Establishing a Nursery Class

Guidance for Maintained Schools and Academies
Contents
1 - Introduction ........................................................................................................................................ 3
2 - Procedure for changing a school’s lower age range ................................................................. 4
  2.1 School Organisation (For Maintained Schools) ........................................................................ 4
  2.2 Education Funding Agency (For Academies) ............................................................................ 5
3 - Statutory Framework for the Early Years Foundation Stage ....................................................... 5
4 - Class size and Staffing.................................................................................................................... 5
5 - Accommodation .............................................................................................................................. 7
6 - Nursery Admissions ....................................................................................................................... 7
  6.1 Maintained schools: ................................................................................................................... 7
  6.2 Academies and other ‘own admission authority’ schools: ......................................................... 7
7 - Funding of Places (3 and 4 year olds) ......................................................................................... 8
  7.1 Maintained schools..................................................................................................................... 8
  7.2 Academies ..................................................................................................................................... 8
8 - Quality and Curriculum ................................................................................................................ 8
9 – SEN .................................................................................................................................................. 8
10 - Funded 2 Year Olds ...................................................................................................................... 9
11 - Schools and 3rd party Pre-School Provision ............................................................................. 10
Useful Contacts and Information: ....................................................................................................... 11
Annex 1: Quality Framework ............................................................................................................. 13
Annex 2: Working in partnership ....................................................................................................... 21
Annex 3: ................................................................................................................................................ 25
Annex 4: Academies – Information on Consulting the Local Authority ........................................ 28
1 - Introduction

This guide is for maintained schools and academies considering lowering their age range to admit children from age 2 or 3.

Every child is entitled to universal free part-time early years education from the term after their 3rd birthday. This may be accessed in a range of provisions, including school nursery classes. Some 2-year-old children are also eligible for free part time early education, and we have provided brief guidance here for schools considering including these younger children in their nursery. From September 2017 there is an extended 30 hour entitlement for 3 and 4 year olds in working families. You will need to consider if your nursery offer will include 30 hour places. Please see our website for further information: 30 Hours free childcare

This guide includes information on where to find relevant statutory requirements, the processes you will need to follow, and funding details.

There are many recognised benefits in schools offering early years provision:

- to improve the quality of provision for children in the Early Years Foundation Stage
- so that children experience continuity of education and care without the disruption of transition from age 2 or 3 to the end of the reception year
- in maintained schools, and where academies choose, children will be taught in an appropriate early years environment by a 'school teacher' as defined by section 122 of the Education Act 2002’ and ideally this teacher specialises in Early Years
- to enable children to work with staff who have time to get to know them really well
- so that parents are more likely to choose to educate their children within their local community from the outset
- where possible to provide extended care to support parents’ training or return to work.
- childcare on site can benefit school staff, and aid recruitment and retention

However, nursery provision may not be right for every school. Some of the areas that will need careful consideration include:

- whether there is demand for a new provision – are you able to offer flexibility to match what families need
- if you will jeopardise the viability of other quality early years provision and potentially end up competing for applications
- the financial viability of your model
• whether you have suitable surplus accommodation for the nursery (and funds for any adaptations/resources)
• the effects on other age groups (i.e. are you intending to mix reception and nursery together?)
• if you are merging with, or replacing an existing pre-school you should assume that Transfer of Undertakings (Protection of Employment) (TUPE) Regulations will apply http://www.acas.org.uk/tupe. This may add to your costs but can also be a benefit as you can transfer experienced staff and aid continuity for children already attending the pre-school.

Schools should also consider whether offering early years places under their governors community powers may be a better option than age range extension.

Some of these aspects are covered in more detail later in this guide.

2 - Procedure for changing a school’s lower age range

2.1 School Organisation (For Maintained Schools)

Any proposed age range extension at Community Schools must follow a statutory process which will be carried out by the Local Authority. Community schools wishing to create a nursery class need in the first instance to informally discuss the proposal with us to ensure that the Local Authority is willing to submit a proposal. This will be determined by factors including:

• evidence of demand for the proposed provision
• confirmation that the space identified for the nursery is suitable, and is surplus to requirement (e.g. not earmarked for future school growth)
• that it presents no adverse effect on other quality early years provision in the locality
• that the school is Ofsted Good or Outstanding, unless a specific exception is agreed by the service managers for early years sufficiency and quality.

Governing Bodies at Voluntary Schools can propose to extend their lower age range by up to 2 years without the need to follow a formal statutory process. However there are still some important principles to cover and these are outlined in section 4 of the DfE publication:- Making Prescribed Alterations to Maintained Schools - Statutory Guidance for Proposers and Decision Makers.

Governing Bodies are asked to particularly note the expectation to liaise with the Local Authority regarding how their proposal aligns with wider place planning. We are also able to assist with information regarding sufficiency of places, which is also relevant to the DfE requirements.
Objections and ‘contentious or controversial’ proposals
Where a governors’ consultation on creating a nursery class results in an objection from the Local Authority and/or neighbouring school that the proposal will undermine the quality of education, there is now a requirement to notify the DfE of such proposals. Please see section 3 of the DfE document for more information and the address to send details of the contentious proposal to. Ideally any areas of concern can be discussed and resolved before an objection is lodged.

