

Let's Be Confident... in understanding how schools can deliver early education places



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Agenda

1 What are the delivery options in schools

Hosting providers v. direct delivery

- Legal and practical issues
- Advantages and disadvantages

2

3 Discussion activity

School Based Nurseries

- Capital Grant considerations
- LA support activity and actions

4

5 Useful links and resources

How can a school offer places for younger children?

Schools can offer early education places in a number of different ways:

Host or commission a private, voluntary or independent (PVI) sector provider to deliver on the school site.

Direct delivery by the school.

Governor-run pre-school provision under Section 27 of the Education Act 2002
Community Provision Powers

Offering early years provision in schools: Ofsted requirements

The Childcare Act (2006) set out when and how early years providers should register. Section 34(2) allows institutions to be exempt from registering separately with Ofsted, in relation to early years provision for a child or children two years or over, if:

- the provision is made at the school as part of the school's activities
- the provision is made by the proprietor, or a person employed to work at the school, and
- there must be at least **one registered pupil** of the school present in the early years provision.

Offering early years provision in schools: Ofsted requirements

What we mean by a pupil:

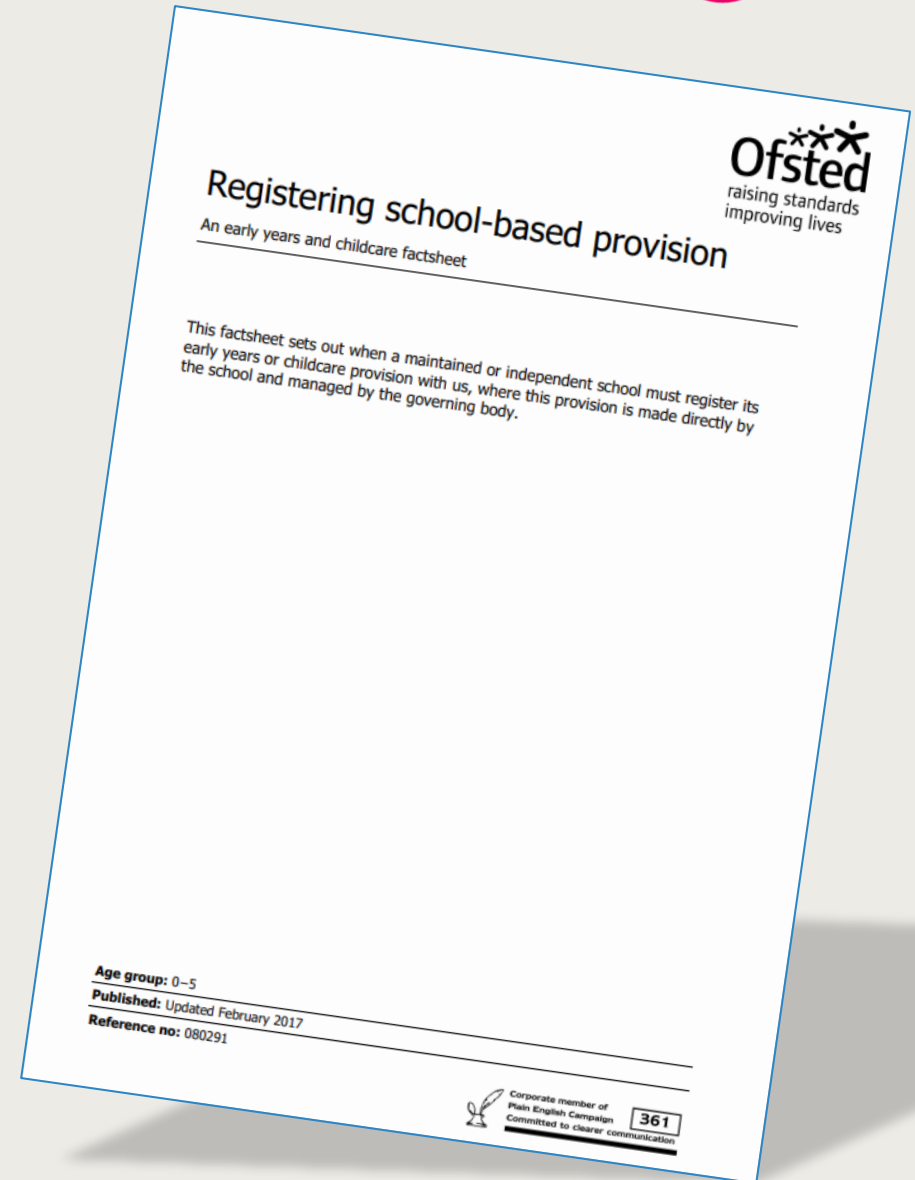
- A pupil is someone who is on the school's register, which schools must have under the Education (Pupil Registration) (England) Regulations 2006
- They have been accepted on roll in line with admission arrangements, agreed with the relevant admissions authority
- The requirement for 'at least one pupil' can be satisfied by Reception Year pupils, and there is no requirement for the pupils to be in the same room.

