

The impact of special educational needs and disability
legislation and policy on early years education and practice.

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The publication of Government statistics in January 2018 highlights the dramatic rise in the number of children with special educational needs and disability (SEND) receiving early education in both private and voluntary nurseries. Between January 2017 and January 2018 there was a 30 per cent rise in under-fives attending an early years setting with an Education, Health and Care (EHC) plan (Department for Education, 2019). The focus on providing inclusive early education and practice is enforced through the Equality Act 2010 (Cited in DfE, 2011) and the Children and Families Act 2014 (Cited in Brown, 2016) providing the underpinning legislative requirements within the Special Educational Needs and Disability Code of Practice (SEND, DfE and DoH, 2014) and the early years education curriculum, The Early Years Foundation Stage Framework (EYFS, DfE, 2017). Contemporary early years practice is at the forefront of early intervention for children with SEND and has the responsibility to implement legislation and policy to practice that aims to support children with SEND to develop, learn and achieve to their full potential. A greater demand for multi-agency working within a network of professionals is now in place across the sector. However, children with SEND continue to achieve significantly lower levels of attainment throughout all stages of their education with continued instances of practice that often excludes children with SEND (Brodie and Savage, 2015). Therefore, it is important to consider and explore the perspective that the policies and legislation that are in place to support and achieve inclusion may not be transferring into early years practice and to place focus on the knowledge and levels of training needed for early years educators and the influence of an educators own beliefs, attitudes and perceptions of inclusion in practice for children with SEND.

The concept of inclusion is often used in relation to special educational needs, however it applies to wide ranging areas fundamental to social justice, values, beliefs and equality (Hallet, 2016). Dickens (2014) defines inclusion as a process of recognising and removing barriers to provide full participation and to ensure that everyone is valued and acknowledged. For early years practice this could suggest that inclusion is a state of change and that it is heavily reliant on a practitioner's level of skill and ability to recognise issues which could prevent inclusion and take a form of action to eliminate these. However, it could be argued that inclusive practice is interpreted in various ways and that in current practice children's experiences of feeling included, their levels of participation and a sense of belonging could be inconsistent across the early years sector, furthermore, placing variations on children's learning and life potential. Griffin (2008) puts forward a view which suggests that the principles of inclusion, diversity and equality are often tokenistic and can be due to a lack of commitment by leaders and managers within an early year's provision. Impacted upon by sector demands, such as a heavy workload and time commitments, which often result in a limited depth of understanding of inclusion and consequently broad definitions are often used when discussing the term. Therefore, it could indicate that the consensus of what inclusion means as a concept and in practice is unclear and that practitioners may focus on the version of inclusion that they themselves are familiar with in their setting. It could be argued that in practice there could be variations and inconsistencies in pedagogical approaches and attitudes to inclusion, which could lead to fragmented teaching and ineffective implementation of legislation and policy to meet the needs of children with SEND. Newman and Woodrow (2015) explain that pedagogical approaches can be part of professional learning. However, approaches are often set in place in a provision's structure and culture which practitioners may then

follow without question and therefore do not engage in a process of reflection. Furthermore, it could be argued that understanding and practicing inclusion is not enough without the ability to extend and progress with the concept and practice. Dickens (2014) states that training and professional development which occurs both within and outside of a setting for practitioners is essential to enhance knowledge and understanding, which can then be applied to practice and contribute to the setting to develop a shared understanding and vision of inclusion.

The process of inclusion in early education settings was focused on in research conducted by Moloney and McCarthy (2010), the large-scale study used focus groups and observations to collect data and the participants ranged from managers to practitioners and assistants. The findings identified that the participants could define the concept of inclusion however, when describing how it is seen in practice, many participants regardless of their role within a setting, provided contradictions in their understanding and gave examples of practice which excludes children with SEND. For example, recognising that all children should be included but in practice placing no differentiation in learning experiences planned in the provision to meet varying levels of ability. It could therefore imply difficulties in transferring knowledge and key principles of legislation and policy into practice and suggest disparities in the practice of inclusion at a pedagogical level. Moreover, demonstrating a connection between a practitioner as an individual, and the early years context they are part of. Brown (2016) explored the point further and explains that variations on views of inclusion are often influenced by the type of setting a practitioner is part of, indicating that definitions given in a research study may relate to a participant's experience of a setting and its culture. It could be suggested that if a practitioner has experienced a positive approach to inclusion their views and attitudes will correspond, however if a negative approach has

been experienced this will have a negative impact on practice (Drifte, 2012). Furthermore, it could be suggested that learned experiences by practitioners are heavily influential in shaping a practitioner's pedagogy, placing focus on the importance of professional development opportunities to provide an in-depth knowledge on inclusive practice and deliver further consistency in approaches, practice and the effective implementation of legislation and policy (Trodd, 2016). Research conducted by Moloney and McCarthy (2010) focused on exploring practitioner knowledge of inclusive practice and found that practitioners frequently expressed that they felt a lack of ability, confidence and knowledge in including children with special educational needs in their practice. The finding is significant because the participants all held a level of qualification which included managers, practitioners and assistants. Furthermore, demonstrates a barrier in everyday early years practice to effectively meet the fundamental objective of the EYFS framework (DfE, 2017), to have in place an inclusive early year's curriculum with embedded principles that ensure all children are considered unique. Moreover, that children are enabled to learn and develop in an environment which is responsive to their individual needs acknowledging the different rates and methods in which children learn. This is reinforced in a social model approach where a child is valued and resources and environmental adaptations are in place to meet individual needs. In contrast to a medical model approach where a child's individual needs are viewed as a problem and barriers to full participation (Drifte, 2012). A government green paper consultation in 2011 determined that children with special educational needs face a widening gap of disadvantage with significant barriers placed on their learning and progression resulting in lower levels of achievement (DfE, 2011), pointing to potential problems in the process of inclusion in early education. It could be argued that the policy and