2.2 Education Funding & Skills Agency (For Academies)

Please refer to the DfE publication, Making Significant Changes to an Existing Academy, in particular Part 2 on Fast Track Changes and Part 4 on Next Steps. You will need to apply through the Education Funding Agency for approval to the extended age range. The EFSA will liaise separately with the Local Authority to confirm their support for the proposal and how it aligns with their broader place planning duties, therefore please do not submit to the EFSA without first seeking the input of the Local Authority. Education Sufficiency & Access will provide a statement that you can include in your submission and it is better to know whether there is 100% support or certain reservations (which you could then potentially address further in your proposal) before applying. Please see annex 4 for further information on how to request the statement.

Objections and ‘potentially contentious’ proposals
For proposals which are potentially contentious, the EFA will usually require a full business case, regardless of the academy’s Ofsted rating and whether the type of change being proposed is eligible for the fast track process. Please refer to the DfE guidance for more information on this.

3 - Statutory Framework for the Early Years Foundation Stage

Schools should refer to this publication for detail on the legal requirements for staffing ratios, early learning goals, premises requirements and so on. Please follow this link to the EYSF document.

Where referred to within this guide we will use ‘EYSF’ or Early Years Statutory Framework.

4 - Class size and Staffing

These are determined by the EYSF (Section 3 Safeguarding and Welfare Requirements). Requirements differ by sector so check that you are referring to the relevant section for your type of provision regarding staff qualifications and adult to child ratios. The DfE has confirmed that Academies, although not specifically
mentioned in the EYSF, are classed as Independent Schools. Academies may therefore choose a 1:13 staffing model with a qualified teacher or else a 1:8 ratio without. This also applies to governor-run provision in maintained schools (ie where the age range has not formally been extended).

The EYSF states that staffing for nursery classes in maintained schools must include a school teacher, and at least one other member of staff must hold a full and relevant level 3 qualification.

Proposals for classes that mix nursery with reception age must also conform to the School Admissions (Infant Class Size) Regulations 2012. These limit the size of infant classes to 30 pupils per school teacher (where the majority will attain the age of 5 during the school year).

See the tables below for examples of mixed class staffing requirements. These will apply to both academies and maintained schools

Minimum Staffing Levels in mixed age classes

If more than 50% of the total class are reception age:

<table>
<thead>
<tr>
<th>No. of children per session</th>
<th>Teachers per session</th>
<th>Early years support workers per session</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 15</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>16-30</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>31-45</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

If more than 50% of the class are nursery age:

<table>
<thead>
<tr>
<th>No. of children per session</th>
<th>Teachers per session</th>
<th>Early years support workers per session</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 13</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>14-26</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>27-39</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>40-52</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

For more detailed guidance in regard to staff qualifications and training, please follow the link: [OCC web pages on staff qualifications and training](#)

You may also find the [DfE qualifications finder](#) helpful in determining valid Level 3 qualifications.
5 - Accommodation

Please refer to requirements detailed within the EYSF. There is no funding available from OCC to build or extend premises to create a nursery class. However if you have suitable surplus accommodation and funds to develop and adapt it, we would ask that you liaise with OCC Education Sufficiency and Access at an early stage to confirm that the proposed change of use does not conflict with any expected or possible future development of the school or any known covenants on future use of that area. For example, if you have a ‘spare’ classroom because intake has been low for a few years, we would need to look at forecasts of population growth and housing development to make sure that your intake will not need to increase again in the next few years.

6 - Nursery Admissions

All schools administer their own nursery admissions.

6.1 Maintained schools:

Maintained community and VC schools must follow the Oxfordshire County Council school nursery admissions policy. Educations Sufficiency & Access will ask you to confirm annually the number of part time places you will offer and, once published in the pupil place plan, you should admit to that number as long as there is demand for places. Admissions should be three times a year admitting from the start of term, until the published number is reached. Places must always be offered for the full free universal entitlement of 15 hours per week or 570 hours per year if you are able to offer places more flexibility. Schools may agree requests for children to attend fewer hours but are not obliged to and will need to bear in mind that any agreed partial attendances will mean place funding is reduced accordingly. Schools wishing to offer the 30 hour funding can find specific guidance in the nursery admissions policy for this. Maintained schools must offer universal (15 hour) places but are not obliged to also offer 30 hour places.

6.2 Academies and other ‘own admission authority’ schools:

Academies and other own admission authority schools (e.g. Aided Schools, Free Schools) are responsible for devising their own nursery admissions policy or may adopt the OCC policy with suitable amendments. They will need to ensure that their policy meets the requirements of public law. Each academic year we will ask you to confirm how many nursery places you will be offering, which helps with our statutory early years sufficiency of places planning and will be included in our Pupil Place Plan.
7 - Funding of Places (3 and 4 year olds)

You'll want to know that the nursery is financially viable and will need to consider the costs of your nursery provision based on a reasonable expectation for numbers on roll in each term. Do keep in mind that eligibility cohorts will mean your nursery roll is likely to build throughout the course of the academic year. You should include any staff and running costs, and any income from place funding or purchasable extra services.

7.1 Maintained schools

Maintained schools will be funded for nursery children in line with the agreed delegated scheme of funding for schools. Schools are allocated an indicative budget for the financial year, based on 15 hours per nursery pupil at £4.01 per hour (2017/18 rate for 3s and 4s) or £5.52 per hour for funded 2s. Schools need to register for access to the funding portal in order to confirm actual attendance and there will then be budget adjustments at least three times a year, following receipt of actual headcount data. For further detail please call your School Finance contact in the Integrated Business Centre: occschoolsfinancecontacts

7.2 Academies

Payments are based on £4.01 per hour (2017/18 rate) and £5.52 for funded 2s. Academies will need to register with the Early Education Funding team based at County Hall to access place funding. Please see details online: Applying to join the Nursery Education Funding Scheme or telephone 01865 894811.

