

Waltham Forest Early Years Expansion in Maintained Schools & Academies

Guidance

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1.0 Introduction

This guidance is for maintained schools and academies considering lowering their age range to admit nursery children or establishing early years provision. It also includes information on where to find relevant statutory requirements, the processes you will need to follow, and funding details.

The Local Authority has a statutory responsibility to secure adequate early years provision for all three- and four-year-olds and eligible two year olds, by working with schools, new and existing Private, Voluntary and Independent (PVI) sector Ofsted registered childcare providers.

Aligned with the government's 2023 spring budget announcement on expanding free early education entitlement, the local authority is particularly keen to work in partnership with schools to explore ways in which they can provide more 15hrs per week places for 2 year olds who are eligible for a place under the benefits related/vulnerable criteria, as take up of these places is only at approx. 60% across the LA currently. The DfE recently increased adult to children's ratios for these children from 1:4 to 1:5 and the LA's FEEE funding levels for this cohort of children will be increased from £6.15 per hour in 2023/24 to £8.36 per hour in 2024/25 in order to make provision of the places more financially viable and encourage providers to offer these to this priority group of children/families.

The table below shows the current offer and the expansion plan:

Existing/Ongoing offer
New expanded offer

Currently	April 2024	September 2024	September 2025
Disadvantaged 2 year olds for up to 15 hours per week	Disadvantaged 2 year olds for up to 15 hours per week	Disadvantaged 2 year olds for up to 15 hours per week	Disadvantaged 2 year olds for up to 15 hours per week
All 3 & 4 year olds for up to 15 hours per week	All 3 & 4 year olds for up to 15 hours per week	All 3 & 4 year olds for up to 15 hours per week	All 3 & 4 year olds for up to 15 hours per week
3&4 yr. olds from working families for up to 30 hours per week	3&4 yr. olds from working families for up to 30 hours per week	3&4 yr olds from working families for up to 30 hours per week	3&4 yr olds from working families for up to 30 hours per week
	2 yr. olds from working families for up to 15 hours per week	9-month-olds to 2-year-olds from working families for up to 15 hours per week	All children from 9 months old to 2 years old from working families for up to 30 hours per week

It is crucial to note that creating a nursery provision may not be right for every school, therefore it is important to evaluate and consider this carefully.

This document provides guidance for schools considering including younger children in their registration.

2.0 Models for Early Years Provision in Schools

Schools have the flexibility to offer early years education and childcare through various models, each outlined below. Regardless of the chosen approach, it is important that the provision adheres to all statutory and legal requirements. Schools can model their early years provision using any of the following three options:

1. Option 1 – Direct School Nursery Provision

Schools can establish and manage their own nursery provision, directly providing early years education and childcare services for under 5's. This will be run under the governance of the Governing Body and the leadership of the Headteacher.

2. Option 2 – Governor – run Nursery Provision

Under this model, the school's governing body or trustees takes responsibility for the nursery provision, overseeing its management and ensuring alignment with objectives. This can be done by either setting up a voluntary/community organization, charity organization or a company. This will be a separate legal entity to the school and will therefore need to comply with Companies House and/or The Charities Commission requirements and will require a separate Ofsted registration number and be inspected independently of the school.

3. Option 3 – Shared site arrangement with a PVI provider

Schools may opt for a collaborative approach, sharing their site with a private, voluntary, or independent (PVI) sector childcare provider. This PVI provider will need to register the provision with Ofsted and meet all EYFS requirements. The nursery can also 'feed' into the school when the children reach compulsory school age. With this arrangement, the PVI provider and the school will have a lease agreement in place. Here, the school does not need to lower age range as the children attending the childcare provision are not on the school. The childcare is provided by a separate legal entity to the school. The Managing Director/s and or Trustees are responsible for complying with Companies House and/or The Charities Commission requirements and their Ofsted registration and be inspected independently of the school.

Careful consideration of each option's pros, cons and alignment with the school's vision and goals is essential. Whichever model is chosen, maintaining high-quality standards and compliance with regulatory requirements will ensure a positive early years experience for all children involved.

