

Free School Presumption Specification – Early Years

The local authority has a statutory duty to ensure the availability of sufficient early years places for all three- and four-year-olds. A significant proportion of early education and care in Cheshire West and Chester (CW&C) is provided through the private and voluntary sector. However, the local authority works with and supports all types of providers in order to meet its statutory duty, and this includes schools. The council will hold important contextual information on the requirement for places locally and must be consulted in all cases.

The Statutory Framework for the Early Years Foundation Stage (EYFS) (Effective 4 January 2024), sets the standards for learning, development, and care for children from birth to five (group and school-based providers)

[Statutory framework for the early years foundation stage for group and school providers \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118121/2024-01-04-eyfs-statutory-framework.pdf)

The free school will adhere to the Cheshire West and Chester Early Years Funding Contract and will also consult with the local community to confirm access to funded hours in nursery supports a majority of local family's needs, whilst also ensuring the hours offered are not too flexible to disrupt the wellbeing and involvement of children in attendance. (Please contact CW&C Early Years Team for further guidance and/ or refer to

<https://www.livewell.cheshirewestandchester.gov.uk/Categories/3350>)

Staffing - Please Refer to the Statutory Framework for the EYFS

Schools must staff EYFS provision according to the ratios required in the Statutory EYFS and the early years qualifications checker.

[Check early years qualifications - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118121/2024-01-04-eyfs-statutory-framework.pdf).

Staffing requirements need to be considered in the context of the school geography, layout, access to outdoor provision, etc. to ensure that the needs of all children can be always met. The starting point must be the quality of educational provision for the whole class but particularly for each unique child.

It is expected that schools will engage with support from CW&C Early Years Team with regards to set up of EYFS provision, and to ensure confirmation of quality through an Early Childhood Environment Rating Scale (ECERS), which is an internationally recognised quality assurance toolkit the team are all trained in completing.

Statutory ratios according to the arrangements of the nursery and reception classes are clearly outlined in the EYFS on pages 31-33 and include the following paragraphs.

3.44 For children aged three and over in independent schools (including in nursery classes in free schools and academies) where a person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status, or another approved level 6 qualification, an instructor²⁸, or another suitably qualified overseas trained teacher, is working directly with children:

For classes where the majority of children will reach the age of five or older within the school year, there must be at least one member of staff for every 30 children.

For all other classes there must be at least one other member of staff for every 13 children.

At least one other member of staff must hold an approved level 3 qualification.

3.45 For children aged three and over in independent schools (including in nursery classes in free schools and academies) where there is no person with Qualified Teacher Status, Early Years Professional Status, Early Years Teacher Status or another approved level 6 qualification, no instructor, and no suitably qualified overseas trained teacher, working directly with children:

There must be at least one member of staff for every eight children.

At least one member of staff must hold an approved level 3 qualification.

At least half of all other staff must hold an approved level 2 qualification.

3.48 Some schools may choose to mix their reception classes with groups of younger children (for example, nursery pupils, non-pupils, or younger children from a registered provider). In such cases they must determine ratios within mixed groups, guided by all relevant ratio requirements and by the needs of individual children within the group. In exercising this discretion, the school must comply with the statutory requirements relating to the education of children of compulsory school age and infant class sizes. Schools' partner providers must meet the relevant ratio requirements for their provision.

The ratios set out in the EYFS are the minimum ratios required, and it is therefore worth considering employing more staff in order to ensure outstanding education and care for all children, and to support staff with being able to implement a curriculum and routine that gives time for them to engage in meaningful interactions that support and extend children's learning and development.

It is a legal requirement that each child must be assigned a **key person** (Statutory EYFS Framework – 3.34) and their role explained to parents. Where possible the child's key person should be available each time the child attends a session. If a child develops a stronger relationship with another member of staff it is important to be flexible and discuss any changes with parents first. Much discussion should take place with parents about the settling in processes and their views on how this should take place should be valued. Conversations should take place daily with parents and should include sharing information on activities completed, dietary information, toileting, and any concerns that may have arisen.

The 'What to Expect When in the EYFS' guidance is a useful document that can be shared with parents to support their understanding of typical development and learning. Include parental views in assessments of children's learning and where possible encourage them to make contributions to children's learning journeys.

[What-to-expect-in-the-EYFS-complete-FINAL-16.09-compressed.pdf \(foundationyears.org.uk\)](https://www.foundationyears.org.uk/what-to-expect-in-the-eyfs-complete-final-16.09-compressed.pdf)

Wraparound

[Wraparound childcare guidance for schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/wraparound-childcare-guidance-for-schools)

The Wraparound childcare guidance for schools, explains the role of schools and academy trusts in supporting parents to access wraparound childcare (8-6pm). It provides advice on how to deliver new or expanded wraparound childcare and supports the government's commitment to increasing the availability of childcare for primary school aged children.

It is expected that the free school would respond to their communities needs and fully support wraparound childcare, as a minimum around the conventional school day, ensuring that parents would not be required to pick up or drop off their children between the core school day and wraparound childcare. This type of wraparound childcare would focus on before and after school day during term time. Many parents rely on this type of provision to enable them to work, so it would also need to be consistent and something they can depend on. We would also encourage the free school to consider opportunities for provision during the school holidays.

The Statutory EYFS Framework provides the following information with regards to ratios for before and after school clubs as well as holiday clubs:

3.50 Where the provision is solely before/after school care or holiday provision for children who normally attend reception class (or older) during the school day, there must be sufficient staff as for a class of 30 children. It is for providers to determine how many staff are needed to ensure the safety and welfare of children, bearing in mind the type(s) of activity and the age and needs of the children. It is also for providers to determine what qualifications, if any, the manager and/or staff should have.

(See details on page 6 EYFS for the learning and development requirements for providers offering care exclusively before/after school or during the school holidays)

It is worth highlighting that consideration to the ages and stages of children attending wraparound is strongly recommended. For example, mixing reception aged children with older children may not always be appropriate as there may be impact on the resources and activities schools are able to offer, as well as younger children possibly being tired and needing more supervision with personal care routines.

It is recommended that if nursery children are also accessing wraparound, then a separate provision for nursery and reception children is set up, to best support their needs and ensure they are kept safe from for example choking hazards. Please note that ratios for nursery aged children would also need to be as in paragraph 3.45 Statutory EYFS Framework. (1:8).

The free school will be expected to engage with CW&C Early Years Team to ensure that the wraparound provision meets the statutory EYFS safeguarding and welfare requirements as well as to determine quality.