8 - Quality and Curriculum

The DfE requires that local authorities ‘must not fund the early education entitlement through providers that fail to actively promote fundamental British values, or which promote as evidence-based views or theories that are contrary to established scientific or historical evidence’. This is included in nursery education funding agreements for academies and governor run provision. For more information regarding curriculum and quality requirements, please see the EYSF and Oxfordshire’s quality framework guidance at Annex 1.

9 – SEN

Schools are reminded that they must comply with the Children and Families Act (2014) and the Special Educational Needs and Disabilities Code of Practice 0 to 25 (2015). All early years providers are required to have arrangements in place to
identify and support children with SEN or disabilities and to promote equality of opportunity for children in their care. These requirements are set out in the EYFS framework.


They must also comply with the Equality Act 2010, including an “anticipatory duty” to be prepared for any disabled child who might attend the setting.

The governing bodies of maintained nursery schools must publish information on their websites about the implementation of the governing body’s policy for children with SEN. The information published should be updated annually. The information required is set out in the Special Educational Needs and Disability Regulations 2014 and includes arrangements for the admission of disabled children, the steps being taken to prevent disabled children from being treated less favourably than others, the facilities provided to enable access to the school for disabled children, and their accessibility plan showing how they plan to improve access over time.

A maintained nursery school must ensure that there is a qualified teacher designated as the SENCO in order to ensure the detailed implementation of support for children with SEN. This individual should also have the prescribed qualification for SEN Co-ordination or relevant experience. Academies are also required to have arrangements in place for meeting children’s SEN and to identify a SENCO.

10 - Funded 2 Year Olds

Ofsted: If maintained schools wish to admit 2 year olds, they no longer need to register this as separate childcare provision on the Ofsted early years register. Provided at least one child present is on the school roll (this requirement is fulfilled by the presence of reception children on the site), the Ofsted registration for the school will now cover children aged from 2 upwards. Childcare for under 2s will still need to be separately registered.

Universal free entitlement begins the term after the child’s 3rd birthday (3 term year). Therefore, places for 2 year olds will either need to be charged for or in some cases attract 2 Year Old funding, which is administered centrally by OCC. For further information on this please follow the link: Two year old funding scheme, or e mail earlyeducation@oxfordshire.gov.uk Please be aware that EYSF requirements for accommodation and staffing ratios differ for this younger age group. Schools will need to build in additional staffing costs and the higher grant rate into their financial planning. If your school already has a nursery class and is extending down to 2 year olds we will need to know if and how this affects your published number of nursery places.
Please see the following example from an Ofsted factsheet regarding planning appropriate space and staffing if introducing 2 year olds:

A registered provider takes up to 40 children aged three to five years divided into three separate areas. The provider wants to extend its service to allow parents to take advantage of the Government’s offer of free early education for two-year-olds. In order to accommodate two-year-olds, the provider has allocated one of the three areas for children of this age. Its space allows for 16 children aged three to five but only 15 two-year-olds. The provider has two staff working in this area but this number of staff would only support eight two-year-olds. The provider decides to take on one additional staff member so that they may offer places to 12 two-year-olds in total. This is a reduction in overall numbers of four children and the provider intends to adjust information to parents to reduce the maximum number of children to 36 and change the age range. The provider has also bought new equipment more suited to the needs of two-year-olds and has plans to recruit a new staff member with specific expertise with this age group.

Please note that OCC would not normally fund 2 year olds in any provision that is less than Ofsted ‘Good’.

**11 – Governor-led and 3rd party Pre-School Provision**

If you already have a private or voluntary group on site, then you may be considering a merger in order to create a school nursery class. Alternatively you may decide that extending the school age range is not the right way forward and running provision under community powers works better.

There will be times when partnership arrangements are no longer viable or appropriate – for example when staff from both the school and the preschool want to work as one team under the same leadership to deliver the Early Years Foundation Stage. It is sometimes the case that pre-school numbers are too low for sustainability or it is not possible to maintain a separate governance structure due to lack of parental volunteers.

Transferring the management arrangements to the school’s Headteacher and governors is not a quick fix option when pre-schools are experiencing short-term difficulties. The process can take 6 months or more and there are many things to consider.

If all are agreed that a merger or transfer is the best option, the school needs to take responsibility for following the relevant processes to lower its age of admission, and ensure it can meet the required standards for delivery and financial viability – including sound business planning and financial forecasting.
Both the school and the pre-school need to take specialist advice on transfer of staff and employment rights, pay and conditions, including TUPE legislation (Transfer of Undertakings (Protection of Employment) Regulations 2006) where applicable. Under the legislation any redundancy costs that result from the merger must be met by the school.

The pre-school will need to follow any procedures for closure laid down in its Constitution of Governance documents. Any transfer or disposal of assets needs to meet Charity Commission requirements if the preschool is a registered charity.

Please see information on the OCC website Advice for pre schools on closure and mergers

Annex 2 also gives for possible management models and partnership working considerations for separately-managed provision on a school site.

