



# Early years extra help

A practical guide to parents' legal rights



# What does it mean?

In this booklet we use:

**must** when the law says something has to happen.

**should** when the Government says they expect something to be done.

pre-school to cover all under-5s provision such as nurseries, playgroups and daycare centres that have some Government funding for early education.

You can use this booklet if your child is age three and over and goes to under-5s provision that has some Government funding.

It can be difficult to understand all the legal words and jargon used in education. This page fills you in on some of the most common terms.

## What is differentiation?

Differentiation means teaching a child in ways and at levels which match their ways of learning.

## What are learning difficulties?

Most children with learning difficulties find it significantly harder to learn than most other children of the same age. They could have a problem with general understanding, behaviour, reading, numbers, communicating etc. A disability which makes it difficult for a child to use educational facilities can also lead to them having learning difficulties.

## What are special educational needs?

A child with learning difficulties generally needs extra help in education. For this reason they are said to have special educational needs (SEN). Children with the most serious difficulties have a Statement of special educational needs - a document that spells out what help they will get. Children who have less severe special educational needs are generally given help through Early Years Action or Early Years Action Plus.

## What is the Code of Practice?

A Government guide to make sure children with special educational needs get the right help at school. The law says that pre-schools and local education authorities must “have regard” to the Code and must not ignore it.

## Parents and children as partners

The Code says parents should tell the pre-school about any worries that they have. Pre-schools should value parents' contribution. Parents of children with special educational needs should be treated as partners.

# My child has learning problems

All parents want the best for their children and they hope they will be happy and get on well in their early education. If you are worried that your child may be having difficulties at pre-school, how do you get something done about it?

## Step 1: Talking to the pre-school

Your first step is to talk to the people who work with your child. Ask them what they think and tell them what you feel. Remember that difficulties with behaviour and how your child relates to others can be as important as difficulties with speaking and doing things.

### ACE advises

- Does the pre-school think my child is having any difficulty?
- Has my child been set any targets?
- Is my child at the same level as most other children of the same age?
- What do the results of my child's regular assessments mean?
- Is my child already getting extra help?

Try to write down your queries and questions point by point. Ask a friend to help. Going through everything with a friend first makes it easier to talk to a teacher or nursery worker.

Sometimes talking to someone at the pre-school will be enough to put your mind at rest.

## What points could you make?

- ✓ Say what particular problems are worrying you - no matter how big or small.
- ✓ Say when you first noticed any problems. Did you mention it to anyone like a health visitor or doctor?
- ✓ Are the problems getting worse? How long have they been getting worse?
- ✓ Say if anyone else in the family has similar problems.
- ✓ Is this putting your child off pre-school or making them unhappy? Say how your child feels.
- ✓ Has your child's behaviour changed at home or at pre-school? Is their behaviour at home different from pre-school? Give examples.
- ✓ Any health or other problems?
- ✓ What do you think would help? Perhaps your child could have more one-to-one help or special equipment.
- ✓ Has your child ever had any help that seemed to work?
- ✓ Are you doing anything to help at home? Can the pre-school suggest any better ways for you to try?
- ✓ Don't forget, if a family has problems at home this can bother children. It may help pre-school staff to know if a death, divorce or some other upset has affected your family.
- ✓ Do you think your child's progress is good enough ("adequate")? If not say so and if possible say why. Perhaps your child has difficulty with holding a pencil or catching a ball?

Pre-schools should find out what children think and take notice of their views. It is also very important that you find out exactly what your child feels.

## Step 2: Writing to the pre-school

It can help to put all your questions and points in a letter to the pre-school. This helps everyone to be clear about your worries and will make sure that everything you want to talk about is recorded. You can use this model letter.

Dear

I am concerned that my son/daughter seems to be having difficulty with learning and may have a special educational need. I do not think she/he is making adequate progress.

I would like to meet you to discuss my child and what the pre-school can do to help.

The points I would like you to know about are: *(Add everything from Step 1 in note form eg: Rosa cannot hold a pencil. I noticed this last term and told Ms Brown).*

The questions I would like to discuss are: *(List the questions).*

I would like to have a copy of my child's record, including any records of my child's progress. I would also like a copy of the pre-school's special educational needs policy.

I am available for a meeting on *(give dates).*

I would like to bring a friend/adviser *(give their name).*

I do hope that we can work in partnership so that my child can do as well as possible.

I look forward to hearing from you.

Yours sincerely,

(Parent)

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Remember to make at least one copy of this letter and any notes you make for your own record.

