



Illustrations by Martine d'Ellard
Martine is mother to an autistic teenager

Levelling the playing field: Equal access to childcare for disabled children

One year update

Access to high quality, flexible childcare is important for children's educational and social development. It also supports parents to work. For disabled children, childcare is vital to help them and their families to thrive.

It is widely acknowledged that disabled children, including children with special educational needs, health conditions or developmental delay¹, are more likely to fall behind their peers and experience social exclusion. To improve outcomes for disabled children and their families over the long term, effective support and intervention must begin in the early years.

Childcare is key to achieving these goals. Unfortunately, access to suitable high-quality, affordable childcare remains an insurmountable struggle for many families with disabled children.

“I have been discouraged by many of the attitudes that I have encountered while trying to find suitable childcare for my son Fintan. He has been rejected outright by certain childcare providers as soon as his additional needs were mentioned; others have been unable to seek one-to-one funding for Fintan.”

Siobhán Bain from Southwark is the mother of Cillian, age 5 and Fintan, age 3. Fintan has a variety of undiagnosed disorders and global developmental delay.

¹ referred to as 'disabled children' throughout this report

In July 2014, the independent Parliamentary Inquiry into childcare for disabled children brought to light the serious problems and failings across the childcare system for disabled children. Parent carers are asked to pay excessively high fees, which many cannot afford. The choice of suitable settings is limited at best. There is a significant shortfall of knowledge, skills, and confidence in the childcare and early years workforce.

This report sets out how policy has developed since the Inquiry. We focus on the Government's decision to expand free childcare for three- and four-year-olds in England to 30 hours each week. Our recommendations focus on how Government can ensure disabled children can access high quality, affordable childcare in the early years.

The doubling of the free childcare offer to 30 hours per week is welcome. However, it is imperative that the Government tackles the extra costs and challenges associated with providing quality childcare for disabled children. Unless sufficient funding is made available and structural reforms are made, the 30 hour offer will exclude and disadvantage disabled children in relation to their non-disabled peers.

This report is supported by new research that the current free childcare offer for three- and four-year-olds does not work well enough for disabled children. The research indicates that parents face issues of cost, availability and discriminatory exclusion. This, along with an inability to access top-up funding from local authorities and a lack of confidence in the quality and safety of care, contributes to undermining many families access to their free childcare offer.

Over £2 billion of new investment will be put into childcare provision in the near future through the expansion of the free childcare offer, the roll out of the tax-free childcare scheme in 2017, and additional support through the childcare element of Universal Credit from 2016. The Government must make a proportionate investment to dramatically improve access to childcare for disabled children once and for all.

Recommendations

Building on the recommendations of the Parliamentary Inquiry into childcare for disabled children, there are a number of concrete steps Government should take to improve access to high quality pre-school childcare for disabled children, and ensure that these children and their families benefit from the new 30 hour offer.

- 1** The Early Years Single Funding Formula provided to early years settings should include a mandatory supplement, like schools' notional special educational needs budget, to help them provide support for disabled children.
- 2** Additional funding should be made available to local authorities via the High Needs Block, to ensure adequate funding is available for all disabled children in the early years.
- 3** The Department for Education should pilot flexible childcare provision for disabled children in 2016, to determine the cost of flexible provision and inform funding allocations from 2017.
- 4** Local authorities should be required to produce a local childcare inclusion plan that sets out how disabled children will be assisted to access all early year settings, supported by sufficient early years area SEN coordinators (SENCOs).
- 5** The Local Offer should be promoted more widely and set out clearly for parents with disabled children how they can access flexible local childcare provision.

What's important to me?



OPEN COMMUNICATION



WILL MY BABIES BE OKAY?

UNDERSTANDING MY CHILD'S SPECIAL NEEDS

ARE THERE ENOUGH WORKERS?



THE PROVIDER SHOULD ADAPT TO THE INDIVIDUAL NEEDS OF THE CHILD...

CAN THEY DO THAT?



SAFETY!



