COUNCIL FOR DISABLED CHILDREN

Expectations of schools and settings: Ordinarily Available Provision

Slough conference

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Credit to Philippa Stobbs, CDC

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Session Plan

- Ordinarily Available Provision: where it sits within the life of schools / EY settings / Post – 16

- OAP: legal framework; conceptual approach to universal provision

- OAP documents and some practical notes

The Council for Disabled Children

- Umbrella body for the disabled children's sector with a membership of over 300 voluntary and community organisations.

- CDC works with central and local government, voluntary and community sector organisations and disabled children and young people and their families.

- Supports service redesign for disabled children and young people, and those with SEN, across education, health, social care and youth justice. For example, we have worked extensively with local areas to design and improve their EY OAP systems.

- Special Educational Consortium: impacting policy.

Keeping the CYP at the centre

- Let's begin by considering the case of child N:Reminder: N is a 4-year-old boy. Loves playing with Lego and animals (but no pets at home)

- Introduction into Reception class has been severely affected by anxiety.

- Please remember his case, and consider throughout how our discussions today might impact his educational journey, and future prospects.

SEN is a mainstream issue

Special Educational Needs, definition

A child or young person has special educational needs if he or she has a learning difficulty or disability which calls for special educational provision

Learning difficulty a significantly greater difficulty in learning than the majority of others of the same age

A disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age

Special educational provision means educational or training provision that is additional to, or different from, that made generally for others of the same age

Plus, for children below compulsory school age …have SEN if they would be likely to have SEN at compulsory school age if no special educational provision were made for them

A twice relative definition:
- We compare one child with others: 'greater difficulty in learning than…'
- Special educational provision is compared with 'that made generally available'

Generally available provision:
- As 'that made generally' provision improves, fewer children need additional or different
- As 'that made generally' diminishes, more children need additional or different

In this metaphor, universal provision is the shade provided by the parasol... the wider the parasol (OAP) is, the more needs are met. Conversely, where a child is not protected by the shade (if not enough room under the parasol), extra provision will need be given; sun hats, protective cream, a separate shaded space would be the specialist provision.
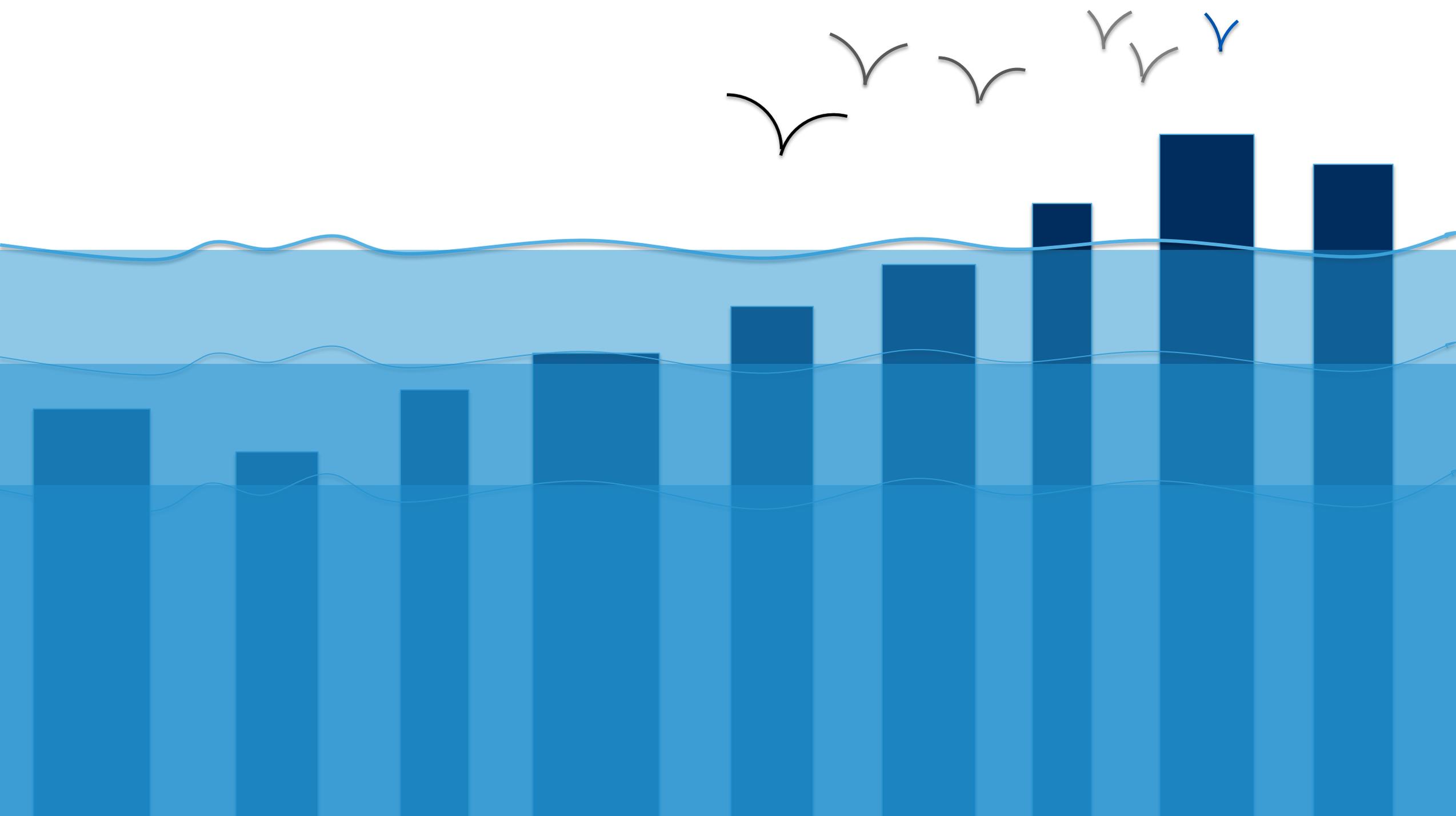
A word about metaphors