### Step 3: Keeping a diary

Start keeping a diary about your child and their difficulties.

Make a note of:

- Date
- Areas of concern
- Improvements noticed by your child and yourself
- Any difficulties experienced by your child
- Anyone told at pre-school and any action taken
- Any knock-on effects – behaviour, health, anxiety, self-confidence etc.

Of course you will not want to add to any pressures your child is facing so you may need to be careful about how and when you ask your child about pre-school.

### Step 4: Preparing for meetings

When you fix the meeting with your child's key worker, you may find it helpful to ask to have the teacher with responsibility for special educational needs (the special educational needs co-ordinator – the SENCO) there as well.

Before the meeting

- Ask the Department for Education and Skills (DfES) for a copy of the SEN Code of Practice (*see page 12*).
- Ask the head of the pre-school for a copy of any records on your child. You have a legal right to this, but it can take up to 40 days for the pre-school to give them to you. Do not delay any meeting just because you have not got your child's record.
- Ask the local education authority (LEA) for the number of the local parent partnership service (PPS) if you feel you will need help at the meeting. The PPS will generally provide an independent parental supporter to help you. They may also have some useful leaflets and details of useful organisations.

## Step 5: Tips for the meeting

Take the letter and any other lists of worries, questions and points to the meeting. Do not be afraid to go back to a point if you feel it has not been fully sorted out.

Make a note of all the main points made at the meeting. Send a copy of your notes to the pre-school to make sure everyone is clear about what has been agreed.

A lot of education talk and jargon can be confusing so if you do not understand anything - ask. It is your 'right' to understand everything that is said about your child. So if you still do not understand - ask again!

- Ask to see the pre-school's special educational needs policy before the meeting and make a note of any useful points. The policy must explain what the pre-school does for children with SEN and how they work with parents.
- Read through your child's record and mark everything you agree or disagree with or do not understand. Take the marked record to the meeting.
- Ask for an interpreter if necessary.

## Step 6: At the meeting

You feel happy that the pre-school feels that your child is getting on well.

*or*

The pre-school tells you that your child will be given help through the school's usual or routine differentiation.

*or*

that your child has SEN and will get help through Early Years Action or Early Years Action Plus. You should be given full details of the help. The pre-school may ask for your consent to getting advice from outside.

*or*

The pre-school disagrees with your feeling that there is a problem.

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After the meeting

If you are still unhappy try to contact a more senior person in the pre-school and/ or contact the parent partnership service and/ or one of the specialist organisations in ACE's leaflet Children with Special Needs (details on page 12). Your LEA will run a service to help sort out disagreements about SEN between parents and schools. Ask the parent partnership service for details.

## **Step 7: Understanding differentiation**

Children make progress at different rates. Not all children learn in the same way. For example some children understand and remember well if they see as well as hear something. Others need to be more actively involved to make good progress. Children can be taught in different ways. This is known as differentiation. If a child is making slow progress when they are taught in the same way as the rest of the group the pre-school should try other ways through differentiation to help them succeed. This can mean:

- giving work at a more basic and simple level
- doing different activities
- using ways of teaching that match the child's way of learning
- using books that fit the child's own experiences
- moving the child into a small group
- giving different support through a key worker
- giving complicated information in small steps etc.

If your child has had help through differentiation but has still not made good enough progress, the pre-school should do more. Generally they will then give your child special educational help through Early Years Action or Early Years Action Plus.

## **Step 8: Understanding Early Years Action**

Through Early Years Action, the child gets help that is either extra to and/or different from the help that the pre-school usually gives children through differentiation.

The pre-school will discuss your child and their needs with you. If they decide that your child may need more support, they will collect all available information about your child. They will then decide what help to give. You should always be consulted and kept fully informed about the help your child is given and of the results of that help.

Your child's help should be written down in a document called an Individual Education Plan (IEP). The IEP should be checked ("reviewed") continually, it should be discussed with you and your child. If your child does not make good enough ("adequate") progress and the school thinks they need advice from specialists they will move your child to Early Years Action Plus.

### The individual education plan (IEP)

IEPs should include:

three or four short-term targets that match your child's needs

the ways of teaching (strategies) to be used

the help to be put in place

when the plan is to be reviewed

how the pre-school will decide if the help has been successful or

how the pre-school will decide if the help is no longer needed.

### Targets

The targets in an IEP will be set by or for your child and should be in small steps.

Targets can be written like this "by the end of the term John will be able to.....".