Useful Contacts and Information:

OCCEducation Sufficiency and Access:

For information and guidance on the process for extending a school’s lower age range, two year old funding scheme, 30 hours entitlement and OCC nursery admissions policy

Tel: 07733 001503 or e mail FAO ‘The Senior Officer (Early Years Organisation)’ to earlyeducation@oxfordshire.gov.uk

OCC Early Education Funding Team:

For Academies or private and voluntary settings wishing to apply for nursery funding for 2, 3 and 4 year olds.

Tel: 01865 894811 or e mail earlyeducation@oxfordshire.gov.uk

OCC Early Years Advisory Team (schools):

email: early.years@oxfordshire.gov.uk For advice regarding the early years curriculum and building a quality nursery provision, support for pre-schools considering closure or merger. Please note that support may be on a buy-in basis.

Schools Finance:

For requesting support with financial evaluation of a nursery proposal (maintained schools only)
http://www3.hants.gov.uk/education/schools/efs/occschoolsfinance/occcontac.ts.htm

Education Schools and Funding Agency:

For Academies wishing to extend their lower age range

e mail: academy.questions@education.gsi.gov.uk
Annex 1: Quality Framework

*These notes of guidance are intended to give all schools a clear vision of best practice for children across the Early Years Foundation Stage.*

*Schools must also refer to the latest Statutory Framework for the Early Years Foundation Stage, including the Welfare Requirements, available through the Department for Education*

1. Staffing

- Every maintained nursery class teacher working in the Early Years Foundation Stage (EYFS) needs to be a qualified teacher, and ideally should have recent and relevant early years training
- The teacher in charge of any EYFS class or unit must have a UK recognised teaching qualification
- Every class with EYFS children should have a second adult with a minimum qualification NVQ 3 in childcare and education. Vertical classes present challenges for planning and provision. A second well-qualified and competent adult in early years is important to enable both child and adult initiated learning and to support the indoor/outdoor curriculum young children are entitled to
- In EYFS units (combined nursery and reception) there should be an additional adult to support the learning opportunities for the full age range indoor and out.
- All staff working and involved in the EYFS should be entitled to a programme of professional development which will enhance their early years qualifications and expertise
- Teachers and support staff, working in the EYFS, need to be committed to the principle that early years ‘is an outdoor job’ and daily working outdoors is a statutory part of the EYFS
- Additional staffing may be needed to support children with special educational needs in line with the requirements of the Code of Practice for Special Educational Needs.

2. The Second Adult/Early Years Support Worker

The second adult in an EYFS setting has significant responsibility within the team, including being a key person for a group of children. This responsibility covers observation, planning and ensuring smooth transitions and relationships between home and school. The key person role is a statutory requirement, and should,
wherever possible, be the same person throughout the day and week and throughout the academic year

- The second adult should, in their role as a key person, be consistently available to meet and greet children and their parents at the beginning and end of sessions. This is to support liaison with parents to discuss any observations of children’s learning.
- This may include contributing to reviews of the progress made by children with special educational needs
- EYFS adults need access to a private space to meet parents in order that discussions, particularly around the individual needs of children, are confidential
- The second adult has a responsibility to assist the teacher in setting up resources and equipment inside and outside at the beginning and end of sessions. This will undoubtedly involve arriving half an hour before sessions start and staying half an hour after sessions have finished.

3. Strategic Planning Across the EYFS

Nursery and primary schools need to recognise the EYFS framework is a continuum that entitles children to a minimum of six and to a maximum of eight terms of publicly funded early learning. Good partnerships with parents, an understanding of the home learning environment and any provision attended by the children during the first 3 years of life are also essential.

| The Foundation Stage – Children’s universal entitlement to publicly funded early learning |
|-----------------------------------------|------------------|------------------|--------------------------|
|                                         | Nursery (was F3) | Nursery (was F2) | Reception (was F1) |
|                                         | (2+ age group)   | (3+ age group)   | (4+ age group or “the reception year”) |
|                                         | Aut  | Spr | Sum | Aut  | Spr | Sum | Aut  | Spr | Sum |
| Child born September to December        | -    | 1   | 2   | 3    | 4   | 5   | 6    | 7   | 8   |
| Child born January to March             | -    | -   | 1   | 2    | 3   | 4   | 5    | 6   | 7   |
| Child born April to August              | -    | -   | -   | 1    | 2   | 3   | 4    | 5   | 6   |
• Every school needs a nominated EYFS Coordinator and this person should have recent and relevant early years’ experience and expertise
• The EYFS Coordinator should ensure that there are strong links made to other providers attended by children coming to the school (e.g. local pre-schools and child-minders) to ensure effective transition, early identification of any additional needs and effective pupil tracking across the whole phase.
• The Senior Management Team should include the EYFS co-ordinator
• Every school should consider nominating a governor to lead on the early years, to attend relevant training and to be an advocate for the needs of the EYFS children. He/she will need to liaise regularly with the SEN governor about matters related to special educational needs in this phase
• Every school must be aware of the requirements of the Equality Act (October 2010) and make ‘reasonable adjustments’ to include children with particular needs
• The school should plan strategically for continuity and progression for children within the EYFS, including continuity of provision for those children with Individual Education Plans. This will require strong links and partnerships with other preschool providers in their area to aid appropriate transitional practices
• The EYFS Coordinator needs to liaise regularly with the school SENCo and other agencies such as Speech and Language Therapists, and Early Years peripatetic SEN teachers
• The SENCo needs to take an active role in supporting EYFS staff in the identification, provision and monitoring for children with SEN and the implementation of the Code of Practice
• The school SENCo needs to be familiar with the EYFS, and should be encouraged to access appropriate training as required
• The school SENCo needs time to visit the EYFS classes to offer advice about identifying and supporting children with special educational needs