- This is an example of simple pedagogic devices which when used well, can be part of an OAP approach.

- Metaphors promote retention and recall.

- As a learning activity, they aid the creation of links between different *schemas*; they can support important meta-cognitive activity, proven to be effective (see EEF).

- Visual metaphors such as these are also one way of diversifying the modality of learning, which again will benefit pupils with different learning styles (in this case, visual).

- In an OAP document, you might see references in the cognition and learning section to 'use visual aides' and 'create links to prior learning'.

- At no extra cost... namely, within existing resource.

Why the height of the tide is important

Decision about an EHC plan:

CFA: s 37(1) Where, in the light of an EHC needs assessment, it is necessary for special educational provision to be made for a child or young person in accordance with an EHC plan, the local authority must secure that an EHC plan is prepared

Code of Practice 9.55: ...The local authority should take into account whether the special educational provision required to meet the child or young person's needs can reasonably be provided from within the resources normally available to mainstream early years providers, schools and post-16 institutions...

- Often called 'ordinarily available provision'

- What is it and why is it important?

- Requirements

- Importance and the impact of decisions about expectations of schools and settings
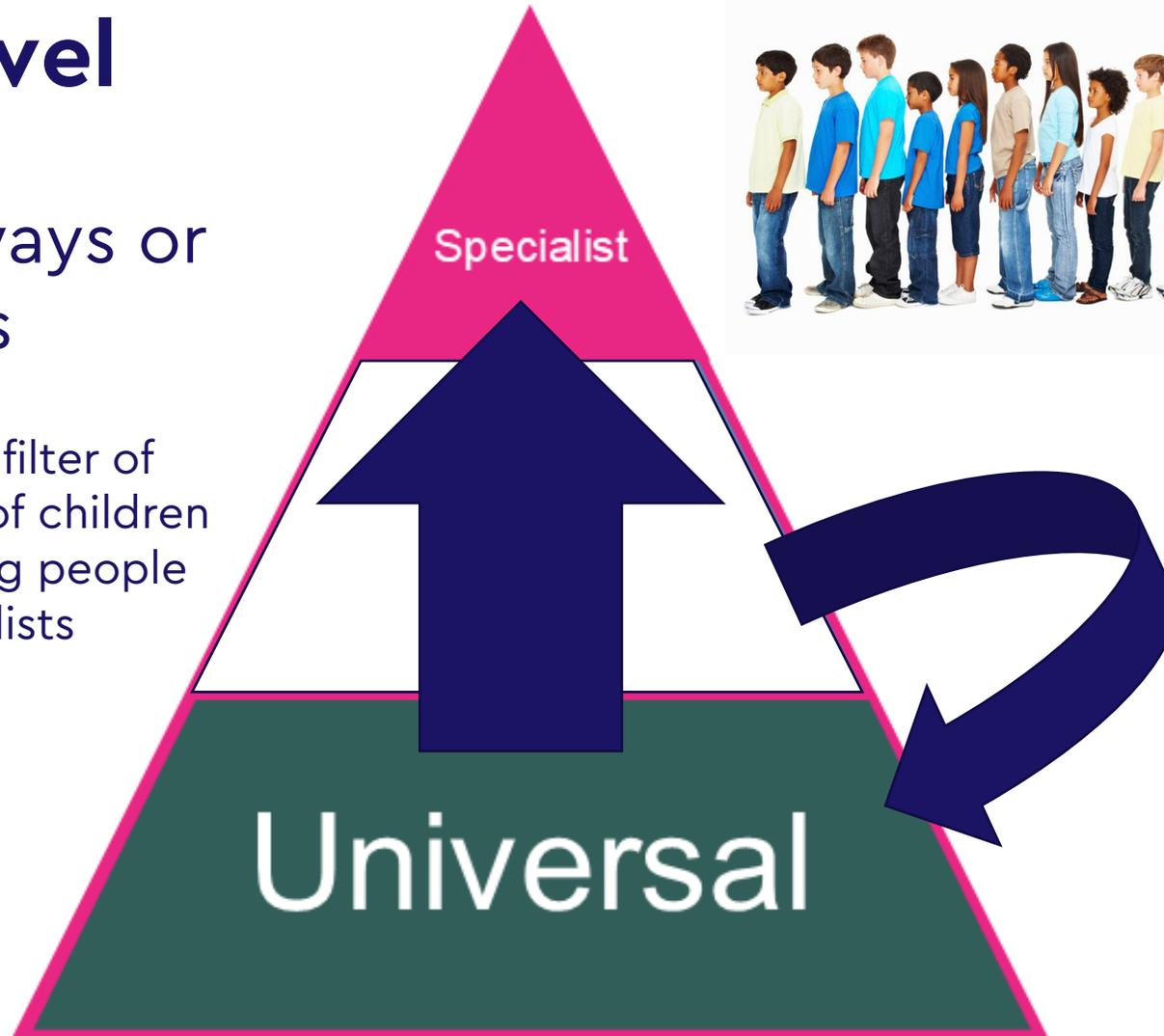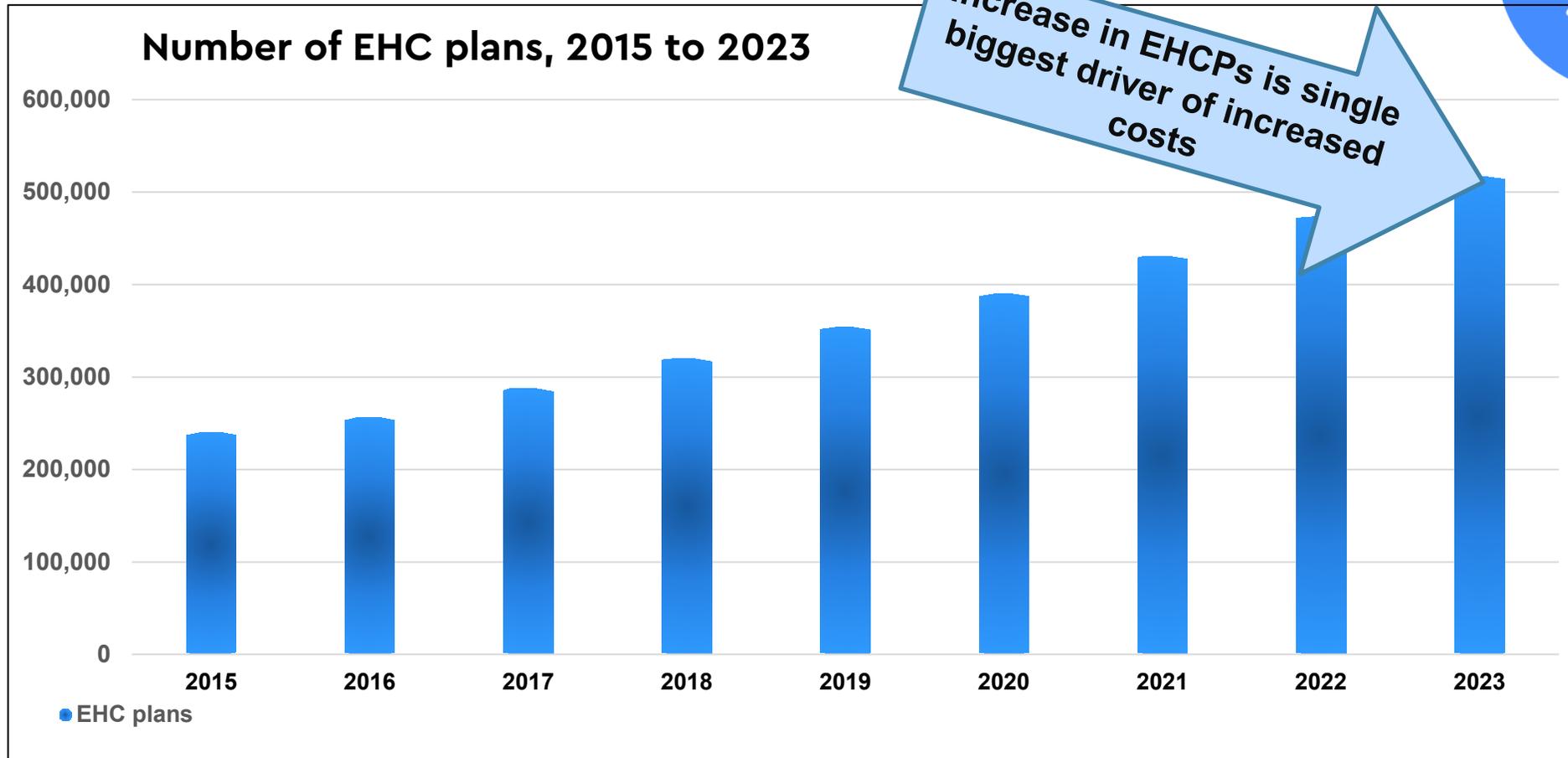
- Some practicalities
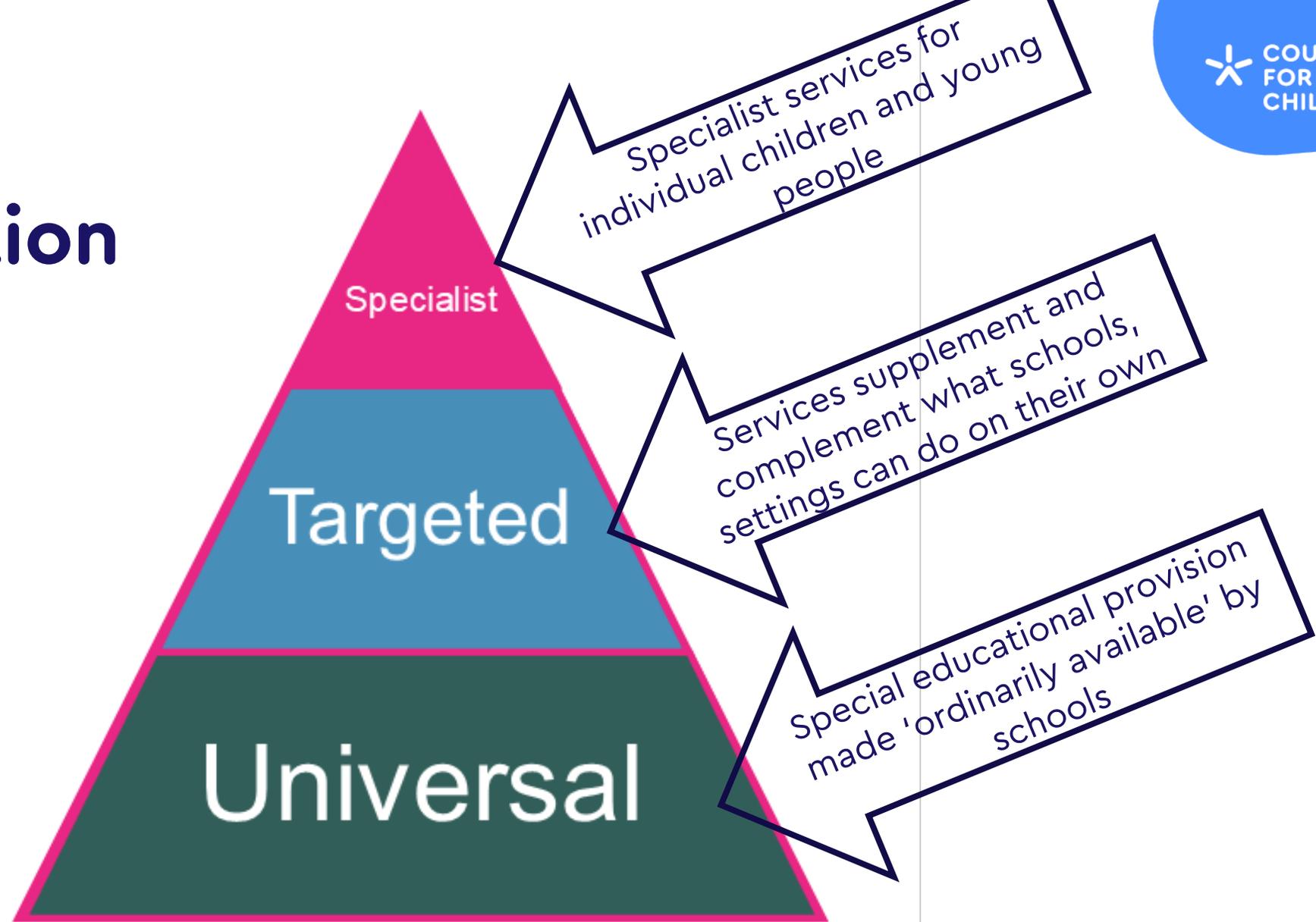
Targeted level