## Step 9: Understanding Early Years Action Plus

At Early Years Action Plus the school will give your child more or different help than they gave at Early Years Action. External specialists may assess your child and with your child's teachers should look at different ways of teaching and helping your child. The specialists will advise on a new IEP. Sometimes they will teach or help children personally. These specialists could be educational psychologists, behaviour specialists, speech and language therapists, healthcare professionals etc. The help should usually take place in your child's pre-school.

Pre-school children follow the **foundation stage** of the National Curriculum. In England, from September 2008 the early years foundation stage will cover care, learning and development from birth to age 5. At the end of pre-school a **Foundation Stage Profile** shows children's progress towards the **Early Learning Goals**. Pre-schools must offer parents a chance to discuss this.

In Wales the Foundation Phase covers ages 3 to 7 and **Desirable Learning Outcomes** are similar to the Early Learning Goals.

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Your local education authority (LEA) can give you information about what help schools in your area usually give through Early Years Action or Early Years Action Plus (also on the LEA website).

The Code of Practice stresses that Early Years Action and Action Plus are not hurdles to be crossed before a statutory assessment. If your child has more serious difficulties they may go straight to a statutory assessment.

## Step 10: Reviewing the Individual Education Plan

At Early Years Action and Early Years Action Plus IEPs should be reviewed at least three times a year. Ideally IEPs should be kept under continual review. If there is a problem the pre-school should not wait for a review before making changes. The pre-school should consult you as part of the review process and ask your views about your child's progress. Reviews should not be too formal.

The review should look at:

- progress made by your child
- your views
- your child's views
- the effectiveness of the IEP
- issues affecting your child's progress
- updated information and advice
- future action - changes to targets, strategies
- dealing with particular issues
- any need for more information on your child etc.

Your child's progress should be recorded on the IEP and new targets set.

## Step 11: Statutory assessments and Statements

If your child receives Early Years Action Plus help for a reasonable time without success, and the pre-school thinks they are showing significant cause for concern, the pre-school should consider asking the local education authority (LEA) for a statutory assessment. If the assessment, which will take several months, shows that your child needs more or different help than is available through Early Years Action Plus, the LEA will produce a

Statement of special educational needs. The Statement will give details of the help your child must be given and where they will go to pre-school. Help at home is sometimes provided and this will go on the Statement too. Many children with Statements

If you are not happy with your child's progress you also have a right to ask the LEA for a statutory assessment under the 1996 Education Act. You can do this even if the school does not agree with you and thinks that your child does not need a statutory assessment. Do not confuse this with other more informal assessments your child may have. You can appeal to the Special Educational Needs and Disability Tribunal (SENDIST) if the LEA refuses to make a statutory assessment.

## How parents can help

Parents as well as pre-schools can do many things to help their child:

- Give lots of praise! A prize or smile works wonders.
- Read to your child or watch television together. Then talk about what you've read or seen.
- Make bedtime stories, nonsense poems and nursery rhymes part of your daily routine so children link reading and words with cuddles and fun.
- Take time to relax - and play. Remember most small children learn best through play.
- Play can be a good way of helping children learn without them knowing! Snakes and ladders helps number skills, 'pretend' play and finger games are good for language.
- Help your child become an expert - knowing about football or animals or pop groups makes them feel good about themselves - especially with their friends.
- Back up the pre-school by doing the same things at home. Ask the staff for ideas.
- Give the school your good ideas. You know your child best and what works with them - eg Bob the Builder books, dressing up games and so on.
- Get ideas from groups set up to help parents. If your child has epilepsy for instance, then there is an organisation which can give advice. You can pass on any good ideas to the school.

## Further help

### **More information on Special Educational Needs**

From the Department for Education and Skills (DfES):

**SEN Code of Practice, SEN guide for parents and carers, and SEN Toolkit.**

Free from the DfES, telephone 0845 60 222 60 or  
[www.dfes.gov.uk/sen](http://www.dfes.gov.uk/sen)

From the National Assembly for Wales (NAW):

**SEN Code of Practice, and Handbook of Good Practice for Children with SEN.**

Free from NAW, telephone 02920 826078

From the Advisory Centre for Education:

**Special Education Handbook** (£19.99) gives detailed information about assessments and Statements.

**Getting Extra Help, Asking for a Statutory Assessment, Getting the Statement Right, Understanding Annual Reviews** (£2.20 each)

**Children with Special Needs: sources of help** a leaflet giving addresses of national organisations offering support (£2.50).

ACE, 1c Aberdeen Studios, 22 Highbury Grove, London N5 2DQ.

Free advice on 0808 800 57 93

More advice on ACE's website: [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