Issues and requirements related to Transition to Key Stage 1

• Statutory assessment at the end of the EYFS is to ‘support a smooth transition to KS1 by informing professional discussion between EYFS and Key Stage 1 teachers’ (EYFS Profile Handbook 2014 p7)
• ‘To help year 1 teachers plan an affective, responsive and appropriate curriculum that will meet the needs of all children.’ (EYFS Profile Handbook 2014 p7)
• Year 1 practitioners must be given a copy of each child’s EYFS Profile including a written description of the characteristics of effective learning and attainment against each ELG.
• Key Stage 1 practitioners should understand the principles and practice of the EYFS in order to use the EYFS Profile data effectively to meet the needs of individual children
• Key Stage 1 practitioners need planned time to visit the EYFS classes to see the styles of learning and teaching so that their knowledge and understanding of the EYFS is secure
• Whenever practicable year 1 practitioners should be supported to share in joint projects and planning with adults in the EYFS Key Stage 1 practitioners should be encouraged to attend transition training or EYFSP moderation workshops/meetings. This would enable them to build on best early years practice and to provide an appropriate educational experience for those children still working towards the Early Learning Goals in their classes

Issues and requirements related to Leadership and Management

• Any school subject co-ordinator involved in monitoring the EYFS should use appropriate assessment methods and criteria
• Schools will need to ring-fence an adequate amount from the budget for the development of high quality learning environments and resources for children in the EYFS, These resources and equipment need to be suitable for learning indoors and outside
• Children with SEN may require additional resources such as adaptations and aids to facilitate their learning
• The development of the EYFS needs to be a strand of the School Development Plan and any Self Evaluation Frameworks (SEF) including Ofsted SEF
• The head teacher should enable and ensure that the EYFS is a strong focus for whole school in-service training and a regular agenda item for scheduled staff and governor meetings

4. Observation, Assessment and Curriculum Planning

• Children’s curriculum experiences should be based on the daily observation of their needs and interests
• Observations should involve all those who work alongside and know about the children – including all key persons and parents/carers, involving children themselves
• Observations should be discussed on a daily basis and used to modify and individualise EYFS planning
• These observations should be specifically linked to the EYFS Development Matters for all children which are age related and include the ELGs for the end of the Reception year.
• The use of an electronic resource to record children’s attainment throughout the EYFS should be a priority in schools. This resource should interface with the whole school tracking and recording system e.g. Oxfordshire Pupil Tracking (OPT) and/or e Profile.
• Assessment should be entered into one of the above tracking resources at least four times a year, in line with the whole school assessment policy. These data should be monitored by the senior management leadership team, in order to ensure all children make good progress.
• Planning proforma in the EYFS should be fit for purpose and specify continuous provision, adult directed and child initiated learning.
• Planning should be based on the EYFS Framework.
• Planning should take account of the IEP targets of children with special educational needs.
• Planning should incorporate appropriate learning objectives for indoor and outdoor play provision covering all areas of learning.
• All sessions should be broad and balanced so that children attending morning or afternoon sessions access their curriculum entitlement.
• Planning should ensure that there is sufficient time and space for appropriate early learning to take place and routines support children’s learning and do not dominate the day.

5. Organisation of Reception/Nursery Classes

Primary schools with nursery schools or classes attached will be able to plan for the whole EYFS potentially within a single setting or Early Years Unit. This facilitates whole key stage phase planning.

• Accommodation for children in the EYFS should, wherever possible, have direct access to outdoor provision. Reception and nursery children should be enabled to share indoor and outdoor space. Legal requirements for accommodation must be adhered to, according to children’s ages.
• Outdoor areas for learning should be substantial and designed to be a rich and stimulating outdoor environment.
• Children in the EYFS should experience as few interruptions as possible to their learning in the course of any one day. However experiences such as whole school assemblies, visiting ICT suites, using other school facilities, are also valuable, developing children’s confidence and skills.
• In addition to constant ‘free flow’ access to the outdoor area, EYFS children should have at least two timetabled sessions per week in a school hall or other large area for dance and other movement activities.
• On-going access to suitable outdoor provision is a priority and requirement in the EYFS, but where access is problematic, then careful
consideration is needed in planning for outdoor learning including the use of school/community facilities.

- Small-group opportunities for reflection, with an emphasis on children’s spiritual and emotional development are integral in planning. However the opportunity to attend whole school assemblies should be periodically planned for when the focus is relevant to young children’s learning.

- Lunch time for children in the EYFS is important for their learning and development. This requires consistent adult support and consideration of where children will eat, so that they have a nurturing environment.

6. Including Younger Children into School

- During the induction of younger children, parents/carers should be included and involved in settling their child into school. The time this takes will be dependent upon the individual needs of their child.

- Staggered starts may be effective to avoid large numbers of new very young children starting at the same time. Staggered starts should not be spread over more than a week or two. However, parents are entitled to start their child on the 1st day of term and requests for this should not be refused.

- Practitioners working with younger 3 and 4 year olds may need further training for this age group with a particular focus on child development.

- Younger children will need accommodation, furniture, facilities and resources that are appropriate for their physical size and height (indoors and out). Specific consideration may need to be given to children with particular needs and those with special educational needs.

