

## **DRAFT POLICY STATEMENT: CAMBRIDGESHIRE EARLY YEARS PROVISION AND SCHOOLS**

**March 2012**

### **Introduction**

#### **Structure**

This document is divided into two parts:

- **Part 1** sets out the Authority's policy on securing early years provision in fulfilment of its duties under the Childcare Act 2006, including its values and principles
- **Part 2** sets out the different options and models for schools wishing to be involved in the delivery of early years places, and how schools and the Authority will work together to meet the sufficiency duty.

### **Part 1 - Early Years Provision (0-5 years)**

#### **a) Duty to provide**

The 'Childcare Act 2006' formalised the important strategic role that all Local Authorities play in the planning and commissioning of early years provision. The Act takes forward some of the key commitments from the 'Ten-year childcare strategy', published in 2004, and sets out a number of statutory duties that Local Authorities must fulfil. These are to:

- improve the well-being of young children
- reduce inequalities between children
- secure for working parents who need it, sufficient childcare for children up to 14 years old, and for disabled children up to 18 years old.
- prepare assessments of the sufficiency of childcare provision every three years and to keep the sufficiency of places under review
- secure the minimum hours of early years provision for 3 and 4 year olds free of charge, (revised statutory guidance issued in September 2010 increased this to 15 hours a week, 38 weeks a year); and
- provide a parental information service

**The Childcare Act 2006 makes it clear that Local Authorities should be the childcare provider of last resort and should seek to facilitate delivery by other providers.**

The Authority has a statutory responsibility to secure sufficient early years places for the families of all three- and four-year-olds whose parents/carers wish to access one (section 7, Childcare Act 2006).

In this context, the Authority believes that:

- All children should have an equal start in life
- All children should have access to high-quality early learning and care
- Services should, as far as possible, be organised to meet the needs of the child and his/her family and that local access to services throughout the County should be secured
- Partnerships are critical and that these must include parents, the voluntary and private sector and other agencies.

Sufficiency of provision is formally assessed through a statutory Childcare Sufficiency Assessment (required every three years)<sup>1</sup> and reviewed on an annual basis in the light of take-up information, data on the availability of places and the latest detailed demographic information.

To fulfil this responsibility, the Authority funds part-time education places for two-, three- and four-year-olds under the management of

- Voluntary management committees
- Private businesses, including private schools
- Maintained schools
- Academies and
- Home-based childcare providers (accredited networked childminders).

The majority of these places are operated by providers in the private, voluntary and voluntary sectors.

A key priority for the Authority is to narrow the gap between those children with the lowest levels of attainment and those with the highest. Evidence shows that good quality early years and childcare provision makes a significant contribution to children's attainment and future life chances.

The Authority is committed, therefore, to securing and maintaining sufficient high-quality early years and childcare provision to meet the needs of Cambridgeshire's families.

The Authority funds provision on the basis of compliance with the Authority's conditions on quality, national conditions set out in the relevant Code of Practice, and on actual take-up of places, measured termly.

## **b) Changes in provision**

Recent changes in Government policy have set out to create a more comparable operating environment for different types of providers.

These include:

- A new/enhanced role for the Local Authority as **commissioner** and **market manager** for early years provision
- the presumption in the **2006 Childcare Act** that the Local Authority (as distinct from a school) should only be a provider where the market does not deliver
- the extension of provision to **fifteen hours for all three and four-year-olds**
- the targeted expansion of **funded two-year-old places** for income deprived families from September 2013 and other priority groups from 2014.

Many schools have also taken on a more active role in the management of community pre-school provision on their sites. One school has gained formal approval through the Schools' Adjudicator to convert its nursery class into a Nursery School under a federated arrangement with the Primary School.

The changing context for early years education means the Local Authority needs to review all provision in light of the outcomes it achieves, the needs of the communities it serves, its overall cost to and its value for money.

The starting point has been to develop a revised policy statement and guidance, to clarify the different ways in which provision can be offered in this new environment, and to support

---

<sup>1</sup> This requirement is currently under review, as part of a Government consultation on changes to Local Authority Early Years duties. The proposal is to replace the triennial assessment duty with an annual review.

schools in their consideration of how they can best contribute to this diverse range of provision.

