

CHAPTER ONE

The bigger picture



The aim of this chapter is to put children's behaviour into the wider context.

It outlines the references made to behaviour and behaviour management in the following documents:

- ▶ The Early Years Foundation Stage – Statutory Framework (DfES, 2007)
- ▶ The Early Years Foundation Stage – Practice Guidance (DfES, 2008)
- ▶ The Code of Practice for Special Educational Needs (DfEE, 2001)
- ▶ The Disability Discrimination Act (NCB, 1995)

and includes:

- ▶ a Hands-on activity
- ▶ Further reading.

Most practitioners would agree that a positive attitude, self-esteem and good behaviour are essential for children to develop and learn successfully. The importance of children's personal, social and emotional development is highlighted in recent initiatives and is embedded in the EYFS. Both the Statutory Framework and the non-statutory Practice Guidance make reference to behaviour, the main points of which are listed below. These may be particularly helpful to managers and those responsible for behaviour management and training within a setting.

The Statutory Framework for the EYFS

Welfare requirements

Safeguarding and promoting children's welfare

Children's behaviour must be managed effectively and in a manner appropriate for their stage of development and particular individual needs.

(EYFS Statutory Framework, page 25)

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Specific legal requirements

Providers must not give corporal punishment to a child for whom they provide early years provision and, so far as it is reasonably practicable, shall ensure that corporal punishment is not given to any such child by:

- ▶ any person who cares for, or who is in regular contact with children;
- ▶ any person living or working on the premises.

Providers must not threaten corporal punishment or use or threaten any form of corporal punishment which could have an adverse impact on a child's well-being.

Providers must have an effective ***behaviour management policy*** which is adhered to by all members of staff.

Statutory guidance to which providers must have regard

A ***named practitioner*** should be responsible for behaviour management issues. They should be supported in acquiring skills to provide guidance to other staff and to access expert advice if ordinary methods are not effective with a particular child.

Physical intervention should only be used to manage a child's behaviour if it is necessary to prevent personal injury to the child, other children or an adult, to prevent serious damage to property or in what would reasonably be regarded as exceptional circumstances.

Any occasion where physical intervention is used to manage a child's behaviour should be recorded and parents should be informed about it on the same day.

Practice Guidance for the EYFS

The EYFS Practice Guidance looks at how practitioners can support the learning, development and welfare of all children. It is written to correspond with the principles which are divided into four themes:

- ▶ A Unique Child
- ▶ Positive Relationships
- ▶ Enabling Environments
- ▶ Learning and Development.

These themes underpin effective practice in the delivery of the EYFS (Practice Guidance, page 5).

Most references to behaviour are found in one of the Six Areas of Learning – that of Personal, Social and Emotional Development.

In particular it says that practitioners should:

Give support and a structured approach to vulnerable children and those with particular behavioural or communication difficulties to help them achieve successful Personal, Social and Emotional Development.

(EYFS Practice Guidance, page 25)

A child's behaviour is rooted in their personal, social and emotional development, which is helpfully set out in the EYFS Practice Guidance, page 24, as follows:

- ▶ For children, being special to someone and well cared for is vital for their physical, social and emotional health and well-being.
- ▶ Being acknowledged and affirmed by important people in their lives leads to children gaining confidence and inner strength through secure attachments with these people.
- ▶ Exploration within close relationships leads to growth of self-assurance, promoting a sense of belonging which allows children to explore the world from a secure base.
- ▶ Children need adults to set a good example and to give them opportunities for interaction with others so that they can develop positive ideas about themselves and others.
- ▶ Children who are encouraged to feel free to express their ideas and their feelings, such as joy, sadness, frustration and fear, can develop strategies to cope with new, challenging or stressful situations.



When does behaviour become a special need?

The Special Educational Needs Code of Practice

The SEN Code of Practice (DfEE, 2001) outlines certain expectations with regard to identifying and meeting the needs of children with learning difficulties and/or disabilities. These include a series of principles that early years settings are expected to adhere to.

The principles of the SEN Code of Practice are as follows:

- ▶ Every child with special educational needs should have their needs met.
- ▶ As far as possible these needs will be met within a mainstream setting with access to a broad, balanced and relevant curriculum.
- ▶ The views of parents should be sought and taken into account.
- ▶ Wherever possible the views of the child should be, taken into account.

(DfEE, 2001: 16, para. 2:2)

The SEN Code of Practice describes **special educational needs** as falling into four main areas:

- ▶ Communication and interaction
- ▶ Cognition and learning
- ▶ ***Behavioural, emotional and social development***
- ▶ Sensory and physical.

