

---

# Childcare for all: the role of the Local Offer

Adam Butler, Nhung Vu and Abi Watson

---



---

# Contents

---

Executive Summary .....	x
Background .....	x
Local Offer audit .....	x
Survey of local authorities .....	x
Conclusion and recommendations .....	x
Appendix A: Local Offer checklist.....	x
Appendix B: Local authority survey.....	x
Sources .....	x

---

## Executive summary

---

Poor quality information and advice contributes to low levels of confidence in, and take-up of, formal childcare among parents with children with special educational needs and disabilities (SEND). Parents whose children have additional needs often have requirements for extra information and advice, for example about staff training, the physical environment of a setting or additional practical and financial support. When this information is not available, the difficulties such parents experience accessing childcare are compounded.

The 'Local Offer' was introduced to help improve the quality of information about local services and support for children and young people with SEND. Local authorities have a statutory duty under the Children and Families Act 2014 to maintain a Local Offer. Guidance provided by the Government states that the Local Offer should:<sup>1</sup>

- ▶ provide clear, comprehensive, accessible and up-to-date information about support and services and how to access them
- ▶ make provision more responsive to local needs and aspirations by directly involving disabled children and those with SEN and their parents, and disabled young people and those with SEN, and service providers in its development and review

The Local Offer must include information and guidance about free early education and childcare and has an important role in supporting parents' access to services. When designed and delivered effectively, the Local Offer has the potential to help address some of the key difficulties that parents of children with SEND experience in finding and accessing childcare.

The Family and Childcare Trust recently examined the Local Offer of every local authority in England to assess the quality of information provided about childcare. We looked specifically at three areas:

- ▶ the provision of guidance, advice and brokerage for parents looking for childcare
- ▶ the scope and quality of information about childcare in Local Offer directory listings
- ▶ the provision of SEND guidance for early years and childcare providers

In summary, we found that:

- ▶ Most local authorities (91 per cent) provided information about free early education for two, three and four year olds in the Local Offer.
- ▶ Nearly three quarters (68 per cent) provided more comprehensive guidance about accessing childcare outside of the free offer. Of these, 70 per cent provided guidance that focused only on early years provision rather than childcare for school age children.

---

1 Department for Education (2014) *Special educational needs and disability code of practice: 0 to 25 years*.

- 
- ▶ The scope of content in local authority guidance was, in many cases, limited: 20 per cent of local authorities explained the providers' duty to make 'reasonable adjustments' for children with disabilities under the Equalities Act 2010, and only half of local authorities provided information about additional inclusion support to help parents access childcare.
  - ▶ Local authorities have a statutory duty to maintain a Family Information Service that can help parents arrange childcare but just 31 per cent of local authorities provided details of the Family Information Service (or another brokerage service for childcare) in the Local Offer.
  - ▶ A small proportion of local authorities (16 per cent) provided information about how to complain about quality issues related to an early education or childcare provider in the Local Offer. We were only able to find one example in which a local authority used the Local Offer to provide information about how parents should complain if they cannot access a free early education place.
  - ▶ Three quarters of local authorities (74 per cent) had a directory of childcare listings accessible through the Local Offer with relevant SEND information. Most of these directories included both mainstream and specialist providers and could be sorted by categories such as service type (nursery, childminder etc.), need or condition, and age range.
  - ▶ A lower proportion of local authorities (51 per cent) – had a directory with a facility for each provider to include its own 'Local Offer' with information about accessible facilities, specialist training and so on. The quality of these listings varied widely and most did not include details of when they were last updated.
  - ▶ Twenty per cent of local authorities used the Local Offer to provide some information for early education and childcare providers about supporting children with SEND. Most commonly, this guidance focused on access to training or practical support from the local authority, but in some cases local authorities also provided details of top-up funding, responsibilities under the Equalities Act or signposting to further sources of advice and guidance.

We also sent a survey to a sample of local authorities to understand more about the local authority experience of implementing the Local Offer. Broadly, local authority staff were positive about the impact of the Local Offer on the scope and quality of information available about childcare for children with SEND. Just over half of respondents felt that the Local Offer had helped to identify gaps in childcare provision for these children, but only a minority felt that the Local Offer had helped to address these gaps in provision.

Overall, while most local authorities have developed some useful content through the Local Offer, very few are using the Offer systematically to promote access to early education and childcare for children with SEND. A significant minority of local authorities have Local Offers that do not fulfil statutory requirements. This is consistent with other recent audits of the Local Offer and Ofsted SEND area inspections that have found a mixed picture.

There is considerable scope for the Local Offer to be used more effectively to help parents of children with SEND to access free early education and childcare through higher quality information and guidance, clear signposting to advice and brokerage services, comprehensive and up to date directory listings, and information for providers.

---

The Department for Education recently announced a series of steps to support inclusion in early years settings. The Department has introduced a Disability Access Payment of £615 per year for providers caring for children who receive Disability Living Allowance. The Department will also require local authorities to operate an 'Inclusion Fund' that provides additional support for providers of free early education and childcare. Local authorities will be required to provide information about the Inclusion Fund in the Local Offer. The Department has also committed to developing best practice guidance to improve the early years section of Local Offers.

Based on our findings, there are a number of additional steps that local authorities and the Department for Education should take to improve the quality of information, advice and guidance about early education and childcare available to parents of children with SEND, and make sure that the Local Offer is used as effectively as possible to improve access to childcare.

Local authorities should:

- ▶ Make sure that they deliver the key elements of an effective Local Offer, including clear information and guidance for parents on finding, choosing and paying for childcare for children aged up to 18. (A content checklist based on statutory duties and feedback from parents is provided as an appendix to this report).
- ▶ Make sure that officers managing the Local Offer work collaboratively with Family Information Services and early years and childcare quality improvement teams to provide high quality information and guidance for parents and providers.
- ▶ Address any technical or institutional barriers to collaborative work, including making sure that Family Information Service and Local Offer IT databases are compatible, and forming collaborative Local Offer working groups which include relevant officers.

The Department for Education should:

- ▶ Use best practice guidance and future revisions of the SEND Code of Practice to make sure that local authorities use the Local Offer to provide information about childcare for school age children as well as early years services.
- ▶ Clarify the route of redress when parents experience difficulty accessing the entitlement to free early education and childcare.
- ▶ In turn, use statutory guidance to require local authorities to make information available about the resolution process and formal complaints procedure where parents experience difficulty accessing a suitable free childcare place.
- ▶ Consider providing a model template for each provider's SEND Local Offer to promote a better understanding of the purpose of the Local Offer and improve the standard and consistency of information available to parents.
- ▶ Make sure that guidance supporting the Children and Families Act and the Childcare Act is consistent and mutually reinforcing. In particular, the Department should revise statutory guidance to make sure that the Local Offer is used to support the duty to provide sufficient childcare for disabled children.

- 
- ▶ Use forthcoming best practice resources to highlight the processes and systems – such as successfully managing information, working collaboratively with internal and external stakeholders and implementing an effective inclusion strategy – through which local authorities have developed high quality Local Offers.

---

# Background

---

---

## Early education and childcare and children with SEND

Early education and childcare is an important influence on children's development. In 2004 the Effective Provision of Preschool Education (EPPE) study, the first UK longitudinal study of a national sample of young children's development, published its first findings (Sylva *et al.*, 2004). The study showed that high quality pre-school education enhances children's development and is particularly beneficial for the most disadvantaged children, including those with special educational needs and disabilities (SEND). Children with SEND nevertheless tend to fall behind before they reach school, in part because the quality of early education and early years support is variable (Shaw *et al.*, 2016).

Access to affordable and flexible childcare is also critical in supporting parents of children with SEND to participate in work, education or training. A recent survey of 900 parents with disabled children found that eight in ten parent carers felt they had no choice but to give up work to care for their children, but that nine in ten of these parents would prefer to return to work (Working Families, 2015). Low participation in work among parents contributes to financial challenges commonly experienced by families with disabled children. The average income among these families is 23.5 per cent below the UK mean income and 40 per cent of disabled children live in families with an income below the relative poverty threshold (Papworth Trust, 2016).

Families who have children with SEND often experience difficulties accessing childcare. In 2014, the independent Parliamentary Inquiry into Childcare for Disabled Children (Contact A Family, 2014a) heard evidence of gaps in provision and significant barriers faced by many parents to access childcare. Providers were reluctant to take on children with disabilities due to the added workload, insufficient training and inadequate top-up funding, while parents often did not have confidence that a childcare setting would be able to provide both high quality care and an inclusive environment for their child. Charging a higher childcare fee for a disabled child where additional costs are incurred was found to be common.

In a follow-up to the inquiry after one year a survey was conducted of parents with disabled children about access to free early education for three and four year olds (Contact A Family, 2015). Responses to the survey suggested that many parents with disabled children experienced difficulties accessing the free entitlement, with only 60 per cent of respondents using the full 15 hour offer. One quarter of respondents to the survey used no free provision at all, and 15 per cent used less than the full entitlement. Parents cited barriers to access such as the lack of places with suitable physical adaptations or equipment, insufficient resources to support adjustments for their children, low awareness of equalities duties among providers and a lack of confidence in the quality of care offered by mainstream early years settings.



