



# **Establishing a Nursery Class**

## **Guidance for ODST Academies**

**From April 2015**

## **Introduction**

This guide is for ODST academies considering lowering their age range to admit children from age 3.

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 adding a nursery class:

- to improve the quality of provision for children in the Early Years Foundation Stage
- so children experience continuity of educational experience throughout their time in the Foundation Stage –from age 3 to the end of the reception year
- to enable well-being and early learning to be nurtured smoothly without the disruption of transition
- children will be taught in an appropriate early years environment by a ‘school teacher’ as defined by section 122 of the Education Act 2002’ (p.23 Statutory Framework for the Early Years Foundation Stage, Sept 2014) 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 parents are more likely to choose to educate their children within their own communities from the outset
- to possibly include wrap around or out of school childcare which is paid for by parents and can support parents’ training or return to work.
- childcare on site can benefit school staff and aid recruitment and retention

However, a nursery class 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 – will projected numbers bring in sufficient funding to cover costs?
- if you will jeopardise the viability of other quality early years provisions
- the need to factor in costs of a qualified teacher (not mandatory for academies but the preferred staffing plan for ODST schools)
- 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 an existing pre-school there may be TUPE and other implications

## **2 - Procedure for changing a school's lower age range**

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.

## **3 - Statutory Framework for the Early Years Foundation Stage**

All our schools must become familiar with the requirements of this publication, referred to within this guide as the Early Years Statutory Framework (EYSF). This covers legal requirements for premises, staff, early learning goals, child welfare and so on.

Please follow this link to the [EYSF document](#).

## **4 - Class size and Staffing**

These are determined by the EYSF (Section 3 Safeguarding and Welfare Requirements). Please be sure 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.

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).

For ODST schools, our staffing ratios need to include a qualified teacher as this is a board requirement. Please refer to the EYSF or to the Education Funding Agency for further advice.

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

## **5 - Accommodation**

The detail of what is required is included within the EYSF. There is no funding available from ODST 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 discuss your proposal with the Director of Schools and the Central Services Manager 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. 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**

**ODST Schools are their own admission authority:**

ODST academies are responsible for devising their own nursery admissions policy. 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 part time places you will be offering, which helps with our statutory early years sufficiency of places planning.

Guidance and support is available from Christine Jones  
([christine.jones@oxford.anglican.org](mailto:christine.jones@oxford.anglican.org))

## **7 - Funding of Places (3 and 4 year olds)**

It is important that you carefully consider the costs of your nursery provision based on a rational expectation for numbers on roll in each term. If you expect to apply for a start up grant, you will need to contact the trusts finance team and Central Services Manager to request their input into this financial evaluation. Their report on financial viability will need to be supplied with your grant application.

ODST academies are required to register for Nursery Education Funding with the relevant local authority Nursery Education Funding Team. You will be required to sign a contract and will then be sent a termly 'Count' pack. Each term, Academies receive an interim payment, and a further adjustment payment later in the term following receipt of Count day headcount data. Payments are based on £3.78 per hour (2014/15 rate).

## **8 - Quality and Curriculum**

The DfE confirmed in 2014 that it intends to bring in regulations requiring 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 will be included in nursery education funding agreements for ODST schools and will be considered for any school applying for a start up grant, by the local authority EY team. For more information regarding curriculum and quality requirements, please see the EYSF. If you have any queries on this please contact the ODST School Improvement Advisory Team on 01865 XXXXXX. If you wish to apply for the nursery class start up grant, a local authority Foundation Years Advisory Teacher will submit a recommendation on whether the proposal is felt to meet required standards.

## **9 – SEN**

ODST 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 (2014). 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.

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

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.

ODST nursery school are expected to 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.

## **10 - Funded 2 Year Olds**

If ODST academies wish to admit 2 year olds, at present they need to register this as separate childcare provision on the Ofsted early years register.

The government has advised that it intends to remove this requirement for schools and indicates that this will come into effect in 2015. In the meantime it is possible that Ofsted may inspect separately registered early years provision independently of the main school.

Universal free entitlement begins the term after the child's 3<sup>rd</sup> 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 the relevant local authority. For further information on this please follow the link: [Two year old funding scheme](#). Please be aware that EYSF requirements for accommodation and staffing ratios differ for this younger age group. Schools will therefore need to consider carefully whether they have the resources to make this feasible.

If admitting 2 year olds this may also affect your published number of nursery places.

Please see the following example from a recent 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.*

## **12 - Nursery Class Start Up Grant/Funding**

The guidance above is to assist ODST schools when considering the legal and practical issues before deciding to extend their age range. Some local authorities hold small sums for awarding start up grants. Please contact the relevant Early Years team for a copy of the grant application pack. Grants will only be awarded if:

- Any statutory or constitutional requirements are met
- Any mergers are supported by both parties
- There is identified suitable accommodation, not required for known or predicted school growth
- Financial feasibility has been supported by the ODST Finance officer's report
- Curriculum and Staffing arrangements have been agreed by the ODST Board
- There is a demonstrated need and market for new early years provision
- Full costings of what the grant will be spent on are provided with the application

## **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 teacher 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

### **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) (2+ age group)			Nursery (was F2) (3+ age group)			Reception (was F1) (4+ age group or “the reception year”)		
	Aut	Spr	Sum	Aut	Spr	Sum	Aut	Spr	Sum
<i>Child born September to December</i>	-	1	2	3	4	5	6	7	8
<i>Child born January to March</i>	-	-	1	2	3	4	5	6	7
<i>Child born April to August</i>	-	-	-	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, Early Years Hub groups & SEN support.
- 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 (There needs to be consistency so that we use the words staff or adults throughout)

- 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 1<sup>st</sup> 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 2015**

### References

1. [Development Matters](#)
2. [OCC website information for childcare providers](#)
3. [Early Years Foundation Stage Profile Handbook 2014](#)