3.0 Lowering Age Range

Maintained Schools

Local authorities and governing bodies can propose age range changes. Any changes that are expected to be in place for more than 2 years (as these are considered permanent increases) require following the statutory process. Temporary changes (expected to be in place for no more than 2 years) do not require the statutory process to be followed.

Any Schools interested in lowering age range are expected to work with the local authority when making any changes to provide support in planning of the provision across the area. They are expected to undertake a 4-week appropriate consultation with parents/carers and other local providers, especially when the proposed change will have a direct impact on their childcare provision. The Local Authority must approve the proposal. The LA's advice is that all schools and Ofsted registered early years providers with a 0.5 to 1 mile radius of the school are consulted with.

An example consultation can be downloaded on the hub.

It is important to note that this process can take time. Lowering your age range does not commit you to providing these but provides you with the option to.

The government's guidance in the document [‘Making significant changes \(prescribed alterations\) to Maintained schools’](#) set out how you can make those changes, and the areas where you must follow a statutory process.

For provision of childcare for under 2's the school would need to undertake the process to apply for a [new Ofsted registration for early years childcare on a non-domestic premises](#). This process can also take time.

Academies

The government's guidance in the document [‘Making significant changes to an existing academy’](#) set out how you can make those changes, and the areas where you must follow a statutory process

A school's recorded age range should reflect provision at the school correctly. If the change relates to pupils of non-compulsory school age; for example, if nursery is to be added or withdrawn, then a proposal for an age range change must be submitted.

Academies rated 'good' or 'outstanding' in their last Ofsted inspection and are in good financial health can propose to change the age range of their school by up to two years (including adding nursery provision) by following the fast-track application process.

If fast track conditions are not met, a full business case is required. To note, for all age range changes academies must evidence that financial due diligence has been undertaken to determine the affordability of the change that financial and funding implications have been considered.

For both fast track and full business case application routes, academy trusts will need to undertake a fair and open local consultation with all those who could be affected by the proposed change and show they have considered all responses received to their consultation. The consultation should run for a minimum of 4 weeks.

The LA's advice is that all schools and Ofsted registered early years providers with a 0.5 to 1 mile radius of the school are consulted with.

An example consultation can be downloaded on the hub.

It is important to note that this process can take time. Lowering your age range does not commit you to providing these but provides you with the option to.

4.0 Statutory Framework for Early Years Foundation Stage (EYFS)

Schools should refer to the [Early Years Foundation Stage \(EYFS\) Statutory Framework](#) for details on relevant legal requirements including staffing ratios, areas of learning, development and assessment, safeguarding, welfare and premises requirements.

You will also find the [Early Years Entitlements Operational Guidance](#) useful in your planning as it provides guidance on the delivery of the Free Early Education Entitlement (FEEE) scheme.

5.0 Financial Planning

Establishing a financially viable nursery provision requires thorough planning. It's crucial to recognize that, as children are only eligible for a free early education place the term after their relevant birthday e.g. term after they are 2 or term after they are 3, the nursery roll is likely to grow over the academic year, with some unfilled places, especially in the autumn term and that full year income and expenditure projections consider this.

Schools can consider providing additional childcare hours that are in excess of the free childcare hours provided under the Government scheme and /or offer fully chargeable childcare to families who are not eligible for free early learning and childcare under the Government's scheme. The school can set their own charge rates for these childcare hours. The charge rates for this childcare do not have to align with rates payable by the LA for free early education places.

The Government's guidance also makes it clear that Government funding is intended to deliver 15 or 30 hours a week of free, high quality, flexible childcare. It is not intended to cover the costs of meals, other consumables, additional hours or additional activities. Parents/carers can therefore expect to pay for any meals offered by the provider alongside their free entitlement. Parents/carers can also expect to pay for other consumables or additional activities offered by the provider, such as nappies or trips. Where parents/carers choose to purchase additional hours of provision, consumables or additional activities, this is a private matter between the provider and the parent/carer.