---

Lack of information and guidance about early education and childcare are central to the problems experienced by parents. A high proportion of parents of children with SEND have insufficient knowledge of the childcare available to them, regardless of access problems, with only just over one quarter (28 per cent) of parents using childcare reporting that they found it easy to find out about providers that could cater for their child's disability (Huskinson et al, 2016). Confidence in the suitability of childcare provision can also be low: one third of parents with disabled children do not agree that there are providers in their area that cater to their child's disability (Huskinson et al, 2016).

Limited or low quality information contributes to low awareness and confidence among parents. One parent responding to a recent survey noted that *"I feel that the information regarding these 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"* (Contact a Family, 2015a). Another parent described their experience of hiring a child-minder:

*"I was very discouraged by the standard of the information provided by the local authority. 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."* (Contact a Family 2015a)

Poor quality information creates practical barriers for parents and hinders the dialogue between parents, settings and local authorities that is needed to improve services. It is in this context that the Family and Childcare Trust, supported by the Sobell Foundation, has sought to review how recent SEND reforms have affected the quality of information and guidance about childcare available for parents of children with SEND.

## The Children and Families Act 2014

A succession of Government-sponsored reports in the late 2000s, including *Aiming High for Disabled Children: better support for families* (HM Treasury, 2007), *The Bercow Report* (Department for Children, Schools and Families, 2008) and the *Lamb Inquiry: Special educational needs and parental confidence* (Department for Children, Schools and Families, 2009) drew attention to the continuing difficulties faced by children and young people with SEND and their families in accessing the support and information they need in education provision and other services.

These reports described families struggling with a fragmented system, bureaucracy and inadequate information. The Lamb Inquiry found that for many parents the current system represented an 'unwarranted and unnecessary struggle' (Department for Children, Schools and Families, 2009). All the reports found that parents felt their concerns were not being listened to and that children and young people with SEND continued to be side-lined. Moreover, attempts to rectify these problems had tended to add to pre-existing legislation without addressing bureaucratic impediments or improving outcomes.



---

Recommendations focused on greater accountability and better information. *Aiming High for Disabled Children* (2007) proposed 'Core Offers' to 'provide a minimum standard on information, transparency, participation, assessment and feedback, to make it clear what entitlements and services disabled children, young people and their families expect' (HM Treasury, 2007). Similarly, the Lamb Inquiry called for a stronger voice for parents, stating that 'good, honest and open communication' with parents is essential to building confidence and good relationships (Department for Children, Schools and Families, 2009).

The recommendations of successive SEND reviews were brought together in the reform programme set out in the consultation *Support and Aspiration: A New Approach to Special Educational Needs and Disability* (Department for Education, 2011). A new 'Local Offer' providing high quality information together with personal budgets aimed to give parents and young people more control over support. The Children and Families Act 2014 took forward legislative changes to implement these reforms, including with the aim of easing the stress faced by families searching for information and services through a more convenient, coherent and responsive information offer.

## The Local Offer

Section 30 of the Children and Families Act 2014 requires local authorities to publish a Local Offer which sets out in one place information about provision they expect to be available across education, health and social care for children and young people in their area who have SEND. The Act is supported by the *Special Educational Needs and Disability Code of Practice: 0 to 25 years* (Department for Education, 2014a) (thereafter, 'SEND Code of Practice'), which specifies the information to be included within the Local Offer. Of particular interest to this report is the requirement that the Local Offer must contain information about childcare, including suitable provision for disabled children and those with SEN (Section 4.30).

The Local Offer is intended to not only drive improved information but to improve the sufficiency and responsiveness of services (Department for Education, 2014a). Local authorities must engage with stakeholders, publish the feedback they have been given and explain how they will improve the Local Offer. This process, alongside data collection and analysis and the results of independent inspections, should drive improvements to support for children and young people with SEND, including identifying and filling in gaps in provision.

The information about free early education and childcare available to local authorities to publish through the Local Offer is shaped by separate statutory duties under the Childcare Act 2006, which requires local authorities to collect information about childcare and maintain a service providing information, advice and assistance for parents. The Act specifies that the Secretary of State must have regard to the needs of the parents of disabled children in prescribing how this duty will be met.

Regulation and statutory guidance supporting the Act set out in detail what information about childcare local authorities should collect and publish (Department for Education, 2014). To date, this guidance has not required local authorities to link information gathered under the Childcare Act with the Local Offer. Draft statutory guidance for 2017 notes that local authorities may incorporate the Local Offer into published information on childcare.<sup>2</sup>

---

2 Department for Education (2016) *Early education and childcare: Statutory guidance for local authorities – Draft*

### What is the Local Offer?

The Local Offer should set out in one place information about provision available across education, health and social care for children and young people with SEND, including those who do not have EHC plans. The Local Offer has two key purposes:

- ▶ To provide clear, comprehensive, accessible and up-to-date information about the available provision and how to access it; and
- ▶ To make provision more responsive to local needs and aspirations by directly involving disabled children and those with SEN and their parents, and disabled young people and those with SEN, and service providers in its development and review.

The Local Offer should not simply be a directory of existing services. Its success depends as much upon full engagement with children, young people and their parents as on the information it contains. The process of developing the Local Offer will help local authorities and their health partners to improve provision.

The Local Offer should provide a comprehensive and accessible list which explains, in simple terms, the entitlements of children and parents and sets out how families can find, and fund, services for children and young people with SEND.

The Local Offer should be:

- ▶ **Collaborative:** local authorities must involve parents, children and young people in developing and reviewing the Local Offer. They must also co-operate with those providing services.
- ▶ **Accessible:** the published Local Offer should be easy to understand, factual and jargon free. It should be structured in a way that relates to young people's and parents' needs (for example by broad age group or type of special educational provision). It should be well signposted and well publicised.
- ▶ **Comprehensive:** parents and young people should know what support is expected to be available across education, health and social care from age 0 to 25 and how to access it. The Local Offer must include eligibility criteria for services where relevant and make it clear where to go for information, advice and support, as well as how to make complaints about provision or appeal against decisions.
- ▶ **Up-to-date:** when parents and young people access the Local Offer it is important that the information is up to date.
- ▶ **Transparent:** the Local Offer should be clear about how decisions are made and who is accountable and responsible for them.

---

Local authorities have had a duty to publish a Local Offer since September 2014. Independent assessments of the implementation of the Local Offer suggest a mixed picture:

**Driver Youth Trust**

In 2015, the Driver Youth Trust analysed half of local authorities' Local Offers and found that around a quarter were so difficult to navigate that they appeared to be unfinished or incomplete. The Driver Youth Trust concluded that while the aims of the Local Offer – to provide easily accessible information for children and young people with SEND – were admirable, a range of issues mean that "in practice Local Offers have been a huge distraction; in many cases they are of little or no value; and many parents are unaware that they even exist" (Bernardes *et al.*, 2015).

**National Deaf Children's Society**

An audit by the National Deaf Children's Society (NDCS) found a large variation in the quality of the information in Local Offers (National Deaf Children's Society, 2016). NDCS found that many local authorities failed to provide information about specialist provisions for deaf children. In 41 Local Offers information about specialist provision for deaf children was hard to access and 21 Local Offers 'did not seem to include information about the specialist education service for deaf children'. NDCS concluded that in some areas local authorities provided such poor information that they were failing to meet statutory duties. NDCS also found a low awareness of the Local Offer among parents: only 17 per cent of parents surveyed were aware of the Local Offer.

**SENDirect**

In 2016, SENDirect looked at the Local Offer as part of an audit of local authorities' implementation of the Childcare Act duty to provide sufficient childcare for parents with disabled children (SENDirect, 2016). SENDirect reviewed local authority websites and used Freedom of Information (FOI) Act requests to assess local authorities' performance in meeting the sufficiency duty.

The audit revealed a mixed picture: 138 local authorities had a childcare sufficiency assessment available online but less than half (47 per cent) referred to childcare provision for disabled children. Only 26 local authorities showed evidence of consultation with parents of children with SEND and 86 local authorities (57 per cent) showed no evidence of planning to fill the childcare gaps they had identified, including those related to disabled children. While 138 local authorities (91 per cent) provided information about childcare for disabled children, SENDirect found that the information was hard to navigate and of inconsistent quality. Of 105 local authorities that responded to the FOI request, 36 provided some form of inclusion funding linked to early education and childcare.

---

### Council for Disabled Children

In 2016, the Council for Disabled Children reviewed a sample of 20 Local Offers and looked specifically at the provision the local authority expects to be made available by schools, early years and post-16 providers. This includes the arrangements providers have in place to secure the services, provision and equipment required by children and young people with SEND. These requirements help parents and young people by providing clarity about what services will be available, but are also useful in creating a shared understanding of what support settings should make available from their normal budget and what support is available from the local authority, including any threshold and criteria for top-up funding or SEND support. The Local Offer therefore must include not only general information and listings, but clear statements about the respective responsibilities of providers and local authorities.