The legal definition of SEN (Education Act 1996) as set out in the SEN Code of Practice (DfEE, 2001: 6, para. 1:3) is:

Children have special educational needs if they have a *learning difficulty* which calls for *special educational provision* to be made for them.

Children have a *learning difficulty* if they:

- (a) have a significantly greater difficulty than the majority of children of the same age; or
- (b) have a disability which prevents or hinders them from making use of the educational facilities to be found locally for children of the same age
- (c) are under compulsory school age and fall within the definition at (a) or (b) above or would do so if special educational provision was not made for them.

Some children with challenging behaviour could therefore be described as having a special educational need.

Policies and procedures

The SEN Code of Practice sets out very clearly the procedures to be followed once a child is identified as having special or additional needs. The importance of both parental involvement and child participation is a key principle in this process.

The actions which follow are called a *graduated response*.

All practitioners are expected to put in place systems and strategies to support children's behaviour. The trigger for deciding that extra support or intervention is needed is described as when a child presents:

... persistent emotional and/or behavioural difficulties which are not ameliorated by the behaviour management techniques usually employed in the setting.

Practitioners would be expected to follow the guidance and graduated response outlined in the SEN Code of Practice. The child would be said to be at **Early Years Action** and the setting would be expected to work closely with parents. Targets would be recorded on a behaviour support plan or an individual education plan, which would be monitored and regularly reviewed. More information about this can be found in Chapter 6.

If targeted interventions, which are 'additional to or different from' what is normally available for children in the setting, are still unsuccessful after an agreed period of time, then the early years setting may wish to seek outside help. The trigger for seeking help from outside agencies could be that despite receiving an individualised programme and/or concentrated support:

... the child has emotional or behavioural difficulties which substantially and regularly interfere with the child's own learning or that of the group, despite having an individualised behaviour management programme.

Again the setting would be expected to work closely with parents and outside agencies to write an individual education plan or behaviour support plan. The child would be said to be at **Early Years Action Plus**.

For a very small number of children even this level of support might not be enough to help them make adequate progress and a Statutory Assessment would be requested to obtain a Statement of Educational Need. Early Years settings would always be supported by local authority advisers at this stage.

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Roles and responsibilities

The SEN Code of Practice assigns the day-to-day organisation and coordination of special needs provision to the Special Educational Needs Coordinator (SENCO). However, it also clearly states that identification of, planning for and working with children with special needs, learning difficulties and disabilities – including those with behavioural needs – lies firmly with *all* members of staff.

Other legislation relevant to children's behaviour

The Disability Discrimination Act 1995

The Disability Discrimination Act 1995 (DDA) and subsequent disability legislation are relevant to a wide range of early years providers. It raises some questions as to whether or not children with behavioural difficulties are included in the definition of 'disabled' as described in the DDA.

It seems that there are certain circumstances when this would be the case:

A child may have significant behavioural difficulties and these may relate to an underlying impairment. If they do, the child may count as disabled because of the underlying impairment.

A child displaying behavioural difficulties with an underlying impairment such as autism or severe speech, language or communication difficulties, for example, could therefore be described as disabled. They are therefore protected under the DDA.

The DDA sets out two *core duties*:

1. *Not to treat a disabled child less favourably.*
2. *To make **reasonable adjustments** for disabled children.*

From October 2004 'reasonable adjustments' includes removing physical barriers.

The core duties are *anticipatory* and provision and plans for disabled children should therefore be in place before they might actually be needed.

The DDA has implications for all aspects of the policies and practice of early years settings and also sits well alongside the principles of the EYFS.

Settings should note the need to include in their equal opportunities policies information about how reasonable adjustments will be made to cater for individual needs.

The anticipatory nature of these duties also means that settings will need to be aware of what *might* be needed and plan for future eventualities.



Hands-on activity

Look at the Practice Guidance for the EYFS, page 24: Personal, Social and Emotional Development.

How does the EYFS suggest that settings can effectively implement this area of learning and development?



Further reading

Department for Education and Employment (2001) *Special Educational Needs: Code of Practice*. DfEE.

Department for Education and Skills (2007) *Statutory Framework for the Early Years Foundation Stage*. DfES.

Department for Education and Skills (2008) *Practice Guidance for the Early Years Foundation Stage*. DfES.

National Children's Bureau Enterprise Ltd (2003) *Early Years and the Disability Discrimination Act 1995: What Service Providers Need to Know*. NCB.