

Children and Families

‘Free Early Learning’ (FEL) Admissions Policy and Procedure

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Free Early Learning (FEL) Admissions Policy and Procedure

Contents Page

Free Early Learning (FEL) Admissions Policy	3
1 Policy Statement	3
2 Legal Entitlement and Statutory Duties	3
3 Equal Opportunities \Inclusion.....	4
4 Early Years Foundation Stage.....	5
5 Free Early Learning Places	5
6 Allocation of Free Early Learning Places	6
6.1 Criteria	6
6.2 Oversubscription Criteria.....	6
6.3 Admission into Full Time School (Reception).....	7
7 Additional Hours.....	7
7.1 Other Maintained Providers	7
7.2 Nursery Classes.....	8
8 Appendix	9
8.1 Definitions for the purpose of this policy.....	9
8.2 Contacts for Advice and Support.....	9
Free Early Learning (FEL) Admissions Procedure	11

Free Early Learning (FEL) Admissions Policy

1 Policy Statement

- 1.1 This policy aims to establish best practice for admission into nursery to enable a maximum number of children to access their free early learning place and through the delivery of flexible options, support parents to access employment or training.
- 1.2 The Council will ensure that children are admitted to its nursery provision in a fair and consistent manner and in accordance with the published policy and procedure. The policy and procedure will be issued to schools to administer on behalf of the Council.

2 Legal Entitlement and Statutory Duties

- 2.1 In 1998 the Government announced its National Childcare Strategy, introducing an entitlement for all four year olds to access a free early learning place. This entitlement was extended to three year olds in April 2004. Free early learning can be accessed in maintained nursery schools, primary school nursery units or children's centres as well as eligible private, voluntary or independent settings and some childminders who are members of a childminder network.
- 2.2 All children in Sheffield are entitled to 15 free hours of flexible free early learning provision per week over a minimum of 2 days per week, for 38 weeks per year, from the term after their third birthday until they start school. This is consistent with national policy and funding streams.
- 2.3 The Council provides this provision under Section 118 of the Schools Standard and Framework Act 1998, which requires Local Authorities to secure sufficient provision (whether by them or not) of free early learning places. This has been reiterated by Section 7 of the Childcare Act 2006, which imposes a duty to secure sufficient free early learning provision to enable access by all eligible children whose parents want to use a place. Research evidence confirms that enabling access to the free early learning contributes to the achievement of the Early Years Outcomes Duty as defined in Sections 1-4 of the Childcare Act 2006.
- 2.4 Section 6 of the Childcare Act 2006 gives the local authority a related duty to secure sufficient childcare, as far as is reasonably practicable, to enable parents to work or undertake training that could reasonably be expected to assist them to obtain work. This duty also supports the achievement of the Early Years Outcomes Duty in terms of supporting all children to achieve the five *Every Child Matters* outcomes (Being Healthy, Staying Safe, Enjoying and Achieving, Making a Positive Contribution, Achieving Economic Wellbeing), particularly those children from disadvantaged backgrounds.

3 Equal Opportunities \Inclusion

- 3.1 All children (regardless of race, gender, religious belief or affiliation, intellectual or physical ability, social or cultural background) should have equal access to places in nursery schools, nursery units, children's centres or other eligible providers (in the private, voluntary and independent sectors). Admissions into nursery units should be irrespective of whether or not they are likely to transfer into the reception class of the infant \ primary school in question. Where oversubscription occurs, places will be allocated in accordance with the oversubscription criteria detailed in section 6 (6.2).
- 3.2 Providers must adhere to, and implement equality and inclusion policies, including the following key legislation:
- Race Relations Act (1976)
 - Race Relations Amendment Act (2000)
 - Disability Discrimination Act (1995, updated 2005)
 - Disability and Equality Act (2010)
 - Sex Discrimination Act (1975)
 - Human Rights Act (1998)
 - Schools Standards and Framework Act (1998)
 - Children Act (2004)
 - Childcare Act (2006)
- 3.3 Facilitating access for all children is supported by Sheffield's statement of Inclusion (Education Focus), which states the intention to 'build an education system that encourages the participation and support of parents and other agencies, to meet the individual needs of all young people.'
- 3.4 The Learning Difficulties and Disabilities (LDD) section provides advice concerning transition into school of children with identified special educational needs.
- 3.5 The Council will continue to monitor the take up of childcare and early years education (including free early learning places) in respect of ethnicity, special educational needs, age, gender and geographical location, alongside the development of a comprehensive and ongoing system of consultation with parents and providers. This work will aim to ensure that all children have access to high quality early years provision that meets their individual needs and those of the parents. The Council wishes to ensure that all three and four year old children have access to their free early year learning provision, whether provided by settings within the maintained, voluntary, private or independent sectors. In areas where there is a shortage of places, the development of additional provision will be considered in line with the Childcare Sufficiency Duty of the Childcare Act 2006.