The survey found that most provided very basic information, such as a list of schools and services, a short description of statutory requirements on schools, or a brief outline of the amount of support schools are expected to make available. In some cases the information that existed was very difficult to find. There was some confusion over the difference between the local authority's responsibility to set out the provision schools are expected to make and each individual school's SEND offer. Six local authorities offered better developed and detailed information about the provision schools and other providers were expected to make. However, only three of twenty local authorities provided information about early years settings (Council For Disabled Children, 2016).

### Local area SEND inspections

Ofsted and the Care Quality Commission (CQC) jointly inspect local areas, including both local authorities and clinical commissioning groups, on their effectiveness in meeting new duties under the Children and Families Act 2014. Each area is inspected once in every five year inspection cycle. Ofsted and the CQC have published a framework and inspection handbook for local area SEND inspections (Ofsted and the Care Quality Commission, 2016a; 2016b). The Local Offer, including its development, accessibility and currency (the extent to which the Local Offer is generally accepted and in use) should be taken into account in the inspectors' evaluation of how effectively the local area assesses and meets the needs of children and young people with SEND. Ofsted and the CQC do not award areas a grade but provide a detailed letter outlining findings from the inspection, including areas of strength and areas for further improvement.

Some themes have emerged in relation to the Local Offer in the first inspection letters published under the Children and Families Act (13 letters at the time of writing). The first issue, identified in all but one inspection, is that many, and in some cases most, parents are not aware of the Local Offer. Inspectors specifically cited low awareness (as distinct from low use) and expressed concern that parents often remained unaware of local support to which they may have been entitled. One inspection letter commented, for example, that: *"The local offer is not well known by parents or carers and does not reflect all provisions available to children and young people. As a result, those needing support do not have a clear understanding of the availability of services within the local area."*

---

The second most common concern raised by inspectors is that the quality of Local Offer content is poor. Inspectors raised concerns about ease of navigation, lack of helpful guidance, the generic nature of information directories and gaps in information about local services. Inspectors commented in one letter that "*[the] local offer is underdeveloped, unclear and the source of much frustration among parents. The local area's website is not effective in helping parents get the help that they are entitled to.*" In another case inspectors noted that [the Local Offer] "*is a generic directory of services which does not explain, in a meaningful way, how families can access specific services or what the thresholds are.*"

Third, in several cases inspectors commented that parents, carers, young people, providers and professionals are insufficiently engaged in the development and review of the Local Offer. Inspectors noted that training on SEND reforms and the Local Offer had not always been provided to some professionals and services, and that local authorities had not always done enough to ensure that providers, parents, carers and young people are aware of the role they can play in shaping the Local Offer.

In three cases, local areas received positive feedback on implementation of the Local Offer. Strengths highlighted in these letters included:

- ▶ the range, quality and helpfulness of information provided in the Local Offer;
- ▶ the active engagement of parents and carers in development of the Local Offer;
- ▶ work with parents to help them understand the Local Offer and implications of the recent SEND reforms;
- ▶ careful monitoring by staff to ensure the Local Offer addresses education, care and health needs in the local area; and
- ▶ increasing numbers of people using the Local Offer to gather information.

---

# Local Offer audit of early education and childcare

---

Between September and October 2016, the Family and Childcare Trust reviewed the online Local Offer of each local authority in England. We developed a checklist of information and guidance that should be present in a Local Offer to support parents to find and choose early education and childcare (this checklist is provided as an appendix to the report). The checklist was broadly divided into four areas:

- ▶ Information and guidance for parents about early education and childcare.
- ▶ Signposting to childcare advice and brokerage services.
- ▶ Childcare directory listings.
- ▶ Information and guidance for childcare providers.

This report sets out the background to each of these areas and the results of the audit. We have also sought to note examples of good practice and identify where practice falls short of approaches that support families to access childcare.

## Information and guidance for parents

First of all, we examined whether local authorities provide general advice and guidance about accessing childcare for children with SEND. We sought to identify an introductory page that contained some basic advice about accessing childcare; for example, about the different types of childcare available or questions to ask a childcare setting. We looked at whether information was available about childcare for all children, or only early years.

We then examined what specific information was included in this guidance. In particular, we sought to identify if guidance included information on:

- ▶ the free early education entitlement;
- ▶ general childcare funding such as the childcare element of working tax credit and employer supported childcare vouchers;
- ▶ sources of financial support specifically for children with SEND; and
- ▶ the duty under the Equality Act 2010 for providers to make 'reasonable adjustments' to ensure that children with disabilities are not put at a disadvantage.



---

## What we found

Sixty eight per cent of local authorities (104) provided some general guidance for parents of children with SEND about accessing childcare. This guidance tended to be aimed at the early years: of the local authorities which provided some form of general guidance, 73 had information related only to accessing early years services. In most of these cases childcare was included in an early years section of the local offer with no further guidance about childcare for school age children.

The quality of guidance varied considerably. The most accessible guidance were those which were clearly based on a considered understanding of what information parents might need and the format required to easily comprehend it, rather than those which inputted all the guidance that was available. There were some Local Offers which provided long lists of hyperlinks, making it difficult for parents to find information. Parents were also offered inappropriate resources; for example, several local authorities signposted parents in the first instance to the SEND Code of Practice, a lengthy and technical document aimed primarily at professionals, to understand what they could expect from a provider.

In practice, we found that more local authorities, 72 per cent (110), had guidance describing the free early education offer other than had general guidance on accessing childcare. The high percentage of Local Offers describing the free entitlement is likely to reflect the emphasis placed on this in the SEND Code of Practice.

A majority of local authorities – 63 per cent (95) – also had some information about sources of help with childcare costs. This information was usually either located in the early years and childcare section of the Local Offer or a money advice section where information on a wide range of financial support was provided. Of these local authorities, 57 provided information about 'mainstream' funding sources such as the childcare element of working tax credit and 77 provided details of funding for children with SEND such as Disability Living Allowance or local inclusion funding. Signposting to external advice about funding was patchy: there were many instances where users were signposted to the generic 'benefits' section of the [gov.uk](http://gov.uk) website.

The comprehensiveness of advice about funding was variable. Of the 95 local authorities that provided information about sources of financial support, 19 covered only general childcare funding. Conversely, 38 referred only to targeted support for children with SEND. Twenty five per cent of local authorities (38) provided information about both general and targeted help with childcare costs.

Finally, 20 per cent of local authorities (31) explained providers' duty to provide reasonable adjustments in their Local Offer. A small number of local authorities explained this duty in more detail or linked to useful external guidance. However, in most cases the duty was noted with little elaboration or guidance. This may reflect a continuing lack of clarity about what constitutes 'reasonable adjustments', which has been highlighted by both local authorities and provider associations (Contact A Family, 2014a).

### Local Offer snapshot: Explaining equalities duties

#### What the law says about including children with SEND in childcare

**Under the Equality Act 2010**, a child cannot be excluded or denied a place due to health or developmental needs. Childcare and early education providers must support and enable all children with Special Educational Needs and Disabilities (SEND) to access their provision and the Early Years Foundation Stage.

They must provide an inclusive environment which reflects their duty to promote equality and their obligations as outlined in the Act.

For a child with SEND this may mean that they require auxiliary aids in order to be fully included. Auxiliary aids may mean extra or special resources, additional specialist training, building adaptations and in some cases more staffing.

The Local Offer should help parents understand their rights by setting out, in plain English, what they can expect from childcare providers. Suffolk County

Council has included in its Local Offer an explanation about what the law says about including children with SEND in childcare. This explanation is placed in a section of the website which clearly shows how parents or providers can access further support and advice from the council.

A number of local authorities use the Contact a Family guide *Childcare for families with disabled children: How to access free childcare for two to four-year-olds*, which has been produced for parents and sets out statutory entitlements, what equalities duties should mean in practice and explains what parents can do if they have difficulty accessing free childcare.

Sources: [www.suffolklocaloffer.org.uk](http://www.suffolklocaloffer.org.uk); [www.cafamily.org.uk](http://www.cafamily.org.uk)

## Advice services and complaints

We next examined the extent of signposting to advice and brokerage services to help parents find and arrange childcare. Specifically, we looked at whether the Local Offer includes:

- ▶ information about advice services – usually the Family Information Service or a specific brokerage service – that can help parents find childcare;
- ▶ signposting to further organisations that can provide independent advice, such as a SEND Information Advice and Support Service (SENDIASS);
- ▶ information about how to raise concerns with a local authority about access to a free early education place; and
- ▶ information about how to make a complaint to a childcare provider.

### What we found

A minority of local authorities – 31 per cent (47) – provided clear signposting to sources or services who can help parents find childcare through the Local Offer. The level of detail provided varied between Local Offers. Some mentioned briefly that the Family Information Service or the childcare brokerage service can be contacted for help finding a childcare place whilst others provided a more detailed description of what the service can do to help parents find a place.