- There should be a toilet and a wash basin for every ten children over the age of 2. Although this is no longer a statutory requirement, it is still an OCC recommendation because access to good toilet facilities is so important in building confidence. Toilets should be easily accessible from the EYFS area so that children can be independent in going to the toilet.

- Some younger children may still be in nappies and adults will need to be trained in the personal care of young children, following the EYFS Statutory Framework and safeguarding procedures.

- Careful planning is required for the beginning and end of sessions that involve children who are full time and those who are part time. This is to enable all children to benefit from appropriate learning opportunities.

- Younger children need to be particularly secure in their routines and these should be appropriate to their age and stage of development. Some children may require the use of additional strategies e.g. objects of reference and visual timetables.

- Because younger children need greater security, the continuity of all practitioners is very important. Young children need to make secure
attachments therefore the key persons need to be consistently deployed to assist children’s learning and development

- Planning for the youngest children must take account of Development Matters, ages and stages within the EYFS framework (see ref 1)
- The younger the children the more appropriate it is that they are taught in small groups, pairs or one-to-one. Whole class teaching is rarely appropriate.
- Whatever the age of the children, practitioners will need to be aware of those who do not appear to be making progress generally or in a specific aspect of learning. Practitioners should use alternative approaches to teaching and learning capitalising upon a range of differentiation strategies.
- Practitioners will need to be confident in recognising and providing appropriately for children who are identified as having special educational needs, drawing on specialist help when necessary in liaison with the school’s SENCo

7. Continuity and Progression in the Early Years Foundation Stage

- Practitioners with a responsibility for the EYFS and/or SEN should ensure good liaison occurs with settings in their local cluster to assist in transitional arrangements for children in the EYFS.
- This liaison should include good opportunities to share information about individual children’s learning and development. This is particularly crucial for children with SEN.
- If children have a statement then opportunities for practitioners from the school to attend a review meeting prior to the child’s transition to school is best practice
- All information shared must have parental consent.
- If reception and nursery children are to be educated by the same practitioners, this requires ‘mixed-age planning’ and the needs of each age should be apparent and specified in learning objectives
- Planning at the short term stage should involve all practitioners and come from their observations and assessments of children. This will be predominantly where children initiate their own learning through different play based provision.
- Local clusters of schools need to work together so that there is cooperation between EYFS providers to support developments of mutual benefit for children and practitioners working in the EYFS.
- This is particularly important for primary schools working alongside nursery Schools to disseminate best practice and engage in joint EYFS initiatives
• The EYFS guidance, particularly the principles and themes need to be shared with parents so that they are able to participate fully in their child’s learning and development.

• Information shared with parents should emphasise that the EYFS framework is implemented in most settings where there are young children aged 5 and under.

• This information should be shared in both formal and informal ways such as parent consultation meetings, parent workshops, newsletters and information boards.

• The role of the key person should support children who attend more than one setting each day to ensure information is shared appropriately with all concerned. This is vital to enable smooth transitions for individual children.

• Schools should seek to work with other pre-school providers to provide the most seamless education possible for the children from age 3 to the end of the reception year.

Updated April 2016

References

1. Development Matters

2. OCC website information for childcare providers  NOTE: To be subscription only from Sept 17

3. Early Years Foundation Stage Profile Handbook 2016
Annex 2: Working in partnership

Guidance for schools and preschools providing early years and childcare provision on a school site.

The benefits of co-located services and working in partnership
There is excellent research evidence to show the benefits for the school, and in particular good outcomes for children, if the school offers access to a range of extended services - including high quality early years education and childcare provision.

Who is responsible for early years and childcare provision?
There are a range of ways, as detailed below, in which schools can provide for early years education, and childcare for all ages. Whichever model is chosen, the services need to meet national quality standards and may need to be separately registered with Ofsted. In many circumstances it will be appropriate for the school to work in partnership with a separately managed organisation such a pre-school or other childcare provider. The three main options are as follows:

1. Governor Managed (as part of a school)

<table>
<thead>
<tr>
<th>Benefits</th>
<th>BUT</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Totally under the governing body’s control – directly managed</td>
<td>• Requires head and/or Governor(s) to direct and manage the service and can be time-consuming</td>
</tr>
<tr>
<td>• School’s standards &amp; ethos easier to maintain in childcare service</td>
<td>• Ideally should cover running costs of out of school activities through fee income (see rents below)</td>
</tr>
<tr>
<td>• Easier to integrate as a part of the school</td>
<td>• Must ensure cover under the school insurance scheme</td>
</tr>
<tr>
<td>• No need to set up another legal body</td>
<td>• Pay and conditions determined by Local Authority job evaluation/national agreement – can drive up cost to parents</td>
</tr>
<tr>
<td>• Inspected as part of the school (but separate registration with Ofsted needed if offering childcare for under 2s.)</td>
<td>• School must ensure it has followed relevant school organisation requirements to admit the full age range</td>
</tr>
<tr>
<td>• Maintained provision will be funded through formula funding for eligible 3 and 4 year olds</td>
<td></td>
</tr>
</tbody>
</table>
2. **Limited Company run by governors OR a private provider**