IT'S IMPORTANT FOR ME TO KNOW MY CHILDREN ARE SUPPORTED, CONTENT AND HAPPY IN THE SETTING



Key findings from the research¹

HOW MUCH OF THEIR FREE CHILDCARE OFFER ARE PARENTS WITH DISABLED CHILDREN ACCESSING?

60% receive the current full free entitlement of 15 hours per week for 38 weeks

15% receive some of the free entitlement, but less than 15 hours per week

25% receive none of the free entitlement.

WHY ARE PARENTS WITH DISABLED CHILDREN NOT ACCESSING ANY OF THE FREE CHILDCARE OFFER?

38% do not think provision can care for their child safely

30% do not think provision has staff that is adequately trained

28% do not think provision is inclusive and supports their child to participate in activities alongside their peers

25% say the nursery/child carer refused a place or excluded their child because of their disability or special education needs (SEN).

WHY ARE DISABLED CHILDREN BEING EXCLUDED FROM EARLY YEARS CHILDCARE SETTINGS?

49% say the setting cannot meet the child's additional needs

47% say their child needs one-to-one care (or other additional support) which is not available/affordable

34% say setting cannot manage their child's behaviour.

¹ Based on 268 responses from parents with 291 disabled children to an online survey 'Young disabled children's experiences of early education and childcare' between 6 July and 21 Sept 2015. Full survey results available at www.cafamily.org.uk

1. The law and policy developments in 2015

Currently, all three- and four-year-olds are legally entitled to 15 hours of free childcare each week, as set out in the Childcare Act 2006. The childcare bill, introduced in June 2015, seeks to extend the free offer to working parents by a further 15 hours per week across 38 weeks in any year.

The Childcare Act 2006 also requires local authorities to provide sufficient childcare for parents with disabled children ‘so far as is practicable’. Parents with disabled children may also access support for childcare costs through several schemes such as the childcare element of Working Tax Credit, which covers up to 70% of the cost of care for parents with low incomes.

All maintained (funded) early years settings are under statutory duties, such as designating a teacher to be responsible for co-ordinating SEN provision. They must have regard to the Special Educational Needs and Disability (SEND) Code of Practice, and provisions under the Equality Act 2010.

Non-maintained providers must have arrangements in place to support disabled children but do not have the same statutory responsibilities as maintained settings, such as having a designated SENCO.

Despite the legal framework, an independent Parliamentary Inquiry into childcare for disabled children last year found the childcare system is failing disabled children. Since the Inquiry, the Government has begun to recognise the extra barriers disabled children face accessing childcare. Developments include:

- recognition of the extra costs for disabled children through the tax free childcare scheme
- the minister of state for children and families, Edward Timpson MP, acknowledged the extra costs of childcare for disabled children in June 2015
- Lord Nash assured the House of Lords at the childcare bill’s second reading that the funding review for the bill will consider the significant evidence on extra costs for disabled children
- the Department for Education’s policy statement for the childcare bill noted the challenges for disabled children and will seek to test approaches to providing flexible childcare for disabled children from 2016.

“The Early Years Minister, Sam Gyimah, and I... are aware that families with disabled children too often experience challenges and financial pressures in getting the [childcare] services they need.” Edward Timpson MP, minister of state for children and families.

“Parents of disabled children must have the same opportunities as other parents to access the new entitlement to 30 hours.” Lord Nash, parliamentary under-secretary of state for schools and the Government’s spokesperson in the Lords.

Charities have also published a legal resource² to help families with disabled children understand their rights to childcare and how to use the law to challenge decisions if access to childcare is refused.

Now that the need for change has been acknowledged, it is imperative the insufficiencies in the childcare system for disabled children are addressed once and for all. Together, we can level the playing field for disabled children.

² Childcare for families with disabled children: a legal guide

2. Reasons pre-school childcare isn't working for families with disabled children

ADDITIONAL COSTS OF PROVIDING CHILDCARE FOR DISABLED CHILDREN

The Parliamentary Inquiry into childcare for disabled children heard consistent evidence from childcare providers about the additional costs of providing childcare for disabled children. Additional costs are frequently incurred due to:

- higher staff to child ratios to meet the needs of disabled children
- releasing staff to liaise with health and education professionals to coordinate care for individual children
- staff training and specialist care including administering medicines, manual handling and communication techniques, and
- the purchase of equipment and physical adjustments to premises.