In many cases, local authorities have a Family Information Service but do not use the Local Offer to highlight the service for parents. However, some local authorities do not have a Family Information Service offering childcare brokerage: research by the Family and Childcare Trust suggests that around 15 per cent of local authorities no longer offer a brokerage service (Rutter and Stocker, 2014). This means that a small proportion of local authorities maintain a directory of childcare services but do not offer a brokerage service to help parents find a place.

### Local Offer snapshot: Childcare brokerage

York County Council provides details of the Family Information Service on the landing page of the childcare section of the Local Offer and uses positive language to encourage parents to contact the service if they require further information or advice.

Source: [www.yor-ok.org.uk](http://www.yor-ok.org.uk)

### Finding childcare for children with SEND

#### York Family Information Service



York Family Information Service should be at the top of your list when looking for childcare. We provide free and impartial information to mums, dads and carers of 0-25 year olds on anything and everything to do with family life. We help a lot of people looking for childcare in their area.

We hold information about all Ofsted registered childcare in the City of York Council area. By getting in contact we can carry out detailed searches against your needs and let you know about available childcare.

We can let you know:

- where childcare is located;
- how to contact different childcare providers;
- information about costs and fees;
- when they are open;
- their last inspection outcome and if they are taking part in a quality assurance scheme;
- what experience and training they have around supporting disabled children;

Most local authorities – 82 per cent (124) – provided signposting to national or local organisations that can provide advice for parents as part of their Local Offer. This relatively high figure can be explained by the explicit requirement to do so in the SEND Code of Practice (Department for Education, 2014a). Often organisations were listed in a directory which made it easier for parents to find those which were relevant to them.

This signposting is useful but also often formed the bulk of the content of the Local Offer. In a significant minority, the Local Offer was a 'directory of everything'. For instance, when looking for information about financial support, users are directed to an extensive list of organisations such as a Citizen's Advice Bureau or the relevant departments within the council, sometimes without a clear explanation of what each organisation does and how they can help. This approach can make it difficult for parents to locate the information they need and undermines the Local Offer's usefulness as a 'one-stop-shop' for support.

Local authorities are required to have a complaints procedure for parents who are not satisfied they have received an early education place, and to publicise this procedure to parents (Department for Education, 2014). Only one Local Offer included details of this complaints procedure. Although we were unable to check local authority websites, it does not appear that the local authority complaints procedure is widely highlighted either in or outside of the Local Offer.

Finally, all registered childcare providers are required as a condition of registration with Ofsted to operate a complaints procedure through which parents can raise concerns about any aspect of the service. Parents who are unhappy with the response of a provider or have safeguarding concerns may also raise their concerns directly with Ofsted. Sixteen per cent of local authorities (25) provided information about how to complain about issues related to a provider.

## Childcare directories

Under the Childcare Act 2006, local authorities are required to gather and make available information about childcare service such as the type, location, cost and hours and dates of operation of settings. The statutory framework for the Local Offer also requires local authorities to publish information on early years and childcare services for children with SEND (Department for Education, 2014a). We examined:

- ▶ if there was a childcare directory which was relevant to children with SEND;
- ▶ what (if any) categories could the directory be sorted into;
- ▶ whether the directory includes mainstream and/or specialist services;
- ▶ whether each directory listing included a setting's individual Local Offer; and
- ▶ whether directory listings include a date at which the listing was last updated.

The SEND Code of Practice articulates a number of requirements for information provided through the Local Offer. Firstly, the Local Offer should be accessible. This means that directories should be set out logically for parents and make it easy to find services.

Secondly, the Local Offer should be responsive. One of the aims of the Local Offer is to identify and address gaps in services. It is therefore important that information listings are comprehensive so that parents know what services are available and have an accurate picture of where there may be gaps.

Thirdly, the SEND Code of Practice advises that the Local Offer should include a mix of universal, targeted and specialist services. Whilst some parents may prefer to place their child in specialist childcare settings, many will prefer to use mainstream settings as far as possible. There are also practical issues that may shape preferences, for example when a sibling attends a mainstream setting.

Fourthly, information must be up-to-date. To fulfil this requirement, local authorities should generally show clearly when information was last updated and prompt providers to update listings regularly.

Finally, the Local Offer should not simply be a directory of existing services. Ensuring that listings have relevant information about inclusion helps to fulfil this requirement and ensures that parents know about the facilities and support childcare settings offer (Spivack, Hallam and Thom, 2014).

### Local Offer snapshot: Childcare directory listings

#### Narrow your results (filtering)

##### Category:

Childminders (288)  
Children's centres (8)  
Creches (2)  
Durham County Council  
nurseries (88)  
Holiday schemes (45)  
Nannies (5)  
Nurseries (138)  
Out of school (63)  
Pre-school playgroup (16)  
Toddler groups (92)

##### Supporting people with:

Autism (15)  
Communication impairment  
(227)  
Health conditions (12)  
Hearing impairment (186)  
Learning difficulty (229)  
More...

##### Age range:

Pre-birth - 5 years (519)  
5 - 11 years (413)  
11 - 16 years (188)  
16 - 19 years (34)  
19 - 25 years (28)  
26 years + (28)

##### Area covered:

Filtering options allow parents to quickly and easily sort through childcare listings.

Source: [www.countydurhamfamilies.info](http://www.countydurhamfamilies.info)

---

## What we found

Seventy four per cent of local authorities (112) had a relevant directory of childcare listings accessible through the Local Offer. The rest had either no childcare directory, or there was signposting to the FIS general directory used by all parents that did not contain any search categories or features relevant to SEND. Notably, directories were usually accessible through the early years section of the Local Offer even though in most cases the directory itself also contained information about childcare for school age children.

Of the local authorities that had a relevant directory, 102 could be organised into categories. Of these:

- ▶ 57 per cent (58) allowed services to be sorted by age range;
- ▶ 63 per cent (64) allowed services to be sorted by need or condition; and
- ▶ 75 per cent (76) allowed services to be sorted by type of provision (such as day nursery, child-minder and so on).

The types of providers included in childcare directories varied. Of the local authorities that had a relevant directory:

- ▶ 97 per cent (109) included early years services;
- ▶ 76 per cent (85) included before school services;
- ▶ 84 per cent (94) included after school services;
- ▶ 77 per cent (86) included holiday childcare; and
- ▶ 74 per cent (83) included childminders.

Just over half of local authorities with a directory had all five types of services (55 per cent) while 21 per cent had four and 25 per cent had three or less.

The most extensive Local Offer childcare directories were those that had been integrated with the FIS childcare directory with additional Local Offer information attached for each individual provider. This requires integration between FIS and Local Offer teams and an IT infrastructure designed to meet the needs of both services. The least extensive Local Offer directories were those where it appeared staff maintaining the Local Offer had to identify services individually. On one directory, there was only one after- and before- school option and one holiday club listed. It is very likely that there are more options available but such information had not been transferred over to the Local Offer directory.

Sorting functions require listings to be given tags. In some cases, the number of listings with tags related to inclusion was low. For instance, in one directory, there were more than 500 services listed but only 13 services were tagged as having a 'Local Offer'.

The majority of listings appeared to be for services for younger children. Local authorities have a statutory duty to provide sufficient childcare for children with disabilities aged up to 18. However, listings were not always consistent with this requirement, with some having an upper age as low as eight. This issue is consistent with evidence of a lack of childcare options

---

for school age children with SEND (Contact A Family, 2014a; Spivack, Hallam and Thom, 2014; SENDirect, 2016).

Most Local Offer directories – 84 per cent (94) – contain both mainstream and specialist providers. Nine per cent (10) include only specialist providers and seven per cent (8) include specialist providers, mainstream maintained provision but not private, voluntary and independent (PVI) settings. Where only specialist or maintained providers are listed, parents are unlikely to have a full picture of the services available locally to their child. This approach also seems to run against the aim of the Local Offer in fostering an inclusive approach to supporting children and young people with SEND.

Seventy per cent of local authorities with a relevant directory (78) have a facility to include each individual provider's Local Offer. There was variation in the level of detail in the information templates each local authority used. Some templates were limited; for example, having an option to select 'yes' or 'no' for 'special needs provision' with no further detail. In other cases, there was an open text box where providers could give information. However, without a clear structure content varied: providers sometimes used this space as a promotional tool.

The most effective Local Offer directories had descriptive templates in which providers had to answer a range of questions about how they will support a child with SEND. (The case study of Trafford Council below provides one example of this approach.) The use of prescriptive templates also helps to ensure consistency and comparability of information (Spivack et al, 2014).

Thirty three per cent of local authorities with a relevant directory (37) include a date showing when each provider's listing was last updated. We found that this facility did not, however, guarantee that listings were routinely updated, with some listings last updated up to two years ago.

There also appeared to be significant variation in the number of services that had provided SEND information even where a template existed, although we were unable to check listings exhaustively. Again, local authorities that required providers to submit standardised information appeared to be more successful in gathering comprehensive information from providers.