Offering early years provision in schools: Ofsted guidance

This [guidance](#) sets out scenarios where provision is managed by the school's governing body and sets out when registration is required:

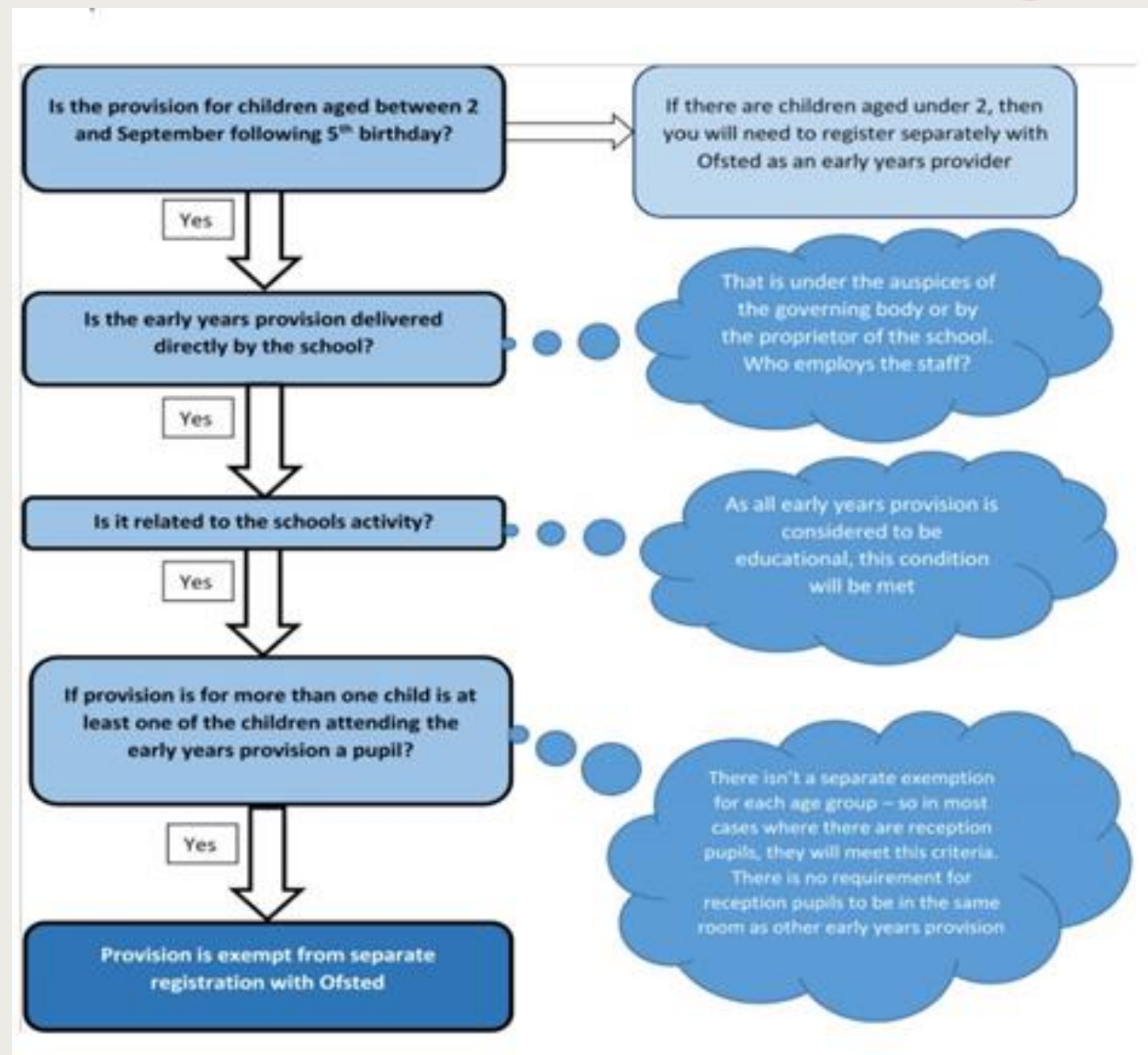
A school must register the early years provision if it is:

- for children aged from birth to under two years and at least one child attends for more than two hours a day
- only for children who are not pupils at the school, such as a separate preschool, a nursery for children of staff members or a nursery in a children's centre managed by the school's governing body (it does not have to be on the school premises to be managed directly by the school's governing body)
- schools must register if you are a school that admits children to their register who are not yet two-years-old.