### **c) Commissioning New Early Years Provision**

The Authority will indicate through its Childcare Sufficiency Assessment where gaps and potential pressures on early years places exist. It will review, commission and support the development of new high-quality provision as appropriate to ensure that the needs of families are met. This may include advice on setting up new or expanding existing provision, help in finding and registering suitable premises, training for staff and financial support in set-up and initial operating costs.

In its role as commissioner, the Authority's long-term aim is to secure equity of provision across Cambridgeshire in the form of accessible, high-quality early, which is responsive to the changing needs of children and their families.

In new communities or in areas of demographic growth, the Authority may formally commission new provision to meet forecast parental demand. The nature of this provision will depend on the number of places required and the anticipated needs of the community.

Where a new primary school is being established accommodation will be provided to enable on-site delivery of early years and childcare provision. In recognition of its commissioning and provider of last resort role, consideration would only be given to establishing a nursery class in cases where no suitable alternatives exist.

The Authority may also seek to develop new early years' provision in existing communities where there is evidence of shortage. Authority officers will work with existing providers in the private, voluntary and independent sectors, as well as schools, to meet the need.

Schools may apply to operate this provision, but they must consult the Authority and the local community before setting up any new provision.

Where new provision is established on a school site operated by a private or voluntary provider, the collaboration of the host school will be essential in establishing (at the earliest possible stage) clear arrangements for usage of the accommodation and facilities, and a fair allocation of any shared costs. Support in developing these arrangements will be offered through the Early Years and Childcare Sufficiency team.

The Authority may also commission childcare provision for 2-year-olds if this is required to meet parental entitlement. In such cases, schools may apply to be providers of 2-year-old childcare, but must comply with the Authority's additional requirements on quality relating specifically to meeting the needs of this younger age-group, as well as Ofsted registration requirements.

Funding for early years provision is subject to Authority approval, and may be withheld if provision is set up inappropriately, and/or if there are concerns about its quality and sustainability, and/or if there has been inadequate consultation.

In cases of acute and critical shortage, the Authority remains the provider of last resort, and may directly run provision if the market has failed to supply it.

### **d) Reviewing Early Years Provision**

Through its childcare sufficiency processes, the Authority will continue to keep all early years provision under review, following principles of sustainability and securing a range of high-quality provision to support parental choice.

Where the local market includes school-run early years provision, the following principles will apply.

- In cases of long-term low occupancy and where there is no demographic or other data to suggest increased demand in the foreseeable future, the Authority may review the provision. As a general guide, an established trend (at least three years) of 10 or more surplus places (on average or per session) would raise the question of whether a review should be undertaken. It is emphasised that 10 or more surplus places is a guide not an automatic trigger point. Reviews would be commissioned and undertaken on a case-by-case basis, informed by the local context, including market research to establish why take up of places has remained low. One outcome of such a review could be for the Authority to propose closing the provision or removing schools' designation as providers of nursery education.

Any review of provision would be subject to consultation with the local community and the publication of statutory proposals for change, providing further opportunity for representations to be made.

- Where there is more than one school-run provision in an area with surplus capacity, the schools concerned will be supported and encouraged to work in partnership to provide a range of services based on the identified need in the local community.

Any proposals to offer new childcare in an area, such as paid childcare “wrapped around” education sessions, would require specific consultation with existing childcare providers.

## Part 2 - Schools and Early Years Provision

Schools may operate early years provision

- a) Directly, as part (or all) of their statutory age-range
- b) In partnership with a pre-school on a school site.

Many schools also support early years provision by hosting a pre-school or other provider on their school site, without having any direct involvement in the management and operation of this provision.

### a) Directly run early years provision

Early years provision run directly by schools comprises

- nursery schools
- nursery classes
- foundation stage units
- maintained playgroups

catering for children of three and four years old (up to Reception Year).

Where a maintained school operates a children's centre and/or linked childcare, this arrangement is managed and funded under separate agreement.

The distinctive features of directly run provision are

- the school Governing Body is the responsible body
- three- and four-year-old children constitute (or form part of) the school's statutory age range (except playgroups)
- they are inspected by Ofsted under the Schools' Inspection Framework
- staff are employed by the local authority or school.

The pattern and distribution of maintained nursery provision has remained largely unchanged since 1974. This is the result, principally, of the policies of the education authorities that combined to create Cambridgeshire County Council at that time. **Appendix 1** lists the school locations for this provision.

The principles the Authority will apply in its approach to different types of maintained nursery provision are set out below.