The quality of information offered by small providers and childminders appeared more likely to be limited. Brief comments were sometimes submitted such as "I am fully inclusive" or "I will attend training as necessary" which were positive but would not necessarily promote confidence among parents. (There were also, of course, many examples where childminders offered clear and comprehensive information.) This issue is likely to reflect in part limited statutory inclusion requirements for childminders who, unlike centre-based settings, are encouraged rather than required to identify an SEN coordinator and may receive limited support through SEN advice and training. However, the issue also suggests there is scope to better support all types of PVI providers in many areas.



### Trafford Council Case Study: Family Information Services and the Local Offer

Trafford Council has sought to use its Family Information Service (FIS) to support development of the Local Offer. During development of the Local Offer pathfinder project, an early decision was made that the FIS would create and maintain the online Local Offer. Trafford's Family Service Directory (FSD) provided the infrastructure for the Local Offer. The system allows Trafford's Local Offer team to add services, web pages, and guidance in a user-friendly, accessible, and simple format.

Trafford Council identified a number of key activities involved in developing the Local Offer, including:

- ▶ Define guiding values, such as 'accessible', 'informative' etc.
- ▶ Define the minimum information needed in consultation with parents and providers and agree a core information offer for each type of service.
- ▶ Audit existing information and identify gaps.
- ▶ Develop a plan to gather and collate content for the Local Offer.
- ▶ Build Local Offer functionality into the Family Service Directory maintained by FIS .

Multi-agency and stakeholder co-production was central to the process of preparing the Local Offer. Parents, carers and professionals have been engaged in a number of different ways. Beyond including diverse groups within Trafford's Local Offer task and finish group, a number of stakeholder events were arranged to introduce the concept of the Local Offer to core groups and explore any gaps in information provision. Interactive sessions where attendees provided direct feedback on the online, published version of Trafford's Local Offer have been particularly successful.

Trafford Council arranged events targeted specifically at voluntary and community sector providers, which focused on introducing the Local Offer, demonstrating the Family Service Directory (FSD) and providing VCS providers with the opportunity to give feedback and suggest improvements. The Family Information Service then worked with these providers to get their services listed on the FSD. Feedback from VCS providers was that they felt the Local Offer would be a useful tool for them to use when working with families as they were often unaware of what services were available.

Trafford Council has used different communication methods to ensure local families are kept up to date with the progress of the Local Offer. These include:

- ▶ Publications: SEND Pathfinder and progress reports by the different working groups distributed to heads of departments.
- ▶ Social Media: FIS has made vital links with service providers, organisations and parents through Facebook and Twitter; the Parent's Voice meeting has been held as a Webinar with live Twitter feed and updates on the Local Offer is communicated via social media.

- ▶ **Face-to-Face:** The FIS continue to provide targeted outreach to families; Drop in sessions facilitated by FIS; presentations provided on the Local Offer at local support groups and other local forums.

Managing the volume of information in the Local Offer and ensuring information is kept up to date has been a key challenge. Service providers have been issued with their own registration details to enable them to manage their own records. Providers are sent a reminder every three months to check their information and this process only requires minimal moderation from the FIS.

Providing information on the Local Offer to families without internet access continues to be a challenge but has been addressed by creating a short paper version with the key information. A 'shortlist' function on the FSD allows professionals to tailor information and create a report which can be printed off. Ease of access to information through the Local Offer also supports professionals to communicate about services in person.

## SEND Early years local offer

All early education providers have to produce a clear idea of what their own individual local offer of support looks like. Go to a provider's individual record to see their individual local offer.



### Mainstream early years provision

Early education and childcare providers are registered by Ofsted and include private day nurseries, playgroups, childminders and pre-schools.

- Early education and childcare providers
- Free early education for 2 year olds
- Free early education for 3 and 4 year olds

The Family Information Service can help if you need support finding early education and childcare to meet your child's needs. Find more information in [additional help finding childcare](#).

### Specialist provision

### Further useful information for parents

Find out what to expect from your early education provider

## Early Years Local Offer

### Banana Moon Day Nursery Altrincham

Trafford's local offer makes it easier for families to find out about the support that is available for children and young people with Special Educational Needs or who are Disabled (SEND). All early education providers in Trafford are expected to identify and support children with special educational needs to make the best possible progress.

The questions on this template were developed with parents. To go straight to a particular question, use the links below:

### Questions

1. [How will the setting help my child to settle in?](#)
2. [Who can I contact for further information?](#)
3. [How does the setting know if children need extra help?](#)
4. [How will the setting support my child?](#)

---

## Information for Early Years Providers

Early years and childcare providers often require additional support to meet the needs of children with SEND. Most private and voluntary early years settings do not have a member of staff with high level SEND training; nor is SEND content a standard component of early years training courses. The variety and scope of SEND means that even experienced, skilled early years staff may need training and advice to support an individual child. Early years settings might work with health visitors, speech and language therapists, portage workers, educational psychologists or specialist teachers to arrange high quality care for children with SEND. Settings might also seek to access top-up funding or additional resources to make physical adaptations to premises, purchase materials or cover the cost of additional staff.

Maintained early years providers such as nursery classes in schools and nursery schools must have a qualified special educational needs coordinator (SENCO) and may therefore have less need for information and advice. These settings, like private and voluntary settings, nevertheless may work with a local authority and multi-disciplinary services to meet the needs of individual children, for example where 'top-up' funding is required. All early years providers therefore have some need for information about SEND support.

Local authorities have several responsibilities to support early years providers to meet the needs of children with SEND. The SEND Code of Practice states that, to fulfil their role in identifying and planning for the needs of children with SEND, local authorities should ensure that there is sufficient expertise and experience amongst local early years providers to support children with SEND. The Code of Practice also states that local authorities must ensure that funding arrangements for early education reflect the need to support providers delivering early education places to meet the needs of children with SEND.

The SEND Code of Practice does not require that local authorities publish information about support for early years providers in the Local Offer. The Code of Practice does, however, require that children with SEND should receive specialist support as quickly as possible and that, to support this aim, the Local Offer should set out clearly what support is available from different services, including early years, and how it can be accessed. This provision is somewhat unclear, however, about whether information should be included in the Local Offer for early years and childcare providers as well as parents.

A recent review of funding for children and young people with SEND, commissioned by the Department for Education, highlighted a number of challenges for providers in delivering inclusive early education and childcare (Parish and Bryant, 2015). The most prominent of these challenges related to practical support and funding: the review found that early years providers were more likely than their counterparts in primary education to be dependent on additional advice from SEND support services, but that the capacity of these services was reducing, and that it was not clear in many local authorities who was responsible for paying the cost of additional support. Information gaps were a feature of these challenges. The review recommended that local authorities set out clear expectations about the support providers are expected to offer, a concrete offer of additional advice and expertise, and agreed criteria for accessing additional top-up funding. These three elements should be closely aligned and informed by an overarching strategic approach to SEND in the early years.

---

With this context in mind, we identified four types of information that is important to providers:

- ▶ First, local authorities must tell providers how they can access support, advice and training to meet the needs of children with SEND. This need is closely related to the responsibility set out in the SEND Code of Practice to ensure that there is sufficient expertise and experience amongst local early years providers to support children with SEND.
- ▶ Second, both maintained and private and voluntary providers have responsibilities in law relating to children with SEND. This includes a responsibility under the Equality Act 2010 to make 'reasonable adjustments' for children with SEND as well as statutory duties under the Children and Families Act 2014 to support children with SEND. In order to comply with the law and meet statutory duties, providers need to understand what legislation means for them and have practical guidance and advice on meeting their duties.
- ▶ Third, whilst many children with SEND can be supported within normal setting budgets, settings on occasion require additional resources to meet the needs of individual children. This support might range from one-off costs to access training or purchase equipment to on-going support for additional staff for children with high needs. In order to ensure support is available to settings and children on a timely basis, providers need information about what financial help is available and how to access it.
- ▶ Finally, non-specialist settings, and particularly setting SEND coordinators, benefit from signposting to resources to help them to provide high quality early education for children with SEND. The Foundation Years website provides SEND tools and updates and NASEN (the National Association for Special Educational Needs) maintains an online SEND Gateway providing information, resources and training materials. Individual organisations also provide tailored resources; for example, the Communications Trust provides a range of online resources about how to identify and support children with speech, language and communication needs in the early years.

### What we found

We found that only 20 per cent of local authorities (30) provided any information for early years and childcare providers about supporting children with SEND in their Local Offer. Of the four types of information, we found that:

26 local authorities provided guidance on how to access practical support or training from the local authority.

13 local authorities provided information for providers on responsibilities in law.

12 local authorities provided information for providers about financial support to meet the needs of children with SEND.

11 local authorities provided signposting to external organisations that provide additional resources and information.

Thirteen local authorities provided one of these types of information for providers, six provided two types of information, six provided three types of information, and five provided all four types of information.