Unless additional costs are met by the local education funding system, childcare providers must either absorb costs themselves, or deny disabled children access to their childcare setting. The capacity of a childcare provider to include disabled children will depend on their ability to meet these additional costs from their own budget or to access 'top-up funding' from the local authority. However, there is strong and consistent evidence that, where childcare providers are able to pass costs on to parents through increased charges, they frequently do so. This is discriminatory and in many cases illegal. Indeed, our new research found that, of the children who were excluded from early childcare settings, 47% were denied access because the one-to-one care or other additional support they required was not available or affordable.

“The provider was either unwilling or unable to provide the one-to-one care that Keira required, citing the high costs of extra staffing, and while I requested several times that they apply for top-up funding from the local authorities to fund this service, this was never followed through.”

Karen Holland from Islington. Her five year old daughter Keira has Down syndrome.

ACCESS PROBLEMS

Our new research finds that 40% of respondents said their children did not access the full 15 hours of childcare compared to 96% amongst the 3-4 year old demographic as a whole.³

Only 28% of local authorities reported having sufficient childcare for disabled children in 2014, falling to 21% in 2015 following the introduction of the two-year-old offer.⁴ This indicates that an expansion of the free childcare offer to disabled children does not necessarily precipitate a parallel shift in appropriate childcare provision for this group.

Although some parents of disabled children actively make the choice to care for their child at home, for the vast majority of parents this is not a choice but one forced upon them by the lack of childcare. Only 16% of mothers of disabled children are in work compared with 61% of all mothers.⁵

3 Provision for children under five years of age in England: January 2014, Department for Education

4 Family and Childcare Trust (2014), Annual Cost Survey

5 EDCM (2006), Between a rock and a hard place

“As a lone parent, I have been unable to get back to work since Keira was born, due to her medical needs and my lack of confidence in the childcare services available in my local area.”

