerable children and families in our county, specifically in relation to responding to national policy changes on SEND provision, work with SEND families to rapidly improve the service provided to SEND children and work with mainstream schools so more can accept and meet the needs of children with SEND, increasing choice and proximity of school places.

3.6. While both above priorities apply directly to schools, it is reasonable to extend the application of these to the earliest years of children's education provided through early years settings and childminders.

3.7. These actions will support Securing Kent's Future by:

- Supporting Objective 1 in bringing the 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) costing 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.

4.2 The Government's expansion of the free entitlement to childcare for children nine months and above will increase the number of children accessing Early Years settings across the County. This is likely to bring with it increased need for the support services detailed within this model. Capacity to implement the

model was a key feature of feedback provided through the consultation and consideration should be made during implementation to ensure the model is sustainable in the longer term in light of this likely increase in demand.

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 of approximately £2.0m paid directly to Early Years providers.

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 2023/2024 actual spend & income profile)	£836,046	a £225,801 health contribution is currently made towards this service.
	SENIF Practitioners	£562,106	Based on budget 2023-2024
Special Schools	Specialist Intervention Nurseries	£1,908,074 (2023/2024)	£1,946,235 (2024/2025)
	Specialist Teaching and Learning Service (STLS)	£915,072	Based on 17.7 FTE Early Years teachers, 3.8FTE support staff
Total		£8,637,163	

*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.

5.3 In relation to Specialist Nursery Intervention, the value of a five-year SLA will be a minimum £9,731,175, based on the level of funding awarded for 2024–2025.

5.4 Consideration should be given to implementing an annual inflationary increase to the SLA for each of its five years in accordance with the Council's budget planning processes and in line with any inflationary increases made to special school funding.

5.5 All spend is funded from the ring-fenced Dedicated Schools Grant provided by the Department of Education and not from wider council funding (i.e. General Fund). Any additional funds required to meet extra costs generated from additional demands (including from the extension of the free entitlement) is expected to be fully funded by the grant in line with affordability.

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.
- 6.2 The SEND Code of Practice (Section 6.44) outlines the 'graduated approach' that all schools/settings should apply when considering how they will meet those needs. This also relates to the SEND Code of Practice Section 6.58 to 6.62 which outlines the use of specialists to advise settings and schools on early identification of SEN and effective support and interventions.

7. Equalities implications

- 7.1. The Equalities Impact Assessment undertaken previously was reviewed and updated to reflect feedback from the consultation.
- 7.2. Key issues identified from the public consultation are:
- children with English not their primary language need to be able to access services.
 - cultural issues meaning parents do not want to acknowledge their children have SEND.
 - impact on staff delivering Specialist Nursery Intervention if they need to move to an outreach model.
- 7.3. The following mitigating actions were identified in relation to the above:
- This will be considered within the implementation of the model.
 - The move of Early Years and Childcare Service to a link worker model within the revised model will ensure more robust universal practice is embedded within settings meaning children with SEND can be identified earlier and discussions had with parents sooner.
 - In relation to the outreach model of SNI, each school will need to consider the individual needs of their staff in relation to implementing this model.

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 was undertaken and five key recommendations along with six key changes are proposed to address the main issues identified within the review of a lack of inclusive culture, a disjointed system and too much bureaucracy. Together these form a revised model of universal, targeted and specialist support for early years settings and a revised process for SENIF. All were subject to an eight-week public consultation process.

10. Recommendation(s):

10.1 The Cabinet Member for Education and Skills on is asked to:

1. Agree the proposals as set out in the Proposed Record of Decision (PROD).

Background Documents

EQIA Consultation Report

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