---

Overall, it is clear that most local authorities are not using the Local Offer to provide information and advice for early years and childcare providers. This finding should be considered in context: the SEND Code of Practice does not articulate specific responsibilities to provide information for early years providers in the Local Offer. Within the scope of our research, we were unable to search local authority websites exhaustively outside of the Local Offer. Many local authorities are likely to provide information for providers in other forms online.

There are a small number of local authorities that use the Local Offer to provide comprehensive information for early years and childcare providers about supporting children with SEND. In most cases, however, this information was not provided directly in the Local Offer; rather, the Local Offer included clear signposting to a separate section of the website for providers. There were also some instances where signposting included only relatively technical resources such as the SEND Code of Practice or the Equality Act 2010 legislation.

The local authorities that provided the most information appear to do so as part of a transparent and well-designed SEND support offer. Although we cannot judge the overall standard of online SEND information available to providers from our audit of the Local Offer, if the information we reviewed is representative, information for providers may be limited and variable in scope.

The Department for Education recently committed to publish good practice examples of a 'strategic, collaborative and effective system of SEND support' (Department for Education, 2016). A small number of innovative examples suggest the Department should encourage local authorities to use the Local Offer to incorporate information for early years and childcare providers. The focus of the Local Offer on the information needs of parents should not be diluted, but providing transparent information about the local SEND offer for providers in the Local Offer can be an important part of an effective system of SEND support.

Signposting providers to more training opportunities will have a number of benefits. Previous studies have found that PVI providers in particular have complained about the lack of clarity about their responsibilities under equalities legislation and a desire to access more training, as well as a difficulty in accessing financial support to provide for SEND children (Contact A Family, 2014a). Parents often do not feel settings are inclusive or staff are adequately trained (Contact A Family et al., 2015). Improving access to, and awareness of, support and training for PVI providers has the potential to increase confidence among both parents and providers and help reduce the likelihood of parents being asked to pay additional fees (Hillman and Williams, 2015). This support must, of course, be available. Reductions in local funding in recent years have reduced the training available in many local areas (Contact A Family, 2014a).

### Good practice example: Oxfordshire County Council

Oxfordshire County Council's Local Offer includes clear signposting to information about SEND specialist support in the early years. The information provided by the Council includes guidance for early years providers on what to do if they think a child may have additional needs, information to help plan and review SEND support, and information about how to access additional specialist advice and top-up funding. The council has developed a number of templates and resources to support and simplify processes for providers. This includes a foundation years handbook, 'Special Educational Needs Support in Oxfordshire schools and settings', written for settings to help them to identify a child's needs, what support they are expected to offer and how to arrange and monitor support, and an 'Early years SEN toolkit' containing strategies and resources to support high quality care.

The Council's approach joins up tailored resources for early years settings with the Local Offer. The information is unlikely to confuse parents and is presented as part of the Local Offer in a manner that fosters transparency and makes it more likely all stakeholders involved in early years provision will have a shared understanding of how to arrange care for children with SEND and be aware of the resources and support available from the council to help them.

#### Supporting the learning and development of under 5s with SEND

Depending on your child's needs, there is a range of services available.

##### Early support

Early support is a way of working to improve the delivery of services for children who have need of support from a range of specialist community services.

##### Support in settings

Early years settings in Oxfordshire have guidance to help identify, assess, plan and provide for young children with SEN.

Early years settings also have a [toolkit](#) of ideas and information.

Information for settings about the [SEN support process](#).

##### Supporting children under 5

[Supporting under 5s with SEND](#)

[Early education and childcare](#)

[Under 5s who may have SEN](#)

[Support for parents and carers](#)

[Moving into school](#)

[Contact us](#)



#### Guidance and procedures to support providers

How to identify and support young children with SEN, record and review their progress.

##### What to do when you think a child may have additional needs

[EYSEN support guidance \(pdf format, 359Kb\)](#) gives an overview of what you should already have in place and what to do next.

Use the [SEN support in foundation years settings \(docx format, 199Kb\)](#) document to look in detail at the child's needs and plan how to meet them. It sets out a clear approach to identifying and supporting needs and how parents should be involved. Use the [EYSEN toolkit for more ideas](#) for activities, strategies and resources.

##### SEN support for providers

[Guidance and procedures](#)

[Early Years SEN toolkit](#)

[Help from support services](#)

[SEND Local Area Inspection](#)

[Contact us](#)





## Local authority survey

To obtain insight into the experience of local authority staff, a short survey about the Local Offer and early education and childcare was sent to a sample of local authorities (a copy of the survey is provided in Appendix B). The survey aimed to gather insight, from the perspective of local authority staff, in three areas:

1. The impact of the Local Offer on improving the quality of information available to parents about early education and childcare for children with SEND.
2. The extent to which the Local Offer is being used to inform a local authority's annual childcare sufficiency audit.
3. The challenges local authorities face in maintaining the Local Offer for early years and childcare provision.

Out of a total of 152 local authorities, half were randomly selected and sent the survey. The survey was sent to the contact details provided for the Local Offer by each local authority. In total, 28 surveys were returned. This is a small sample and responses may be biased towards local authorities that have made good progress in developing the Local Offer.

**Figure 1: Impact of the Local Offer**

	No change	Some change	Significant change	Unsure	Response Count
a) On the quality of information available about childcare for children with SEND	11% (3)	36% (10)	53% (15)	0% (0)	28
b) In identifying gaps in childcare provision for children with SEND	33% (9)	52% (14)	15% (4)	0% (0)	27
c) In reducing gaps in childcare provision for children with SEND	41% (11)	48% (13)	4% (1)	7% (2)	27

Notes: Complete survey questions provided in appendix B.

Most local authority respondents suggested that the Local Offer had a positive impact on the quality of information available about childcare, with more than half of respondents noting the Local Offer had resulted in 'Significant change', and a further third noting 'Some change'.

A majority of respondents also suggested that the Local Offer had helped to identify gaps in childcare provision. However, here the picture was less positive with a majority noting 'Some change' and a third 'No change'.

Local authority respondents were least positive about the impact of the Local Offer in addressing gaps in provision, with almost half of respondents noting 'Some change' but 41 per cent of respondents choosing 'No change'. Only one respondent felt 'Significant change' had occurred.

---

Comments reflected varying experiences of the impact of the Local Offer on the scope and quality of information. Some local authorities had a positive experience. For example, one respondent noted:

*"The Local Offer has improved [information for families] – we have parent champions who promote the Local Offer to other parents and ensure the info is easy to access and find. Gaps are easier to identify and record. Part of the wider work to reduce gaps has been the investment and strengthening of our universal services which the Local Offer supports."*

Other local authorities had a positive but more mixed experience. One respondent noted that:

*"The pre-school and nursery information has significantly changed. However, the majority of childminders, holiday scheme, breakfast club and after school clubs information has not."*

Several local authorities noted how the Local Offer had helped to improve the amount of information submitted by providers relevant to children with SEND:

*"The information provided on the website for parents, health professionals etc. has been amended to include details of facilities (wheelchair access, accessible toilet, makaton and visual timetable) that are available at early years providers."*

*98 per cent of childcare listings have a registered user who provide updates to their listing and any Ofsted changes come through our system via an Ofsted feed. The Update form that childcare providers use to change their listing as part of the local offer has been developed to provide more detailed information. This includes accessibility details and searchable facets for supporting children with SEND, physical accessibility, location and travel details, pickup facilities as well as costs and opening times. A rate and review feature has been included for all directory listings and has been used by parent/carers to leave feedback on childcare providers."*

Comments provided by survey respondents suggest some of the reasons the Local Offer may have had less impact in reducing gaps in childcare provision. One respondent argued:

*"The Local Offer Website has a great deal of useful information for families on services and support available to them. The Local Offer in itself cannot reduce gaps in service that requires funding and a strategic approach from leaders in central government, health services and LA to develop and fund services that could fill gaps."*

The limited capacity of providers, particularly childminders, was also mentioned:

*"A significant proportion of our EY providers have now completed a LO. This has helped provide more information about the local provisions available to children with SEND and also identified gaps. It hasn't, however, led to any reduction in these gaps, as providers, especially child-minders, have to consider the needs of all children in their care and depending on the type of SEND, cannot always extend their services to meet the additional needs."*

**Figure 2: Does the Local Offer inform the annual childcare sufficiency audit?**

Answer	Response (%)	Response Count
Yes	36%	10
No	32%	9
Unsure	25%	7
Not applicable	7%	2

Responses to the survey were broadly consistent with SENDirect research that found that, of 152 local authorities, 89 made no reference to childcare provision for children with SEND in the childcare sufficiency audit (SENDirect, 2016).

The statutory relationship between the Local Offer and the childcare sufficiency duty is currently unclear. Section six of the Childcare Act places a duty on local authorities to secure sufficient childcare for working parents 'so far as is practicable'. The Act specifies that in meeting the duty, local authorities must have regard to the provision of childcare which is suitable for disabled children. The statutory guidance issued under the Act requires local authorities to report annually to elected council members on how they are meeting their duty to secure sufficient childcare, and make this report available and accessible to parents (Department for Education, 2014). The statutory guidance notes that childcare for disabled children should be included in the audit, but does not make reference to the Local Offer.