- Dynamic
- Local pathways or partnerships

Triage or filter of referrals of children and young people to specialists

Specialist

Universal

Services to supplement and complement what schools, settings do on their own: training, advice, support, across education, health and care

Number of EHC plans, 2015 to 2023

Increase in EHCPs is single biggest driver of increased costs

	2016	2017	2018	2019	2020	2021	2022	2023	2023
EHC plans	**240,183**	**256,315**	**287,290**	**319,819**	**353,995**	**390,109**	**430,697**	**473,225**	**517,049**
EHCP%	2.8	2.8	2.9	3.1	3.3	3.7	4.0	4.3	5.6

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Our Case Study

Reminder: N is a 4-year-old boy. Loves playing with Lego and animals (but no pets at home)

Introduction into Reception class has been severely affected by anxiety.

Discuss these questions:

- Any ideas what response might be appropriate from staff?

- What impact might the absence of such provision have on needs?

- On a macro level, do you recognise the impact on specialist provision capacity, and EHCP numbers?

- What is the relationship between OAP and the Graduated Approach?

- How might a well-established OAP document affect outcomes (think for child / family / staff)?

Case study continued

- Potential complications / escalation: behaviour (outbursts / withdrawn); delayed communication development; continence issues; physical manifestations of anxiety.

- Impact on whole family, including siblings.

- (Manchester): attachment-informed practice; nurture groups; liaising with virtual school.

- (Barnet): an individual plan to tackle anxious feelings; consideration of flexible start time.

- Graduated approach as a shared understanding between setting, LA, and parents.

Ofsted/CQC

- In [LA] poor practice meant a "disproportionate number of children ... travel through the system with unidentified needs, leading to them presenting with significantly more challenging behaviours than they might".

- This is "fuelling the view" that youngsters "need specialist provision when they do not... Consequently, pressure is building on the specialist sector to fill the gap in an unsustainable way."

- A lack of services for SEND pupils in [LA] meant children were "sometimes seen as a nuisance or too complex for schools to support. As a result, their mental health is negatively affected."