<table>
<thead>
<tr>
<th>Benefits</th>
<th>BUT</th>
</tr>
</thead>
<tbody>
<tr>
<td>• If independently managed, someone else takes responsibility for set up, management &amp; business risk</td>
<td>• If run independently from the school it may not reflect the school ethos or be flexible about types of service offered.</td>
</tr>
<tr>
<td>• If run independently from the school both parties will need to invest time for effective partnership working</td>
<td>• Needs to register with Companies House and potentially the Charities Commission and comply with company/charity law, including audit requirements for annual accounts</td>
</tr>
<tr>
<td>• Pay terms and conditions determined by directors (not LA/national agreements)</td>
<td>• May be subject to corporation tax</td>
</tr>
<tr>
<td>• If the Governors/head set up the company and are directors, then the school has control - consistency of standards &amp; ethos may be easier to maintain</td>
<td>• Grant bidding opportunities may be restricted</td>
</tr>
<tr>
<td>• If non profit making the organisation may be able to attract external funding – more opportunities if uses Mutual or Community Interest Company models</td>
<td>• Occupation of school premises by a third party (including if governors form a company) will require negotiation of a lease or licence agreement. This will bring with it associated professional and legal costs.</td>
</tr>
<tr>
<td></td>
<td>• Separate Ofsted registration will be required</td>
</tr>
<tr>
<td></td>
<td>• The third party will require public liability insurance to a minimum of £5m.</td>
</tr>
</tbody>
</table>

3. **Voluntary/community managed**

<table>
<thead>
<tr>
<th>Benefits</th>
<th>BUT</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Community involvement &amp; shared responsibility for childcare service</td>
<td>• May not always reflect school ethos or be flexible about services it provides</td>
</tr>
<tr>
<td>• May involve head or governors as committee members</td>
<td>• Committee decisions may not reflect school’s wishes</td>
</tr>
<tr>
<td>• Strongly recommended the provision is incorporated (registered with the Charity Commission as a Charitable Incorporated Organisation)</td>
<td>• Committees are volunteers who may not have management skills or time and may change regularly</td>
</tr>
<tr>
<td></td>
<td>• Occupation of school premises by a</td>
</tr>
</tbody>
</table>

• Someone else takes responsibility for set up, management & business risk
• Pay and conditions set by Committee (not tied to LA/nationally agreements)
• May be able to apply for grants and get rates/tax relief

third party will require negotiation of a lease or licence agreement – this will bring with it associated professional and legal costs
• must be separately registered with Ofsted
• The third party will require public liability insurance to a minimum of £5m.
• both the school and the provider will need to invest time into effective partnership working.

Rents

The level of rent (if any) charged by the school will have a direct bearing on fees that the setting will need to charge and therefore affordability for parents and potentially the sustainability of the provision.

If the provision is not managed by the school, any third party provider will need to have a formal lease/licence agreement which will set out the terms and conditions of occupation including: rent, repair and maintenance responsibilities and all other legal requirements associated with the occupation of the school site.

(Contact: Property & Facilities on 01865 810430)

Guidance for school governors on use of premises, including powers to charge for its use for the provision of extended and community services and also where it is permitted to use delegated school budgets, is contained in section 6 of the Governors Handbook 2014.

The Council has agreed a policy on charging for premises use by early years and childcare providers in community schools (see Annex 3). This is also recommended guidance for voluntary controlled and aided schools, and academies and free schools.

As general guidance it is recommended that the school seeks to ensure that any additional costs, such as utilities cleaning and caretaking, that result are recovered.

Key considerations for governors in determining rents
• The running costs of the provision will affect the level of fees it needs to charge and therefore how affordable/accessible the provision is for families.
• Be clear about what, if any, extra costs are actually being incurred by the school? e.g. is the building heated anyway – and does this change according to the season/term time?
• What are the benefits to the school and the children attending the school – such as making the school more attractive to families?
• How does the provision benefit the children's overall learning and attainment?

Partnership Agreements – where the early years or childcare provision is on the school site but is not managed by the school

Whoever is legally responsible, a critical factor for children and families is that it is seen as an integral part of the school. It is important this is reflected in the marketing - school prospectus, website, newsletters and parents’ evenings. In addition key contact staff at the school should be able to deal with basic enquiries and have a point of contact with the club for detailed enquiries to be referred to. A named school staff lead for childcare is highly desirable - in the case of an early years education provision, this would normally be the Early Years Foundation Stage Coordinator

Schools are strongly encouraged to develop written partnership agreements with any early years or childcare provision on site. The form of this agreement will be locally determined depending on local priorities and circumstances but might include the following:

• Shared aims and principles (including quality standards, ethos, play and learning)
• Benefits to children
• Protocols for sharing information about children
• Shared training/publicity/events/fundraising
• Representation from the childcare provision on the governing body of the schools and vice versa
• Key contacts and liaison
Annex 3:

PREMISES ARRANGEMENTS for
EARLY YEARS and CHILDCARE PROVIDERS OPERATING on
SCHOOL or COUNCIL SITES

The following premises arrangements are applicable for agreements between community schools and 3rd party early years and childcare providers.

Schools may use the powers contained in the Education Act 2002 to agree charging arrangements but **in the absence of an agreement the charges below will apply**. These arrangements are also applicable when other council premises are used to deliver early years and childcare services.

These arrangements are **recommended to all other schools**, including those operated by Diocesan authorities (voluntary controlled and voluntary aided schools) and academies in Oxfordshire.

1. There must be a formal lease or licence in place, before the organisation occupies the premises.
   
   A lease will be required where the organisation will have exclusive possession of the premises; or may be required where the organisation has exclusive possession of the premises during designated hours. The lease will be contracted out of sections 24-28 Landlord & Tenant Act 1954.
   