Karen Holland

TOP-UP FUNDING FROM LOCAL AUTHORITIES

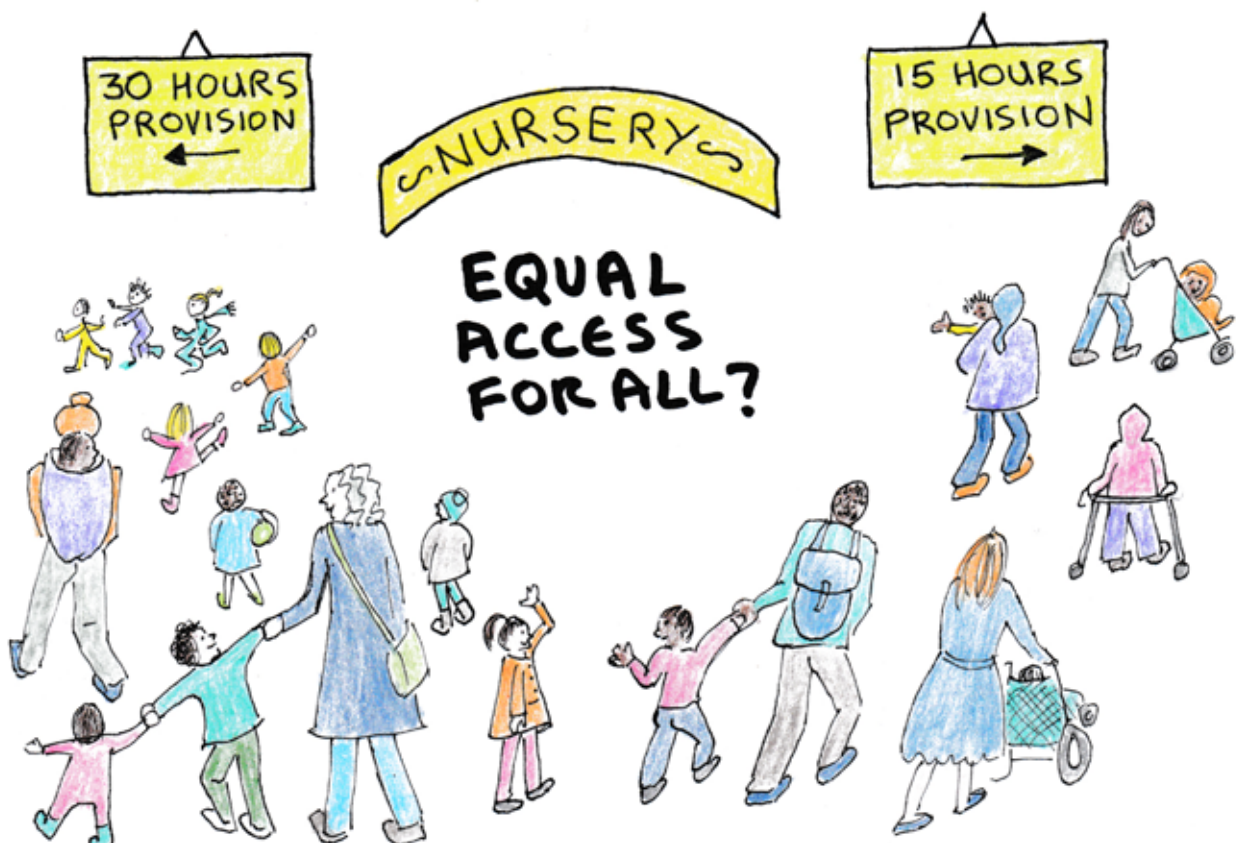
Under the 2010 Equality Act, childcare providers are required to make ‘reasonable adjustments’ to their policies and physical features, to facilitate access for disabled children. They are forbidden from passing the cost of these adjustments on to parents of disabled children but, where costs of adjustments are viewed as exceeding what is ‘reasonable’, the providers may apply to the local authorities for ‘top-up funding’.

A lack of clarity surrounding top-up funding means that parents don’t always know it exists, providers don’t always bother to apply, and local authorities don’t always have sufficient funds to ensure this top-up funding is available.

“I was not aware that top-up funding from the local authority could be sought to cover the costs of providing this service and this was never suggested to me as a possibility by any of the providers I approached.”

Sarah Smith⁶ from Essex is the mother of 4 children, 3 of whom have additional needs.

⁶ This respondent’s name has been changed to protect her anonymity



LACK OF INCLUSION

Local authorities fund a wide range of services that support disabled children to access early education and childcare as well as promote their inclusion in mainstream settings. However, there is general recognition that these support services are in decline due to funding restrictions.

With limited availability of central support, early years settings will struggle to ensure quality and inclusion for disabled children. Results from our survey indicate that 28% of respondents do not think that available provision is inclusive and supports their child to participate in activities alongside their peers.

“ I am seeking a childcare setting where my son will be treated as an asset to the group, where mainstream children will be encouraged to engage with Fintan and learn about his disabilities rather than fearing them. I believe strongly in the idea of inclusion, but only if it is wholly committed to by all involved and sufficiently funded to be properly workable; conditions which I do not see as existing currently. ”

Siobhan Bain

PARENTS ARE OFTEN REFUSED CHILDCARE

Many parents encountered significant barriers when trying to find a childcare provider that was willing to take their child on. Of the respondents to the survey who were not accessing any of their free childcare entitlement, 25% reported being refused a place for their child due to their disability or special educational needs.

Reasons for exclusion vary from not being able to cope with the child's additional needs or difficult

behaviour, to not having sufficient resources to provide one-to-one care, or other additional services the disabled child needs.

A lack of clarity regarding what defines a 'reasonable adjustment' and how much additional costs a childcare provider should be legally required to absorb means that it is difficult to determine whether disabled children are being fairly, or unfairly, turned away. What is clear is that this limits the childcare options available to parents of disabled children.

