

## Policy for Maintained Nursery Classes/Schools to charge for the delivery of any Early Years Foundation Stage in addition to the free entitlement for three and four year olds

### 1. Background Information

1.1. The Education Act 1996, Section 451 states that 'schools are unable to charge for educational services during school hours'. Following the introduction of the Early Years Foundation Stage in September 2008 there is no longer a distinction between care and education. Prior to September 2008, some schools developed their own charging policy for any care element delivered outside of the free entitlement, in accordance with Section 27(3) of the Education Act 2002.

### 2. Decision

2.1. The Government has indicated that no regulations are imminent regarding whether or not Maintained Nursery Classes/Schools can charge for provision of the Early Years Foundation Stage outside of the free entitlement. It has advised Local Authorities to develop their own policies regarding schools charging for the delivery of any part of the Early Years Foundation Stage during school hours.

2.2. As the law is ambiguous on whether or not maintained settings can charge outside the free entitlement, the Authority has exercised its discretion and approved the policy decision for Maintained Nursery Classes/Schools to charge for the Early Years Foundation Stage provided during school hours outside of the free entitlement for eligible three and four year olds. This places Schools on a more even footing with Private, Voluntary and Independent Sector providers.

### 3. EYFS Delivery

3.1. Where children attend the maintained nursery class/school for a period longer than their free entitlement; the school must ensure EYFS is delivered in accordance with the Statutory Framework and Practice Guidance for the Early Years Foundation Stage May 2008. **See Appendix 1**

### 4. Income

4.1. Any income received for the charging of Early Years Foundation Stage hours, additional to the free entitlement, must be credited against the appropriate delegated budget. Contact Schools Finance for a separate centre suffix for the purposes of monitoring income and expenditure relating to Early Years Foundation Stage.

**Appendix 2** outlines the Governing Bodies responsibilities in relation to income

4.2 When setting the charging rate for the delivery of EYFS additional hours over and above the free entitlement, schools must ensure charges are in line with the local market; that all expenditure costs are covered and it is affordable for parents.

## 5. Charging Policy

**5.1** Any School which proposes to charge for Early Years Foundation Stage provision outside the free entitlement should develop its own charging policy and keep this under regular review. This should set out the types of charges that will be made (e.g. hourly charge / sessional charges, charges for meals etc) and the amount that will be charged in each case. The charging system should be fair and applied on a consistent basis. Schools may also wish to consider developing a remissions policy, setting out any circumstances in which they propose to remit (in whole or in part) any charge which would otherwise be payable to them in accordance with their charging policy.

**5.2** Any charging for Early Years Foundation Stage must not be carried out if it has a detrimental effect on other children accessing their free entitlement

This policy may change as a result of new legislation or guidance from the Government. Schools will be notified of any such change.

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24.03.10