statutory guidance in place is not transferring into practice, suggesting a gap between the intention and the actual implementation of inclusive practice. Corbett (2000 Cited in Glazzard, 2011) placed focus on the aspect of a hidden curriculum in place at a deep level of inclusive practice in relation to the work of Bernstein (1981, cited in Maynard and Powell, 2013) and the classification and framing of an early years pedagogy and how it is transferred into practice. It could be argued that for inclusive practice to be embedded at a deep level, both the classification and framing in a provision should be weak to provide flexibility in the curricular and learning environment to enable practitioners to provide opportunities to place children and their voice at the centre of practice. However, it could be interpreted that practitioners and their practice are heavily influenced and even controlled by the provision they are part of, regardless of qualification or training, and places emphasis on the influence of leadership and management in a setting to provide an environment that promotes inclusive practice. However, The Office for Standards in Education, Children's Services, and Skills (Ofsted, 2005) carried out research that found that early years leaders and managers often have limited comprehensive direction and guidance from policy and legislation on how to include children with special educational needs in their provision. Consequently, it could be determined that a leader is then unable to offer support and direction to practitioners who are at a hands-on level with the children. Meggitt et al., (2016) explain that a lack of senior direction and guidance can create a level of stress, fear and anxiety for practitioners and that this can have a detrimental impact on their own attitudes towards inclusion. The feelings of fear and anxiety experienced by practitioners may then lead to low levels of confidence and ability that is reflected in their pedagogical approaches, directly impacting on children's learning and development. The findings could propose that the practice of including children

with SEND lacks clarity at a policy level and that for practice a clear pathway is not in place to follow. Pugh (2009) states that a lack of specific training available within the sector which is placing a limit on the progression and knowledge of practitioners and in turn the learning and development of children with SEND.

Spencer and Schnelling (2013) highlight that the involvement of specialist support from varied professionals and parents places practitioners in a network of services, which could lead to developing increased professional confidence and knowledge. It could be deemed as a level of professional development as it involves a deeper consideration and reflection of practice. The Ecological Systems Theory of Bronfenbrenner (1979, cited in Palaiologou, 2016) supports the idea of considering the dynamics of influential factors to enhance learning, health and development. For children with special educational needs a complexity of multidirectional impacts may be in place such as health issues and social or economic impacts on a family, creating a greater demand on practitioners to learn more as a professional to enable a holistic view of a child. However, it could be argued that professional learning is heavily dependent on the attitudes of practitioners and their willingness to work as a part of a multi-agency approach. Drifte (2012) states that the involvement of professionals such as an Occupational Therapist or the Portage Service in an early years setting can often be viewed as interference and an increase to workload. It may lead to a negative attitude towards inclusion and limit the learning and development of a practitioner and their teaching approaches. Trodd (2016) states that understanding the structures underpinning inclusive practice in a provision could be deemed as a positive aspect of a practitioner's knowledge. However, Warnock and Norwich (2010) caution the over reliance on policy, as it is often broad in interpretation. It could be suggested that practitioners may have difficulty translating aspects to effectively meet each individual

child's special educational need. Furthermore, it could indicate a lack of confidence and competence of a practitioner to adapt their practice. Glazzard (2011) develops this point further when stating that an inclusion policy is unattainable if, in practice, environmental and curriculum adaptations are not in place to meet the needs of the children, and that this is dependent on the skill level and knowledge of a practitioner. Correspondingly, the SEND Code of Practice (DfE and DoH, 2014) states that early years education must deliver appropriate support for children with SEND to learn and develop. Moreover, that early years practitioners should have high aspirations for children to achieve and be confident and skilled in ensuring that children have a voice. Both the research findings and policy suggest a collective approach to ensuring inclusion is effective in practice. However, Corbett (2000 Cited in Glazzard, 2011) combined the key elements of inclusion in an explanation of a three-tier approach, which suggests that policies and adaptations of a curricular and environment can be shallow and superficial if the ethos underpinning the practice is not embedded deep in the foundations of inclusive values, acceptance and in a hidden curriculum rooted in practice.

In conclusion, there is a requirement within the early year's sector for further in depth training and professional development opportunities for early years' practitioners to develop their knowledge and understanding of working with children with SEND and the concept of inclusion. It could be argued that current qualifications recognised within the sector for early years practitioners may not be adequately preparing practitioners to support children with SEND in practice. A further recommendation could be for an increase in diverse work based placements for training early years practitioners in both further and higher education courses such as placements to gain a breadth of knowledge and understanding of the diverse needs of children, how these can be met

in practice and to reduce levels of restrictive practice in early years education settings. Moreover, create a move towards an increased multi agency approach to support children with SEND and recognise early years practice as a significant component to improving outcomes for children. The responsibility of early years leaders and managers to create and lead an inclusive culture within a provision remains a core and underlying aspect of meeting the needs of children with special educational needs. A culture that views reflecting on practice, attitudes and perceptions and then acting to change areas that are ineffective must be promoted, encouraged and supported. Moreover, to ensure that inclusive practice is successfully transferring from legislation and policies to practice at all levels within early years education.

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