Local authorities are separately required by the statutory SEND Code of Practice to publish comments from parents regarding the Local Offer, including complaints relating to gaps in childcare provision (Department for Education, 2014a). The Code of Practice describes how the Local Offer should support duties to make a strategic assessment of local provision for children and young people with SEND that is responsive to families (paragraph 1.20). However, the Code of Practice does not link the Local Offer to the childcare sufficiency duty.

The Local Offer has the potential to provide rich insight into gaps in childcare provision for children with SEND through data collection and feedback from providers and parents. The ambiguity over the relationship between the Local Offer and the childcare sufficiency audit may be discouraging local authorities from using the Local Offer to meet the childcare sufficiency duty. This issue is compounded by uncertainty in the general delivery of the sufficiency duty, with a lack of agreed definitions and methodology for meeting the duty (Butler and Rutter, 2015).

Local authority respondents provided a range of comments on how the Local Offer related to the sufficiency duty. Several noted that the Local Offer would inform the sufficiency audit "*only should an unmet demand query arise*" and "*only if relevant feedback had been received*". This suggests, for some local authorities, the Local Offer is not seen as an integral part of the authority's approach to meeting the childcare sufficiency. One local authority noted that "*[the Local Offer] provides us with limited information on facilities but does not provide the more comprehensive sufficiency information that we need.*"

---

Comments also noted how the Local Offer was supporting the sufficiency duty. One local authority stated that *"the Local Offer provided information as part of a broad information gathering for the annual childcare sufficiency audit which is undertaken by our Early Years and Intervention Support Service"* and another simply noted that *"All our childcare care information is held on the FIS database which is used for the childcare audit."* Several local authorities also commented that while the Local Offer does not currently inform the annual childcare sufficiency audit, work was being done to enable this or identify how the Local Offer could inform the audit.

Childcare sufficiency remains a challenge in mainstream provision but the situation for disabled children has been particularly poor. In 2016, 15 per cent of English local authorities reported sufficient childcare for disabled children, a decline from 21 per cent in 2015 (Rutter, 2016). The Local Offer has the potential to play an important part in improving childcare sufficiency for SEND children. However, our findings suggest this potential is not yet being recognised by local authorities.

## Implementing the Local Offer

We asked what challenges the local authority had faced in maintaining the Local Offer for early years and childcare services. Perhaps unsurprisingly given pressures on local authority budgets, a recurring theme was the lack of resources and capacity to maintain the Local Offer. Respondents also particularly described difficulties persuading providers to submit details of, and regularly update, their Local Offer. As one respondent put it, the Local Offer is currently a 'self-service' platform which requires the initiation and commitment of providers to complete and maintain their Local Offer. Another described this challenge:

*"There are still providers who have yet to complete their LO despite numerous emails, guidance and support being offered... Once registered, the onus for maintaining the LO lies with the provider. We send out an annual email to all providers to remind them to update, but have no way of monitoring this."*

One respondent noted that PVI settings do not have a duty to prepare SEND policies equivalent to the duties on maintained settings. The majority of early years education and childcare in the UK is provided by PVI settings (Hillman and Williams, 2015). Consequently, local authorities must spend a disproportionate amount of their time engaging with PVI settings to maintain the Local Offer:

*"95 per cent of the early years provision is PVI and 5 per cent is maintained. [The local authority] is therefore highly dependent on the private sector to support initiatives around the local offer."*

*As non-maintained childcare providers are not required to submit this information, it is particularly challenging for us to encourage providers to submit Local Offer information, particularly childminders."*

*There is also a separate statutory duty on schools to publish a SEN Information Report and update it annually whereas for PVIs there is only a duty for funded early years providers to cooperate with the LA – rather than a specific duty on the provider to actually publish something. This can prove challenging when encouraging PVIs to complete the local offer template."*

---

One respondent described how a high level of support from area SENCOs or other professionals was required to help childminders draft their own Local Offer. Another respondent noted that providers do not always provide the sort of information that would be useful to parents. Our audit findings support this concern.

---

## Conclusion and recommendations

---

It has been two years since all local authorities were required to publish a Local Offer. There are some good examples of certain aspects of effective childcare information and guidance, in particular significant resources and attention have clearly been devoted to ensuring that the Local Offer is used to support parents to access free early education and childcare. However, there were no local authorities that fulfilled all of our criteria for a comprehensive Local Offer and, while there were examples of good practice, the information provided by local authorities was inconsistent and did not meet the needs of families.

Only a minority of local authorities provided all of the information and guidance that can reasonably be said to be useful to parents: most missed some important information about entitlements, financial support, the duty to make reasonable adjustments, details of brokerage and advice services or inclusion support offered by the local authority. The aim of the Local Offer as a 'one stop shop' has not yet been achieved: parents will often need to look elsewhere for information and guidance and may miss out on basic rights and entitlements.

While parents of children with SEND are more likely to report problems accessing the free early education entitlement and have negative experiences when seeking to arrange a childcare place, very few local authorities are making information available to parents about how they can access support or pursue redress through formal complaints procedures.

The quality of Local Offer childcare directory listings is variable. A quarter of local authorities still do not have an online directory that incorporates relevant SEND information. Of those that do have a directory, almost a third do not have a facility for each provider to give details of their own Local Offer. Where this facility exists, many providers were not submitting this information. A small proportion of directories did not include any PVI services. To date, the Local Offer is prompting some improvement in directory listings around inclusion. However, in most cases parents would not be able to rely on listings to provide a clear picture of the services available and would need to use a brokerage service or contact providers directly to obtain information.

The Local Offer was not generally being used to provide information about inclusion for registered childcare providers, with only one fifth of local authorities using the Local Offer for this purpose. This information did, however, often exist elsewhere on a local authority's website. The quality of this information was limited, with most local authorities focusing on training and practical support rather than setting out provider responsibilities or financial support. Bringing information for providers within the Local Offer is likely to help support an integrated inclusion strategy for early years and childcare services.

One trend that was evident across all local authorities was that the focus of the Local Offer falls primarily on early years services. The amount and scope of information about childcare for school age children is generally limited, both in guidance and directory listings. This problem seems to reflect statutory guidance which is divided into 'early years' and 'schools' segments, as well as the relative paucity of childcare for school age children with SEND.



---

Two factors appear to play a role in well-developed Local Offers. First, where FISs and Local Offer teams are working closely, the comprehensiveness and quality of information is likely to be higher. Information for the Local Offer can be incorporated into standard data collection protocols and agreements with providers. A dialogue between FIS services, which have experience of developing information about childcare and work closely with providers and parents, and staff responsible for the Local Offer is likely to promote well-designed information and guidance.

Second, a high quality Local Offer seemed to reflect the quality of a local authority's strategy for supporting children and young people with SEND and their families. Where local authorities have developed a clear support offer to foster access to early education and childcare, the task of developing relevant information in the Local Offer is more straightforward. Parents can be offered clear information about entitlements, services and support because the local authority has a clear understanding of each of these elements and how they fit with a strategy to promote inclusion and good outcomes.

There is much that can be done to improve the Local Offer by local authorities and the Department for Education. The Department recently stated that it will (Department for Education, 2016):

1. develop best practice guidance to improve the quality of early years sections of Local Offers, which will be included in planned departmental advice on delivery of 30 hours free childcare;
2. publish examples of good practice to support local authorities, with a particular focus on strategic, collaborative and effective systems of SEND support for children in their early years; and
3. revise statutory guidance to make clear, and bring together, the responsibilities of local authorities under both the Children and Families Act 2014 Part 3 and Equalities Act 2010.

We hope that this report will inform some of these developments. Alongside these steps, we have set out additional recommendations for local authorities and the Department for Education.

Local authorities should:

- ▶ Ensure that they deliver the key elements of an effective Local Offer, including clear information and guidance for parents on finding, choosing and paying for childcare for children aged up to 18. (A content checklist based on statutory duties and feedback from parents is provided as an appendix to this report).
- ▶ Ensure that officers managing the Local Offer work collaboratively with Family Information Services and early years and childcare quality improvement teams to provide high quality information and guidance for parents and providers.
- ▶ Address any technical or institutional barriers to collaborative work, such as ensuring that Family Information Service and Local Offer IT databases are compatible and forming collaborative Local Offer working groups including relevant officers.

---

The Department for Education should:

- ▶ Use best practice guidance and future revisions of the SEND Code of Practice to ensure that local authorities use the Local Offer to provide information about childcare for school age children as well as early years services.
- ▶ Clarify the route of redress when parents experience difficulty accessing the entitlement to free early education and childcare, which is currently unclear.
- ▶ Use statutory guidance to require local authorities to make information available about the resolution process and formal complaints procedure where parents experience difficulty accessing a suitable free childcare place.
- ▶ Consider providing a model template for each provider's SEND Local Offer to promote a better understanding of the purpose of the Local Offer and improve the standard and consistency of information available to parents.
- ▶ Ensure that guidance supporting the Children and Families Act and the Childcare Act is consistent and mutually reinforcing. In particular, the Department should revise statutory guidance to ensure that the Local Offer is used to support the duty to provide sufficient childcare for disabled children.
- ▶ Use forthcoming best practice resources to highlight the processes and systems – such as successfully managing information, working collaboratively with internal and external stakeholders and implementing an effective inclusion strategy – through which local authorities have developed high quality Local Offers.