“ My son, who has hypermobility syndrome, global developmental delay, autism, and nine serious food allergies, was rejected from 17 different childcare providers before he was accepted by a local charity-run pre-school. The reasons given usually referenced his food allergies, and how they would cause insurance premiums to rise. Additionally, none of these providers were able or willing to provide the one-to-one care that my son requires. ”

Sarah Smith

PARENTS LACK CONFIDENCE IN THE KNOWLEDGE AND EXPERTISE OF CHILDCARE PROVIDERS

Many parents of disabled children find that childcare services are not fit for purpose – they simply cannot meet their child's needs. For most disabled children the issue is not physical access to childcare premises. It is a concern about the lack of skills of childcare staff to care for disabled children. A lack of experience and a lack of confidence on the part of childcare providers mean that families cannot easily find a service that they can trust.

Results from the research show that, of the 25% of families that did not access any of their free childcare offer:

38% do not think that available provision can ensure their child is cared for safely

33% do not think that available provision can meet their child's additional needs

30% do not think that available provision has staff that is adequately trained.

“ I have been unable to access any of the free early childcare entitlement as I don't feel that any of the locally participating childcare providers would be able to provide the quality of support that my son Darragh needs in a learning environment. ”

Nicola Flynn from Westminster has two children, Darragh aged 3 and Aoife aged 2. Darragh has Down syndrome.

THE LOCAL OFFER

The Parliamentary Inquiry found that 93% of parent carers reported finding childcare for disabled children more difficult than for non-disabled children. Parents must often approach providers directly and negotiate a placement and fees, sometimes in a three-way dialogue with the local authority for additional support.

There is uncertainty for parent carers about what support they can expect and confusion among local authorities and providers about what the childcare system should deliver.

“ I feel that the information regarding access to childcare services is not made easily available to those who need it, and a lack of knowledge results in a lack of power to access assistance. ”

Sarah Smith

The local authority now have to publish details about the support which families can expect to find in their area for disabled children. This is called the Local Offer. It covers early years, as well as other services such as healthcare, schooling and social care. However, 41% of respondents to the survey said that they had not viewed the local offer and only 27% of respondents found the information helpful with regard to childcare.



3. Recommendations

“ I was very discouraged by the standard of the information provided by the local authorities. The information was not readily accessible and the list of childcare providers was out of date. I felt that the council was not forthcoming with assistance and that I was forced to conduct much of the research for myself. ”

Nicola Flynn

The expansion of free childcare for three- and four-year-olds to 30 hours each week and the review of funding is an important opportunity to dramatically improve access to childcare for disabled children in the early years. The Government must cut through the confusion surrounding responsibility for delivering childcare for families with disabled children and create an effective inclusion framework for the early years, adequately funded and properly supported at a national and local level. This goal is achievable through several concrete steps.

RECOMMENDATION 1

The Early Years Single Funding Formula should include a mandatory supplement for disabled children.

Childcare providers are funded to offer free early education places through the Early Years Single Funding Formula, which is set at a local level by local authorities in line with a framework provided by central Government. However, in early education there is no equivalent of the notional SEN funding for school-age children, and hence no recognition of the additional

costs of providing early education to disabled children. This undermines inclusion and prevents mainstream settings from making an investment in more sustainable inclusive practice.

Reform to the Early Years Single Funding Formula must entail recognition of the additional costs of childcare provision for disabled children. The Department for Education noted that it is seeking to work with providers to test inclusive childcare models to support roll out of the 30 hour offer. This would be an opportunity to test the right amount for an appropriate supplement.

A supplement for disabled children would signal that there is a default expectation of inclusion across all settings. This would also encourage providers to see the positives of inclusive practice not only for disabled children but other children in the setting and the setting as a whole. Once a setting includes one disabled child, it will be more confident it can include more and will benefit from economies of scale as staff expertise and the suitability of the environment increases.

A revised Early Years Single Funding Formula should include a supplement to take account of the additional costs of securing suitable high quality childcare provision for disabled children. This supplement would not be a replacement for the support provided to individual children linked to an Education, Health and Care plan or SEN support, but would over time help to offset the need for this additional support as inclusion capacity increases in mainstream settings.