### Nursery Classes

The Authority will review nursery classes in cases where rolls fall to 13 or fewer per session (the requirement is a qualified teacher for the first 13 children), and there is no demographic data to suggest increased demand in the foreseeable future. Any review of provision would be subject to consultation with the local community and the publication of statutory proposals for change, providing further opportunity for representations to be made.

The Local Authority will not seek to change existing levels of nursery class provision where

- schools have a history of operating at, or close to, capacity
- there is demographic evidence to suggest that this will continue
- Ofsted judges provision to be good or better.

Provision will also be retained in schools with surplus capacity where planned housing development is likely to result in additional demand.

Schools operating nursery classes may apply to the Schools' Adjudicator to convert that provision to a Nursery School. The Local Authority will not support such an application unless

there are demonstrable benefits to the local community, and the provision is in an area of high social need.

To secure support from the Authority, any application for conversion from Nursery Class to Nursery School would need to demonstrate that:

- social need in the area justifies higher levels of investment in early years provision
- outcomes for children in the local area, especially at the end of Reception year, or end of KS1 / KS2, have been well below the Cambridgeshire average for a sustained period, and show no sign of improvement
- there is evidence that the change would have a positive impact on outcomes for children
- there is clear public support for the proposal.

A 3-year education and business case, showing the expected improvement in outcomes for children and financial viability of provision, based on demographic forecasts and estimated costs, would need to be approved by the Local Authority, and appropriate consultation must take place with the local community. Given the additional costs involved in establishing a new Nursery School, the business case would need to be robust, and the School would be closely monitored on its delivery of improved outcomes.

### **Foundation Stage Units**

Some schools combine nursery and reception provision in a Foundation Stage Unit. Schools using this approach have found advantages in terms of

- managing a range of ability and need
- coping with fluctuating numbers of children in age groups
- managing transition, especially for children with additional educational need.

There are challenges to effective delivery of this model, including responding to more significant changes in numbers (up or down), and coping with wider variations in children's age and stage of development.

The Local Authority recognises that each school operates in a different context, and that this model may offer benefits in terms of school organisation and curriculum management, as well as the prospects of improving outcomes for some children.

### **Nursery Schools**

The Local Authority will not seek to change existing nursery school provision where all of the following apply:

- social need in the area justifies higher levels of investment in early years provision
- Ofsted judges the provision to be good or better
- there is evidence of positive impact on outcomes for children at the end of Reception year and beyond
- there is no surplus capacity of early years places in the area (see General Principles)
- the school's budget shows the viability of provision based on demographic forecasts and estimated costs.

Any review of provision would be subject to consultation with the local community and the publication of statutory proposals for change, providing further opportunity for representations to be made.

### **Playgroup**

Local Authority maintained playgroups were originally set up in Fenland as a more flexible and cost-effective option. Whilst this model of provision is unusual, it is possible to establish a maintained playgroup model operating under the governance of the school.

This model makes effective use of existing governance structures, potentially improving continuity and reducing the number of volunteers needed. It ensures good awareness of key aspects of pre-school management within the school Governing Body, and creates opportunities for joint planning and staff development.

The local authority recognises that each school context is different, and this model places additional burdens on the Governing Body. Given the range of responsibilities faced by governors, there may be a loss of oversight of the pre-school's activity in the wider business of school management.

Many pre-schools benefit from the skills and experience of a wide range of volunteers from the community, and some of these benefits may be harder to secure under a school playgroup model. It should also be noted that the school would bear any redundancy costs in the event of closure.

Schools interested in this model should contact the Local Authority for advice on establishing need and assessing options for delivering early years provision.

For advice and support in establishing this model, please refer to the following documents:

**Childcare provision on school sites – frequently asked questions**

or contact the ***Early Years and Childcare Sufficiency Team*** on **01223 507125**.

## **b) Working in Partnership**

### **1. Distinct Management Committee**

Schools may work in partnership with a voluntary management organisation (a pre-school) to offer early years provision on their school site, within the school building or in a separate building.

In these circumstances, the following aspects should be adhered to, in order to ensure separation of governance:

- the pre-school entity should have a designated space and regularly renewed security of tenure via a lease or licence
- a separate and independent committee should oversee the pre-school, including parent representation
- finances should be independent of the school's budget.

Ideally, the pre-school provision should be formally constituted as a pre-school and follow a constitution such as that proposed by the Pre-School Learning Alliance.<sup>2</sup>

There is no expectation that the local authority should be the employer.