   A licence will be required where occupation of the premises is shared with the school.

2. In the case of community schools Oxfordshire County Council will be the party to grant a lease or licence, with agreement being drafted up by Law and Culture (Legal Services)

3. Organisations should meet their own running costs which includes gas, electricity, water, insurance, cleaning etc. This may be charged by the school as a percentage of actual costs incurred by the school, apportioned based on floor area occupied by the organisation.

4. Organisations will be responsible for paying the Council’s legal and agents fees in relation to the completion of the lease/licence. The Council is to keep costs as low as possible by using template heads of terms and agreements wherever possible

5. Any rents payable will be paid into school budgets
6. In the absence of an alternative agreement the following charging arrangements will apply:-

<table>
<thead>
<tr>
<th>A. Providers of Nursery Education Funding (NEF) places (including those also offering childcare places)</th>
<th>Rent</th>
<th>External Repairs</th>
<th>Internal Repairs</th>
<th>Running costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Organisations located on school sites, providing its own building. e.g. prefabricated/ temporary buildings</td>
<td>£500 per annum (ground rent)</td>
<td>Tenant</td>
<td>Tenant</td>
<td>Tenant usually by way of separate meters</td>
</tr>
</tbody>
</table>

**Note** - Where the charges are to be implemented when leases are due to expire before end 2015, there will be a stepped increase from the current annual ground rent payable of £150 to £300 in years’ one and two of the new lease until year three when the full rent of £500 per annum will become payable. For any new lease negotiations the full rent will be imposed with immediate effect.

<table>
<thead>
<tr>
<th>• Organisations using school/council buildings e.g. surplus school buildings/rooms</th>
<th>£3.00 per sq.ft /£30 per sq.m per annum</th>
<th>Landlord/ Delegated schools budget*</th>
<th>Tenant</th>
<th>Tenant by way of apportioned costs or separate meter</th>
</tr>
</thead>
</table>

Note: the rent charge will be principally payable on the area of exclusive use.

* It may be appropriate to include a clause requiring the tenant to make reasonable contributions to exterior repairs and maintenance costs for the area of exclusive use.

Where other areas of the school property are intended to be shared e.g. ball pools, school halls, this will be negotiated separately and based on the hours of use of those shared areas and times of use.

<table>
<thead>
<tr>
<th>• Day nurseries</th>
<th>A rent, negotiated individually</th>
<th>As agreed between parties</th>
<th>As agreed between the parties</th>
</tr>
</thead>
</table>

| B. Providers solely providing breakfast | Rent | External Repairs | Internal Repairs | Running costs |
clubs, after school clubs, holiday playschemes.

<table>
<thead>
<tr>
<th>Not for profit/low margin organisations – includes social enterprises and sole traders where the owner works in the provision</th>
<th>Peppercorn</th>
<th>Landlord/Delegated schools budget</th>
<th>Landlord/Delegated schools budget</th>
<th>Tenant by way of apportioned costs or separate meter</th>
</tr>
</thead>
</table>

| Commercial organisations | A rent negotiated individually; either based on schools individual hire policy for accommodation used out of school hours, or based on £6.00 per sq.ft apportioned for hours of use. | Landlord/Delegated schools budget | Landlord/delegated schools budget | Tenant by way of apportioned costs charged by the school |

In addition:

I. For providers of Nursery Education Funding (NEF) places, including those also offering childcare places

- The landlord will have the right to terminate the lease/ licence in the event that the NEF is withdrawn by the Council, in accordance with the NEF agreement, with Ofsted being the sole arbiter of quality

II. For providers solely providing breakfast clubs, after school clubs, holiday playschemes.

- The lease/ licence contains a clause giving the right to terminate the agreement in the event of the provision being considered inadequate, either by reference to an Ofsted inspection or where there is no Ofsted registration, by the landlord at the landlords absolute discretion.
Annex 4: Academies – Information on Consulting the Local Authority

As stated in the DfE guidance (Making Significant Changes to an Existing Academy), Academies rated as 'good' or 'outstanding' at their last Ofsted inspection can propose to change the age range of their school by up to two years (including adding nursery provision) by following the fast-track process unless it is likely to be contentious. This means that a full business case does not need to be completed and submitted to the Education Funding Agency. However Academies are still required to consult the Local Authority.

Please note that ‘potentially contentious' proposals will have to submit a full business case. If the Local Authority has been consulted and objects to the proposal on specific grounds, this is deemed potentially contentious. We would therefore encourage you to liaise with us at an early stage to fully understand any areas that may need to be considered and addressed in order to receive full support.

To consult the local authority on your proposal to lower age range and create a nursery please send written notification to:

Janine Foulkes-Williams, Senior Officer (Early Years Organisation), Education Sufficiency & Access, 4th Floor County Hall, New Road, Oxford OX1 1ND or e mail janine.foulkes-williams@oxfordshire.gov.uk

We need to know as a minimum:-

- When you intend to open your nursery
- What age range you intend to cover
- Where the nursery will be accommodated (plan and room size)
- If it will be mixed with reception, or a separate class
- Number of 15 hour places to be offered

In addition, if there is already a pre-school on the school site, we need to know:-

- If the pre-school has voted for closure/merger at an Extraordinary General meeting (and if not, when this vote will take place)
- Whether staff are to TUPE across
- Ownership arrangements for any premises currently used by the pre-school.

Please allow a minimum of 10 working days for a full response on this.