Offering early years provision in schools: Ofsted guidance

[The Early years entitlements:](#)
[operational guidance](#)
[For local authorities and providers](#)
has a useful illustration of the exemption process.



How a school offers places for younger children.

First option

Host or commission a private, voluntary or independent (PVI) sector provider to deliver on the school site.

This might be:

- A Private, Voluntary or Independent group based childcare provider (PVI)
- A childminder organisation or company
- An individual childminder

Hosting a private, voluntary or independent (PVI) sector provider

Considerations:

- A school can provide premises and not be involved in the management or finances of the service.
- The relationship between the school and provider is a commercial one limited to, and defined by, a lease or licence for use of part of the school estate.
- The school has no influence over management or business risk.
- Reputational risk and opportunity: Great performance can be a positive.
- Effective communication is critical to ensure smooth collaboration, particularly around day-to-day logistics and strategic alignment of services offered by both.

Commissioning a private, voluntary or independent (PVI) sector provider.

- School commissions a third party on its behalf.
- Where public money is used to buy in a service, procurement rules and processes will apply (Public Service Contracts 2015)
- The school should contact the local authority's procurement team for advice and support in managing procurement.
- The school has the responsibility to ensure the selection process is open, fair and transparent.
- In this model, the school can set out clearly the expectations for communication, policy, practice and quality expectations in the commissioning framework and can set out what will happen if terms are not met.

Source: <https://www.familyandchildcaretrust.org/dfes-30-hour-mixed-model-partnership-toolkit>

Host or commission a (PVI) sector provider to deliver on the school site.

Key features of both models:

- Business is run, managed and operated by the provider.
 - Children are on the early years providers register and not on the school roll.
 - PVI provider is registered with Ofsted and is inspected separately.
 - All fees and funding are accepted by the PVI provider.
 - Adult: child ratio
 - 1:8 for 3- and 4-year-olds (Level 3 qualified) or 1:13 (EYPS/EYFT/QTS)
 - 1:5 for 2-year-olds and with early years practitioners
 - Every 3 babies require at least one member of staff. At least one member of staff must hold a full and relevant level 3 qualification and must be suitably experienced with this age group.
 - An agreement
 - School has an agreement with the PVI provider to use the premises. PVI provider operates separately under a childcare licence or lease agreement.
- or
- School has commissioned the provider within a framework and has a contract.

Host or commission a (PVI) sector provider to deliver on the school site.

Key features of both models:

- Neither of these options require the school age range to be lowered as the early years children are not on the school roll.
- The school would need to consult the LA seeking advice from the relevant teams.
- For these two options the services are not under the direct supervision or management of the school, so the school is required to seek assurances the individual or organisation has appropriate safeguarding and child protection policies and procedures in place and liaises with the school on safeguarding matters where appropriate.
- This duty applies regardless of whether or not children who attend any of these services or activities are on the school roll.
- Schools should consider value for money when considering different types of provision.

Taking over from an existing PVI provider

Considerations

Sometimes the opportunity to take over a PVI is offered to a school. This happens when the incumbent provider may want to close or sell or when lease or commission comes to an end.

- Does TUPE apply?
- The legal status
- The financial status
- Delivery model

How a school offers places for younger children

Option two

Direct delivery by
the school

Direct delivery by the school

When a school chooses this model the early years provision for two-year-olds to four-year-olds is delivered under the governance of the Governing Body and the leadership of the Headteacher. In this case:

- The early-years children are regarded to be on school roll
- Provision for 3- and 4-year-olds must be delivered by staff with Qualified Teacher Status (QTS) and appropriately qualified and experienced assistants.
- Adult: child ratio is 1:13 for 3- and 4-year-olds and 1:5 for 2-year-olds.
- There is no QTS requirement for 2-year-olds, but the provision must be made under the direction and supervision of a QTS to meet the requirements of the specified work act.
- The EY provision is inspected under school inspection.
- Funding is claimed by the school through the LA funding process.
- Eligible children are entitled to free school meals.