However, providers must offer alternative options for parents/carers. This could include, for example, allowing a parent/carer to bring in their own consumables or a packed lunch, where the meal offered is not suitable for children with specific dietary needs or the parent/carer prefers a lower cost option. Providers should be mindful of the impact of additional charges on the most disadvantaged parents/carers. Children should be able to take up their free hours as part of continuous provision and providers should avoid artificial breaks in the day wherever possible. For example, the lunch time hour/session should form part of the free provision where the child is attending a morning and afternoon session. Schools are therefore able to make additional charges generate extra income, covering staff costs and other expenses in line with these requirements.

Your business plan should consider information about the supply and demand for places as set out in the [childcare sufficiency assessment \(CSA\)](#). The CSA is a snapshot at the time of the assessment so we would recommend that you contact the Early Years Childcare and Business Development Team as part of your business planning to obtain the most up to date information on which to base your decisions.

Your business plan should encompass startup costs, ongoing staff and running expenses, and revenue from FEEE, purchased places, supplementary services and the need. Revenue and capital grant payments may be available to support with the costs associated with creation of new places in areas of identified demand. See section 7 for further details.

It is imperative to anticipate potential losses and include provisions for staff redundancy costs in case the nursery is not financially successful.

Governors/Trustees and the School should thoroughly scrutinize the nursery business plan to ensure its viability and make informed decisions that align with the school's financial sustainability.

6.0 Free Early Education Entitlement (FEEE) Funding

To be commissioned to deliver FEEE as a new provider, the school will need to complete the [FEEE compliance checks for schools](#).

To estimate income from FEEE funding, utilize the [FEEE income calculators](#) available in the downloads section on the hub. These calculators provide estimates based on the anticipated number of children that will take up a place. Utilizing this tool supports both short- and long-term budget planning, contributing to the financial sustainability of the nursery provision.

Stay informed about accurate funding rates by referring to the annual [FEEE financial guidance](#) provided to the sector. This guidance outlines the funding rates each school will receive for the upcoming financial year, offering essential insights for precise financial planning and effective delivery of FEEE.

The applicable FEE rates payable to providers from **1 September 2023 – 31st March 2024**

2YO's (vulnerable)	3 & 4YO's
£8.26	£5.20

The applicable FEEE rates payable to providers from **1st April 2024 – 31st March 2025**

Under 2's	2YO's Working families	2YO's (benefit related)	3&4YO's
£11.04	£7.86	£8.36	£5.56

7.0 Place Creation Grant Funding

Revenue and capital grant payments may be available to support with the costs associated with creation of new places in areas of identified demand through the following place creation grant funding options:

1. Minimum Funding Guarantee (MFG)

The local authority can provide a MFG to school wishing to expand their nursery provision, the MFG payment will cover the staff cost to run the new nursery provision for an agreed period of time.

2. Place creation grant (Resource)

A place creation funding grant is available for place creation and expansion at £400per child place created. The funding can be used for the purchase of toys, furniture & equipment that will enhance the physical learning environment in order to deliver a high quality EYFS curriculum, such as sensory play equipment, ICT, outdoor equipment, indoor furniture & equipment and consumables.

The funding cannot be used for physical works such as refurbishment or construction work etc.

3. Place creation grant (Capital)

The DfE has provided a grant allocation to the Local Authority to help with the creation and expansion of the government's free early education and childcare places.

Contact the Early Years Childcare and Business Development Team for further details regarding revenue and/or capital grants.

8.0 Marketing your Nursery Provision

You will need to let the LA Early Years & Childcare team know as soon as you have a formal decision about offering new early years provision. The Childcare directory (which is the front facing directory where families search for childcare) will need to be updated to reflect your new provision offer. This needs to be updated to attract families looking for childcare provision in your locality.

You will also need to update your school website to include the information about the new provision offer and how to apply for places.

The Early Years provider portal will also need to be updated to ensure that the headcount details are submitted and FEEE funding paid accurately for the childcare delivered.

If you have gone through a formal age range extension you will also need to update the DfE website Get Information About Schools to show the new age range (e.g. 2- 11) and that the school now has a nursery class.

9.0 Useful Contact

If you would like any support, guidance or advice on setting up an early years provision, please contact us at earlyyears@walthamforest.gov.uk

For any Place creation grant queries, FEEE finance funding related queries, please contact FEEEprovision@walthamforest.gov.uk

