

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, as well as eligible children aged 9 months to 3 years. A significant proportion of early education and childcare 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 holds 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), sets the standards for learning, development, and care for children from birth to five (group and school-based providers) **It is important to note the revised statutory information regarding ratios for free schools/academies, health, nutrition, safe eating and sleep.**

The free school will adhere to the Cheshire West and Chester Contract for the Provision of Early Years Entitlements which aligns with the delivery requirements outlined in the [Statutory Guidance for Early Education and Childcare](#). The free school will 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 [Cheshire West Livewell](#) and the governments [Best Start in Life](#) website for further information on early years funding.

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](#).

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](#) (see pages 30-35) and include the following paragraphs:

“3.51 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, an instructor, 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 or have received approval to be included in the ratios at level 3 after attaining experience-based route status.*

3.52 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 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 or have received approval to be included in the ratios at level 3 after attaining experience-based route status.
- At least half of all other staff must hold an approved level 2 qualification.

3.53 For children aged three and over in maintained nursery schools and nursery classes in maintained schools

- There must be at least one member of staff for every 13 children.
- At least one member of staff must be a schoolteacher as defined by section 122 of the Education Act 200244.
- At least one other member of staff must hold an approved level 3 qualification or have received approval to be included in the ratios at level 3 after attaining experience-based route status.

3.55 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 extra 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.

As stated in the EYFS it is a legal requirement that each child must be assigned a **key person**:

"3.41 Each child must be assigned a key person. Their role is to help ensure that every child's care is tailored to meet their individual needs, to help the child become familiar with the setting, offer a settled relationship for the child and build a relationship with their parents and/or carers. They should also help families engage with more specialist support if appropriate."

The ['What to Expect 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.

Wraparound Childcare

The [Wraparound childcare guidance for schools](#) sets out the role of schools and academy trusts in supporting parents to access school-age childcare (SAC) and contributing to an accessible, sustainable and inclusive childcare offer for families, during term time and during school holidays. This includes building on the successes of the National Wraparound Childcare programme, including by supporting the sustainability of the places created by it, and the Holiday Activities and Food (HAF) programme, which has expanded holiday programmes in recent years, as well engaging with the roll out of the

National Free Breakfast Clubs (FBCs) programme. Information is also provided on how schools should respond to requests regarding wraparound provision from both parents and childcare providers.

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, typically 8am to 6pm. 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 stated in paragraph 3.45 of the 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.