In this example the school age range has to be lowered: through a governor-led non-statutory process for VC and VA Schools or through a Local Authority-led statutory process for Community Schools.

Direct delivery by the school

Lowering the age range:

[Making significant changes \('prescribed alterations'\) to maintained schools](#)

[Statutory guidance for proposers and decision makers](#) sets out the change of age range process.

- Governing bodies of foundation and voluntary schools can propose an age range change of three-year groups or more.
- Local authorities can propose a change of age range of one year group or more for community schools (including the adding or removal of sixth form or nursery provision).
- Before making a proposal, the governing body should consult with local authorities and where the school is designated as having a religious character the trustees of the school, dioceses or relevant diocesan boards, or any other relevant faith body.
- Where the school occupies land held by a charitable trust, the governing body should also consult with the trustees to ensure the terms under which the land is held do not restrict the age-range in any way.
- Any changes should be reflected on [Get Information about Schools \(GIAS\)](#)

Lower the age range in an academy.

For academies applying for the **School-Based Nursery Capital Grant 2024 to 2025** DfE have consolidated the requirement to apply to the Department for approval to make a significant change with the capital bidding process.

This means that academy schools will only need to follow a single process if they are:

- adding a new nursery (changing the age range of the school);
- expanding existing nursery provision by more than 30 places;
- and/or reducing the capacity of the school by more than 30 places to accommodate the new/expanded nursery. <https://www.gov.uk/guidance/school-based-nursery-capital-grant>

Academies wanting to add or expand a nursery and are not applying through the School Based Nursery Capital Grant will still be required to follow the significant change process if they meet the relevant threshold. Find out more here: [Academies: making significant changes or closure by agreement](#)

How a school offers places for younger children

Third option

Governor-run pre-
school provision
under Section 27 of
the Education Act
2002
Community
Provision Powers

Governor run pre-school provision under Section 27 of the Education Act 2002 'Community Provision Powers'

These powers allow schools to provide any facilities or services whose provision furthers any charitable purpose for the benefit of families of pupils at the school, or their families or people who live or work in the locality in which the school is situated

Key features:

- EY provision under the governance of the Governing Body and the leadership of the Headteacher
- Children the early years register and not on the school roll
- EY provision inspected under school inspection
- Funding claimed by termly process via Provider Portal
- Children not eligible for free school meal (FSM)
- Early years practitioners with qualifications and ratios to meet EYFS requirements
- Adult: child ratio 1: 8 for 3- and 4-year-olds (Level 3 qualified) or 1:13 (EYPS/EYFT/QTS qualified); 1:5 for 2-year-olds

Governor run pre-school provision under Section 27 of the Education Act 2002 ‘Community Provision Powers’

Considerations:

- This model can be delivered without lowering the school age range. It just means children are not registered pupils of the school.
- Schools who have set up nursery provision as a community or charitable service must decide whether to lower the age range and register the children as pupils of the school.
- The flexibility (to operate without a school teacher leading provision) applies where the children are not registered pupils.
- Schools can choose which staffing model is most appropriate to their situation.
- DfE expect that, as the governor-run early years provision is part of the school, and will be inspected as part of the school, that the head and governing body will ensure that the provision is adequately supervised and run, even if a school teacher is not working directly with the children
- The school should consult the LA about their plans.

Discussion activity



- What isn't clear?
- What could we expand on?
- What else would be useful to you to enable you to support schools?

Apply for a School-Based Nurseries Capital Grant


The [School-Based Nurseries Capital Grant \(opens in a new tab\)](#) is a one-time grant available for eligible schools in England to bid for up to £150,000.00.

The funding must be used exclusively for capital expenditure, to repurpose surplus space within the school estate for nursery provision.

All bids for new, or extensions to existing nursery provisions must be:

- directly linked to a school
- governed by that school or multi-academy trust
- delivered in partnership with a Private, Voluntary or Independent Childcare Provider or with childminders in a school-based setting

For more information and help on applying, you can read our [guidance on the School-Based Nurseries Capital Grant \(opens in a new tab\)](#).

 **The deadline to apply is midday on Thursday, 19 December 2024**

Before you start

To use this service you must:

- be a school or a trust applying on behalf of a school
- have a DfE Sign-in account
- be a school leader, Multi-Academy Trust or school business partner

If you do not wish to submit an application at this time, after sign in you can register your interest for a future round.