- This had a "direct impact on the wellbeing of their wider family, who often are left to pick up the pieces, fight for needs to be met or look for alternative approaches for their children to access education".

Fuelling the increase

- 1:1 support as the currency

- Failure to have an early conversation

- No golden thread: aspirations > outcomes > provision

- LA websites

'Ordinarily available provision'
What is it (legally)?
Why is it important?

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Local offer

The Children and Families Act 2014 (CFA) requires local authorities (LAs) to publish a local offer.

This requires:

- the publication of a wide range of content

- significant engagement with parents, children, young people and service providers in developing the local offer

- feedback and review functions that hold the potential for improved matching of services to local needs.

One element in the local offer

Requirement on the LA to set out what special educational provision and special training provision it expects schools and early years and post-16 providers to make available.

The Special Educational Needs and Disability Regulations 2014 (SI1530)

https://www.legislation.gov.uk/uksi/2014/1530/schedule/2/made

Regulation 53, schedule 2

- The special educational provision and training provision which the local authority expects to be available in its area for children and young people in its area who have SEN or a disability by—
- (a)providers of relevant early years education;
- (b)maintained schools, including provision made available in any separate unit;
- (c)Academies, including provision made available in any separate unit;
- (d)non-maintained special schools;
- (e)post-16 institutions;
- (f)institutions approved under section 41 of the Act;
- (g)pupil referral units; and
- (h)persons commissioned by the local authority to support children and young people with special educational needs or a disability.

What the Code says

The local authority **must** set out in its Local Offer an authority-wide description of the special educational and training provision it **expects to be available** in its area [...] for children and young people in its area who have SEN or disabilities from providers of relevant early years education, maintained schools... post-16 providers.

This includes information about:

- the arrangements ...for funding children and young people with SEN, including ...how providers will use any budget that has been delegated to them

- approaches to teaching, adaptations to the curriculum and the learning environment ...and additional learning support for those with SEN

Why this is important

- Defines threshold for top-up funding, EHC needs assessment, EHC plan

- sets out how LA expects EY providers / schools / post-16 to use their budget

- evidence base for improving progress and outcomes

- greater clarity about what parents can expect settings to provide for their child

- transparency can improve parental confidence, working relationships between parents and schools, and parents and LA

- creates shared understanding that can lead to more appropriate requests for EHC needs assessment, plan

- Used to assess training needs

The SEND and AP Improvement Plan

- By improving early identification and the quality of SEN Support, we expect to reduce the need for EHCPs because the needs of more children and young people will be met without them, through ordinarily available provision.

March 2023, p.11: 15

A conceptual shift?

- ….shift away from a narrow focus on learners' special educational needs and special needs education as specific provision, towards extending and improving the quality of support for learning that is generally available to all learners.

Different approaches

Engagement:

- Range of professionals and parents

- Different services and agencies

- Importance of engagement to successful adoption of guidance

LAs spoke about:

- time and effort invested in engagement

- equally clear about the benefits of having done so

Levels of need or range of provision?

Focus on defining needs tends to focus attention towards EHC needs assessment

- Website presentation

Focus on provision:

- has greater impact on learning and progress

- moves away from within-child needs

- available for any who need it

- provision and child's response to this, as evidence base for decisions?

OAP and the Graduated Approach

- This SEN support should take the form of a four-part cycle through which earlier decisions and actions are revisited, refined and revised with a growing understanding of the pupil's needs and of what supports the pupil in making good progress and securing good outcomes. This is known as the graduated approach. It draws on more detailed approaches, more frequent review and more specialist expertise in successive cycles in order to match interventions to the SEN of children and young people. (SEND CoP, 6.44)

- What is the starting point? How well equipped are settings to identify need early? (every teacher, a teacher of SEND)

- OAP can help in providing a 'register' of interventions.

- GA informs the movement through the pyramid of provision.

Practicalities

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Some practicalities

- All use four broad areas of need (Code, 6.28-6.35)

- Most referred to different ages or phases, some more finely differentiated than others

- Some used 3 waves model of intervention

- Many rehearsed guidance in Code

Section Two: Support for broad areas of need

We have separated this section by the fo[llowing]...

Many learners may have needs across m[ore]... may not fall neatly into one area of need. When reviewing and mana[ging]... ur broad areas of need may be helpful as a guide to ensure you can pro...