---

## Appendix A: Checklist for local authorities

---

This checklist suggests elements that should be included in the Local Offer to successfully provide parents of children with SEND the information they need to access early education and childcare. The checklist does not replace statutory guidance. Rather, the list is intended to highlight how local authorities can improve their Local Offer.

### Information and guidance

- ▶ Does the Local Offer include information about parents' childcare entitlements and support? This should include:
  - information about the free entitlement for two, three and four year olds;
  - details of the new Disability Access Fund payment; and
  - details of additional financial support including the childcare element of tax credits, employer supported childcare vouchers, the tax-free childcare scheme (from 2017) and childcare support for parents in education or training.
- ▶ Does the Local Offer include guidance about finding a suitable childcare place? This should include:
  - an explanation of the duty on providers to make reasonable adjustments for children with additional needs;
  - information about parents' right to make a complaint to the local authority if they are unable to find a suitable free childcare place;
  - a description of the Inclusion Fund and the support available to parents and providers in order to arrange a suitable childcare place;
  - information about how to raise concerns and, if appropriate, complain about the quality of care received at a childcare provider; and
  - advice on choosing a provider, such as questions to ask when visiting or interviewing a childcare provider.
- ▶ Does guidance and advice cover school age children (aged up to 18) as well as pre-school children?
- ▶ Does the Local Offer clearly signpost to a childcare advice and brokerage service, usually the Family Information Service?
- ▶ Does the Local Offer include information about how to raise concerns about access to a free early education and childcare place, including the local authority's complaints procedure?

---

## Directory listings

- ▶ Does the Local Offer provide clear access to a directory of early education and childcare providers?
- ▶ Is the directory easily searchable by:
  - Age range?
  - The type of SEND condition e.g. autism, learning disability
  - The main types of provision, including nurseries, childminders, wraparound school childcare and holiday childcare?
- ▶ Do directory listings include each provider's Local Offer?
- ▶ Has the local authority provided advice for providers on submitting information about inclusion at the setting?

## Process

- ▶ How are the Family Information Service and Local Offer teams working to integrate information directories and improve the quality of information available to families?
- ▶ Are childcare providers able to update their own Local Offer listing and are they routinely reminded to do so?
- ▶ Is the Local Offer used to support the local authority's annual childcare sufficiency audit? (For example, through monitoring the capacity of inclusive providers and feedback from parents online and through consultation events or forums.)
- ▶ Have parents been involved in developing the Local Offer? (For example, through joint working joint exploring local parents' experiences of finding childcare when they have a child with additional needs.)

---

## Appendix B:

# Local authority survey

---

1. Has the Local Offer resulted in change to:

a. The quality of information available about childcare for children with special educational needs and disabilities?

☐ No Change   ☐ Some Change   ☐ Significant Change   ☐ Unsure

b. Identifying gaps in childcare provision for children with special educational needs and disabilities?

☐ No Change   ☐ Some Change   ☐ Significant Change   ☐ Unsure

c. Reducing gaps in childcare provision for children with special educational needs and disabilities?

☐ No Change   ☐ Some Change   ☐ Significant Change   ☐ Unsure

Please provide additional comments for parts a), b) and c)

2. Does the Local Offer inform your local authority's annual childcare audit?

☐ Yes   ☐ No   ☐ Unsure   ☐ Not applicable

3. Does the local authority face any challenges in maintaining the Local Offer for early years and childcare services?

☐ Yes   ☐ No   ☐ Unsure   ☐ Not applicable

If yes, what are they?

4. If you have any further comments regarding the Local Offer and childcare for your local authority, you can detail them below.

---

5. Please can you provide the following contact details:

Name of the local authority

Your email address

Thank you for taking the time to complete this survey

---

## Sources

---

Bernardes, E., Shaw, B., Menzies, L. and Baars, S. (2015) *Joining the Dots: Have Recent Reforms Worked for those with SEND?* London: Driver Youth Trust.

Butler, A. and Rutter, J. (2015) *Access Denied: A Report on Childcare Sufficiency and Market Management in England and Wales*. London: Family and Childcare Trust.

Butler, A. and Rutter, J. (2016) *Creating an Anti-Poverty Childcare System*. York: Joseph Rowntree Foundation.

Contact a Family (2014) *Counting the Costs*. London: Contact a Family.

Contact A Family (2014a) *Parliamentary Inquiry into Childcare for Disabled Children Report: Levelling the Playing Field for Families with Disabled Children and Young People*. London: Contact A Family.

Contact A Family (2015) *Levelling the Playing field: Equal Access to Childcare for Disabled children – One Year Update*. London: Contact A Family.

Contact a Family (2015a) *Findings from the research into the free childcare offer for disabled children*. London: Contact A Family.

Council for Disabled Children (2016) *The Local Offer: Provision the Local Authority Expects to be Made Available by Schools, Early Years and Post-16 Providers*. London: National Children's Bureau.

Department for Children, Schools and Families (2008) *The Bercow Report: A Review of Services for Children and Young People (0–19) with Speech, Language and Communication Needs*. Department for Children, Schools and Families.

Department for Children, Schools and Families (2009) *Lamb Enquiry: Special Education Needs and Parental Confidence*. London: Department for Children, Schools and Families.

Department for Education (2011) *Support and Aspiration: A New Approach to Special Educational Needs and Disability: A Consultation*. London: Department for Education.

Department for Education (2014) *Early Education and Childcare: Statutory Guidance for Local Authorities*. London: Department for Education.

Department for Education (2014a) *Special Educational Needs and Disability Code of Practice: 0 to 25 Years*. London: Department for Education.

Department for Education (2015) *Special educational needs and disability: supporting local and national accountability*. London: Department for Education.

Department for Education (2016) *30 Hour Free Childcare Entitlement: Delivery Model. Government Consultation Response*. London: Department for Education.



---

Every Disabled Child Matters, Special Education Consortium, Contact A Family and Family and Childcare Trust (2015) *Review of the Cost of Providing Childcare: Call for Evidence*.

Hillman, J. and Williams, T. (2015) *Early Years Education and Childcare: Lessons From Evidence and Future Priorities*. London: Nuffield Foundation.

HM Treasury (2007) *Aiming High for Disabled Children: Better Support for Families*. London: HM Treasury.

Huskinson, T., Hobden, S., Oliver, D., Keyes, J., Littlewood, M., Pye, J. and Tipping, S. (2016) *Childcare and early years survey of parents 2014 to 2015*. London: Department for Education.

National Deaf Children's Society (2016) *Response to Labour Party Review of the SEND Provisions in Children and Families Act*. London: National Deaf Children's Society.

Norwich, B. and Eaton, A. (2015) 'The New Special Educational Needs (SEN) Legislation in England and Implications for Services for Children and Young People with Social, Emotional and Behavioural Difficulties', *Emotional and Behavioural Difficulties*, 20(2), pp. 117-132.

Ofsted and the Care Quality Commission (2016a) *The handbook for the inspection of local areas' effectiveness in identifying and meeting the needs of children and young people who have special educational needs and/or disabilities*. Manchester: Ofsted.

Ofsted and the Care Quality Commission (2016b) *The framework for the inspection of local areas' effectiveness in identifying and meeting the needs of children and young people who have special educational needs and/or disabilities*. Manchester: Ofsted.

Papworth Trust (2016) *Disability in the UK 2016: Facts and Figures*. London: Papworth Trust.

Parish, N. and Bryant, B. (2015) *Research on funding for young people with special educational needs*. London: Department for Education.

Rook, A. and Broach, S. (2015) *Childcare for Families with Disabled Children: How to Access Free Childcare for Two to Four-Year-Olds*. London: Contact A Family.

Rutter, J. (2016) *2016 Childcare Survey*. London: Family and Childcare Trust.

Rutter, J. and Stocker, K. (2014) *The Work of Family Information Services in England 2013/2014*.

SENDirect (2016) *State of the Nation Research Report 2016: Childcare Services*.

Shaw, B., Bernardes, E., Tretheway, A. and Menzies, L. (2016) *Special Educational Needs and Their Links to Poverty*. York: Joseph Rowntree Foundation.

Spivack, R., Hallam, R. and Thom, G. (2014) *Special Educational Needs and Disability Pathfinder Programme Evaluation*. London: Department for Education.

Sylva, K., Melhuish, E., Sammons, P., Siraj-Blatchford, I. and Taggart, P. (2004) *The Effective Provision of Pre-School Education (EPPE) Project: Final Report*. London: Institute of Education.

Working Families (2015) *Off Balance: Parents of Disabled Children and Paid Work*. London: Working Families.