By continuing, you confirm that you agree to our:

- [privacy notice \(opens in new tab\)](#), which explains how we use your personal information
- [terms and conditions \(opens in new tab\)](#)

[Sign in and check eligibility >](#)



Eligibility questions

- Will the nursery be located on the school premises?
- How will the nursery provision be delivered?
- Is the project using available space in the school buildings to create new nursery places?
- Has your Local Authority Early Years lead been consulted before starting this application?
- Has your Local Authority Pupil Place Planning lead been consulted before starting this application?
- Does your Local Authority agree with the proposal for a school-based nursery?
- Can the project be delivered with up to £150,000 of DfE capital funding, or in combination with funding from other sources?
- Has the relevant freehold landowner (e.g. the Local Authority, foundation or trust, or relevant religious body) agreed to the use of their land for the nursery provision and any necessary capital works?

[School-Based Nursery Capital Grant - GOV.UK.](#)

[Establishing school-based nursery provision - GOV.UK](#)

School Based Nursey Capital Grant considerations

Specific considerations:

- Schools should consider value for money when considering different types of provision
- Academies applying for this grant do not need to apply to the DfE for approval to make a significant change because we have consolidated this requirement into the grant process. See page 10 of the [capital guidance](#)
- Academies/trusts who want to apply for the grant will still need to engage with the LA on sufficiency.
- Academies and schools must secure all the [necessary permissions](#), including significant change and land transactions processes, are essential steps for schools planning to open or expand an SBN.
- The local authority Early Years Lead and Pupil Place Planning Lead should have been consulted and the local authority should be content with the use of surplus space for nursery provision and with the proposal to add new or expanded nursery provision.

Guidance provides a suggested checklist for establishing new SBN provision – to do list for applicants.


- Identify education and childcare need and suitable space considering the context of the community
- Consult with the local authority and other relevant bodies
- Secure planning and other permissions, if needed
- Decide on delivery model, operating hours, number of places and curriculum design
- Create business plan identifying funding streams, and develop administrative and leadership capacity
- Ensure a high-quality learning environment is created
- Apply for a prescribed alteration or significant change to an academy, if needed
- If required, register the new provision with Ofsted
- Develop a curriculum and purchase resources
- Recruit and train early years practitioners to deliver an ambitious curriculum
- Create or update policies including safeguarding and health and safety
- Advertise places to families
- Review and refine curriculum regularly

Discussion activity



- How can you support applicants with this to do list?
- How can you ensure business models developed by schools meet local need and align with sufficiency action plans?

Supporting schools to engage with your sufficiency action plans

- Identify a senior leader / contact in the school.
- Identify the main reasons for the school wanting to open or extend the early years provision (Messaging!)
- Ensure the school is aware of any available set up funding and understands how early years funding works.
- Support the school to do the research (Share the PREPARE tools) 
- Share data from the CSA and data analysis support to support the school to understand demand.
 - Local demand and supply data mapping.
 - DFE data.
 - Tax-Free Childcare, 30-hours take up data
 - Extended childcare entitlement: eligibility codes issued, two-year-old take up.
- Share sample templates and tools, discuss modelling options, governance and practicalities.
- (If possible) make introductions so schools can see the offer in action.
- Utilise the expertise in other teams
- Communicate frequently and often.

PREPARE

- [Introduction: Preparing for the expansion of the extended entitlements and wraparound care](#)
- [1\) How to conduct a PEST Analysis](#)
 - [2\) Market analysis – mapping supply and demand](#)
 - [3\) How to conduct a SWOT Analysis](#)
 - [4\) The importance of occupancy](#)
 - [5a\) Finance matters - Income and expenditure, budgets and cashflow forecasts](#)
 - [5b\) Finance Matters - Breakeven analysis](#)
 - [5c\) Finance Matters – Profit and loss, monitoring and financial controls](#)

Useful links and resources

[School-Based Nursery Capital Grant - GOV.UK.](#)

[Establishing school-based nursery provision - GOV.UK](#)

[Get Information about Schools - GOV.UK \(get-information-schools.service.gov.uk\)](#)

https://assets.publishing.service.gov.uk/media/63d14cc8e90e071baeb3a7ac/Making_significant_changes_prescribed_alterations_to_maintained_schools_Jan_2023.pdf

https://assets.publishing.service.gov.uk/media/6621338477a30aa0c4757f1a/Making_significant_changes_to_an_academy.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/804492/Registering_school-based_provision.pdf