### **2. Terms of Reference Agreement**

Alternatively, the school may operate the provision as a separate registered charity under a signed Terms of Reference agreement. Under this model, the school has a much more direct

---

<sup>2</sup> See <http://www.cambridgeshire.gov.uk/education/parents/childcare/childcareproviders.htm> and follow links to the Pre-School Learning Alliance "Constitution" for more information  
120417-14appx1 EY places policy

responsibility for the management of the provision, whilst maintaining separate financial records for it.

Where a partnership model is adopted, the provision should set out an offer that meets the needs of local parents in terms of range of hours, choice of sessions / days and the option to split hours with a second provider where this is the parent's choice. It should be clear that this is separate from admission to the school.

Where the Authority is concerned that this separation is not clear, it may formally challenge the arrangements and, if action is not taken, withdraw the provider from Cambridgeshire's Early Years Funding Directory pending resolution of any concerns.

For advice and support in establishing this model, please refer to the following documents:

**Childcare provision on school sites – frequently asked questions**  
**Model Pre-School Constitution – Pre-School Learning Alliance**  
**Terms of Reference Agreement: School/Pre-School**

or contact the ***Early Years and Childcare Sufficiency Team*** on **01223 507125**.

## **Quality**

The Authority expects all early years provision to be of high quality. To that end, it will provide support to encourage the following aspects of high quality provision:

- leadership from a graduate in a relevant subject
- appropriately trained and qualified staff
- expertise in recognising and meeting a range of needs within the setting.

Where the Local Authority has concerns about the quality of provision, it will intervene in line with its early years strategy.

For information on training and support to improve quality, please contact the Early Years and Childcare Area Senior Advisers:

Penny Hollowell	East Cambs and Fenland
Pirjo Mudd	Huntingdonshire
Annette Brooker	Cambridge City and South Cambs

Or the Workforce Development Team

## **Promoting collaboration to improve quality**

The Local Authority recognises that there is a role for the highest quality early years provision to provide identified support across the sector. Historically, Cambridgeshire's maintained nursery schools have worked in partnership with the local authority and a range of other providers, offering leadership and modelling outstanding practice.

The Local Authority will continue develop this way of working with a range of providers in different sectors, and to broker a role for such provision to support other settings in the County. Where this status attracts additional funding, specific activities will be commissioned to ensure a range of providers benefit from this expertise.

For advice on this area, please contact the Early Years Area Senior Advisers:

Penny Hollowell      East Cambs and Fenland

Pirjo Mudd            Huntingdonshire

Annette Brooker      Cambridge City and South Cambs

## Appendix 1

### County Council School-Run Provision

Nursery Schools	Location
Brunswick Nursery School	Cambridge City
Colleges Nursery and Family Centre	Cambridge City
The Fields Children's Centre	Cambridge City
Homerton	Cambridge City
Huntingdon Nursery School	Huntingdonshire
Histon Early Years Centre	South Cambs
King's Hedges	Cambridge City

Nursery Classes	Location
Cherry Hinton Primary	Cambridge City
Colville, Cherry Hinton	Cambridge City
Fawcett Primary	Cambridge City
Queen Edith Primary	Cambridge City
Ridgefield Primary	Cambridge City
Shirley Nursery and Primary	Cambridge City
St Matthew's Primary	Cambridge City
St Philip's Primary	Cambridge City
Bottisham Primary	East Cambs
Spring Meadow Infant, Ely	East Cambs
St Andrew's, Soham	East Cambs
Swaffham Bulbeck Primary*	East Cambs
Weatheralls Primary, Soham	East Cambs
Clarkson Infant and Nursery, Wisbech	Fenland
Nene Infant, Wisbech	Fenland
Orchards Primary, Wisbech	Fenland
Park Lane Primary, Whittlesey	Fenland
Eastfield Infant, St Ives	Huntingdonshire
Eynesbury Primary, St Neots	Huntingdonshire
St Mary's Primary, St Neots *	Huntingdonshire
Thongsley Fields Primary, Huntingdon	Huntingdonshire
Winhills Primary, St Neots *	Huntingdonshire

\* Foundation Unit (combined Nursery / Reception)

Maintained Playgroups	Location
Coates (Coates Goslings)	Fenland
Lionel Walden, Doddington	Fenland
Thomas Eaton, Wimblington	Fenland
Manea (Strawberry Patch)	Fenland