Communication and Interactio[n]

This provision should be *in addition* to the expectations in section one.

Approaches and Strategies	Resources, Advice and Consultation Available
• Whole school awareness and understanding of communication and interaction needs • Pupils will access strategies and resources typically available in the ordinary classroom, with an emphasis on visual teaching aids to support learning and socia l activities • Tasks may need to be differentiated by level/ outcome/pitch/pace an[d]... of structured teac[hing] • Staff are sk[illed]... of activiti[es]	• Education Psychology Team • Speech and Language Therapy Service • Solent Therapies Pack (link) • Autism Liaison and Support Officer (contact details) • CAMHS – SPA • MABS (via PSENSP)

Identified barr[iers to] need	[Strategie]s: approaches, adjustments and specific [provision t]o be made by settings according to the ages [and stages] of the learners
Difficulties saying what they want to and being understood	• Modelling language • Small group or individual language sessions • Language programme devised by a SALT or via use of Solent Therapies Pack • Allow time for child to process and respond (10 second rule) • Introduce a variety of language through rhymes, songs • All attempts to speak are supported • Providing an additional method of communicating e.g. use of ICT, symbol communication (e.g. Makaton, PECS)

Note: provision in addition to what is set out in Section 1

Note: simple description of need

Excerpts from Barnsley's: *Early Years SEN Support Inclusion Toolkit*
For link to whole document, see final slides

Different approaches

Levels of detail?

- Some information extensive, very detailed

- Some long documents: mix of information, tools

- Reduce amount by organising by age-group

- Some shorter summary documents, accessible to all

Reference to Equality Act duties and reasonable adjustments

How accessible is it?

- Some easy to find, 2 clicks away

- Others, only accessible to those who knew what they were looking for

What's in a name

- *What schools are expected to provide*

- *Ordinarily available* provision

- *Reasonable Expectations*

- *SEN support*

- *SEN descriptors*

- *Descriptors of provision*

How is it used?

Guidance used in a range of ways to:

- inform schools, settings, services of LA's expectations

- inform those making decisions about EHC needs assessments and plans

- Assess training needs for staff in schools, settings, support services

- plan provision

- secure engagement with a range of agencies

- 'quality improvement': to improve, over time, the evidence base for different interventions

Portsmouth's assessment of impact

- Enables more informed conversations between parents/carers and professionals
- Focuses on inclusion and the graduated response – getting it right for all children
- Enables more robust decision-making
- Greater consistency between schools/settings
- Clear expectations of what 'good' looks like
- Links to high needs block funding
- Has changed the conversation!

Manchester Local Offer

Ordinarily Available Provision

for children and young people with
Special Educational Needs and Disabilities (SEND)
A Guide for
Early Years Providers
in Manchester

https://hsm.manchester.gov.uk/kb5/manchester/directory/advice.page?id=Fzzl8TageoQ

Ofsted / CQC say..

- The identification and assessment of CYP with SEND in Bristol is improving, with the Ordinarily Available Provision document detailing interventions to meet needs, within typical school assessment and support processes. There has been a cultural shift in the way that professionals and schools, work together which is improving the way that they work together to meet the needs of children and young people with SEND.

Local policy and practice development

- Engagement and representation

- Collective agreement on evidence and priorities

- Local ownership

- Soft accountability

- Local leadership: vision, purpose and momentum

- Anatomy of change

- Senior 'permission' and sign-off

- Sharing learning: not *what it is*, but *what made it work*, and *what didn't work*

- The power of peer

- Timescales

How does it work?

Bringing together a range of local partners:

- *Services have been brought together to work collaboratively in order to have the most impact (LA)*

Ensuring the work was locally owned:

- *Whether you are a presenter or a delegate, you get a chance to... look at the work we are doing with a group of peers and someone who is really connected and knowledgeable, who has got time to stop, think about it, and lead us, give us the opportunity... to bring it out of ourselves (LA)*

Tailored support:

- *Accessing bespoke support has enabled us to develop and plan more effectively* (LA)

Impact:

- *Already the [...] document has given our strategic EY QA team the tools to offer support and challenge to settings about inclusive practice (LA)*

Thank you!

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