3. RECOMMENDATIONS

RECOMMENDATION 2

Additional funding should be made available via the High Needs Block to ensure adequate funding is available for all disabled children in the early years.

There is widespread concern about whether the funding available to childcare providers is adequate to support settings to provide inclusive, quality early education to all disabled children. Funding has been inconsistent and inadequate and has not kept up to speed with policy pledges. Funding allocations have also not been kept up to date according to regional prevalence of disabled children. As a result, funding levels vary dramatically from one local authority to another.

Many of these problems could be remedied by the introduction of a more sophisticated allocation formula. The High Needs Block funding formula should be reformed to meet the costs of a mandatory supplement in the Early Years Single Funding Formula for additional needs and an effective early years inclusion plan.

RECOMMENDATION 3

The Department for Education should both pilot flexible childcare provision for disabled children in 2016, and collect data on the costs in order to make informed funding allocations from 2017.

There is currently uncertainty about the level of additional funding required to provide inclusive childcare services for disabled children due to a lack of data collection and evidence. To develop an effective and sustainable funding solution, the Department should work with families, childcare providers and local services to identify the cost of inclusive childcare.

RECOMMENDATION 4

Local authorities should be required to produce a local childcare inclusion plan that sets out how disabled children will be assisted to access all early year settings, supported by sufficient early years area SEN coordinators.

The plan should be underpinned by the simple principle that disabled children will have access to inclusive, high quality and flexible early years childcare.

To be effective this framework should be supported by:

- an increase in qualified early years special educational needs coordinators so that all childcare settings have, or can easily access, sufficient support and advice to provide for disabled children
- sufficient funding for non-specialist staff to access training to develop their knowledge and skills and meet training needs on an ad hoc basis for individual children
- funding for physical adaptations to premises and equipment as appropriate, and
- a clearly defined scheme offering support to providers to meet the cost of extra staff where needed to include disabled children and meet regulatory staff-to-child ratios.

The requirement for local authorities to produce a childcare inclusion plan should be put on a statutory basis, supported by guidance produced by the Department for Education specifying the content of the plans.

RECOMMENDATION 5

The Local Offer should be promoted more widely and set out clearly for parents with disabled children how they can access flexible local childcare provision.

The Local Offer has resulted in relatively little improvement in the information available on childcare for disabled children. It has also failed to be used as an effective tool to drive quality improvement and availability of childcare for disabled children by local authorities. The Government should therefore clarify and extend requirements to provide clear information and advice for parents.

The Local Offer should not merely summarise the often complex support arrangements that are in place, but explain clearly entitlements for

children and parents in the early years and set out simply how families can find and fund a childcare place that meets their needs. It should also be used by local authorities to improve the sufficiency of childcare for disabled children in their area.

“30 hours of free childcare a week will be useless to parents of ill children like my daughter Eden if we are unable to access funding for home care. Local rules do not provide equal opportunities if your child is in poor health!”

Kelly Brown from Swindon is the mother of 17 year old Tyler and 2 year old Eden, who has muscular dystrophy.





CONTACT A FAMILY

Contact a Family supports families with disabled children across the UK. Whatever the condition, whenever they need us, wherever they are. For advice on any aspect of caring for a disabled child, call our freephone helpline on 0808 808 3555.

www.cafamily.org.uk



COUNCIL FOR DISABLED CHILDREN

The Council for Disabled Children (CDC) is the umbrella body for the disabled children's sector in England, with links to other UK nations. Our work impacts on over 800,000 disabled children and their families and our vision is a society in which disabled children's life chances are assured, their needs are met, their aspirations are supported and their rights are respected.

www.councilfordisabledchildren.org.uk



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The Family and Childcare Trust works to make the UK a better place for families. Our vision is of a society where government, business and communities do all they can to support every family to thrive. Through our research, campaigning and practical support we are creating a more family friendly UK.

www.familyandchildcaretrust.org



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