4 Early Years Foundation Stage

- 4.1 The revised Early Years Foundation Stage (EYFS) came into effect on 1 September 2012. All providers are required to use the EYFS to ensure that whatever setting parents choose, they can be confident that their child will receive a quality experience that supports their development and learning. The EYFS provides a quality framework for the integration of care and education for children from birth to the 31 August following their fifth birthday and will form the basis of inspection of all providers who care for children in this age range, whether or not they are eligible to offer free early learning provision.
- 4.2 When an eligible provider is admitting a child that previously attended another early years setting, they should ask for documentation of the child's progress within the EYFS from the previous provider or parent \ legal guardian. If it is the child's first provider, an initial assessment should be carried out by gathering information from the parent \ legal guardian.
- 4.3 All providers will be expected to work in partnership with other settings the child attends to identify and support their individual play, care and learning needs. Partnership working should also include working together with parents and professionals from other agencies to share information about children's progress and to identify specific needs at an early stage.
- 4.4 If parents choose for their child to access the 15 free hours at two settings or the child attends another setting not funded by the free early learning, the settings involved will have the additional challenge of the sharing of record keeping and assessments. This will ensure good continuity of care and education for the child as well as effective communication with parents.

5 Free Early Learning Places

- 5.1 Children are eligible to access their free early learning place from the start of the term after their third birthday. Once eligible, subject to availability of a place, children can start at the beginning of, or during any of the three school terms (autumn \ spring \ summer).
- 5.2 Children can access between 2.5 and 15 hours per week based on parental choice and what the provider can accommodate. This will enable a child to increase the number of hours per week that they access over a number of terms if the parent feels that their child is not ready to access 15 hours per week immediately.
- 5.3 Children may access provision at different times on different days, however the child will not be able to start and finish outside of session starting and ending times. And the pattern of attendance must fit in with the providers pattern of delivery, unless the setting chooses to make an exception (see paragraph 2.2 in the Code of Practice for Free Entitlement). If a child is accessing the full 15 hours per week it must be spread over a minimum of two days per week. A child should not be offered less than two and a half hours in any one day.

6 Allocation of Free Early Learning Places

6.1 Criteria

- 6.1.1 In line with the Childcare Sufficiency Duty of the Childcare Act 2006, access to free early learning places should be as flexible as possible in order to support parents to access employment and to support children's individual needs. Parents may decide to choose provision near or en route to their place of work; therefore a child has the right to attend any provision in the city.
- 6.1.2 Some primary school catchment areas do not have any maintained nursery provision; therefore catchment areas will not be considered as criteria for admitting children, although priority will go to children living within the Sheffield local authority boundary (over children living in other local authority areas). This will prevent a child from being disadvantaged in finding provision if they live in a primary school catchment area without any or with only limited provision offering the free early learning.
- 6.1.3 Once admitted to the provision, children may stay until they transfer to a primary or infant school, or the child reaches statutory school age. A place would not normally be removed from a child unless the parent decides they no longer need it.
- 6.1.4 If, at the application deadline date, there are more places available than there are applications, then all children will be offered a place. Subsequent applicants will be offered places until the provision is full. Once full, applicants will be placed on a waiting list and places will be allocated in accordance with the oversubscription criteria.

6.2 Oversubscription Criteria

- 6.2.1 The following is the order of priority in which applications should be considered if the provider is oversubscribed.
- 6.2.2 **Children with Special Educational Needs (SEN)**, any child that has a statement for SEN that names a specific provider must be offered a place there.
- 6.2.3 **Pupils in public care** (Looked After Children) who:
- are looked after at the time an application for a school is made or
 - will be looked after at the time when the child is admitted to school.
- The City Council has a statutory duty to prioritise admission for children in Public Care.
- 6.2.4 **Date of birth priority** with oldest children admitted first. This will mean all children have an equal opportunity, regardless of where they live, of accessing provision for a similar length of time prior to compulsory school age.
- 6.2.5 **Children with a sibling at the provider.** Any child who has a sibling at the same provider, as this will ease pick up and drop off arrangements for parents \ carers.

- 6.2.6 **Earliest date of application.** If all other factors are equal then the earliest application will receive priority.
- 6.2.7 Maintained providers (not nursery classes) will follow the same oversubscription criteria, but with one difference. These settings are not expected to prioritise free early learning and therefore parents \ carers will be allocated childcare hours at the same time they are allocated free early learning hours (even if this means another child may be unable to access a free early learning place because the hours are being used for paid for childcare).

6.3 Admission into Full Time School (Reception)

- 6.3.1 Parents \ carers should be made aware that attendance at a particular school where the free early learning place is provided, does not guarantee a place in reception at that school. Places will continue to be prioritised in school reception based on existing Sheffield City Council Policy. See 'Entrance into Reception' - available online at <https://www.sheffield.gov.uk/education/information-for-parentscarers/pupil-admissions/primary-school/guide-for-parents-primary-20122013.html>
- 6.3.2 As of September 2011 parents now have the opportunity to choose when their child enters reception. All children will now be able to start reception in the autumn term after their fourth birthday. Or parents \ carers can delay entry to reception until a following term if their child is not ready, until the child is compulsory school age. Parents \ carers also now have the option that their child can start in reception part time (less than 25 hours per week).
- 6.3.3 Parents \ carers need to be aware that application for a reception place is not affected by the term they wish their child to start reception, but if they choose to delay entry and the child would enter straight into Y1 instead of reception they would need to reapply for a place.

7 Additional Hours

7.1 Other Maintained Providers

- 7.1.1 Maintained providers (not nursery classes) - A place that supports working \ training parents will be guaranteed until the child starts school full time, therefore any additional childcare hours will be guaranteed, unless the provider restructures and is unable to continue to offer those hours.
- 7.1.2 Additional hours over and above the 15 hours free early learning will be charged by the provider at their standard rate for children of the child's age. They should not charge a higher rate to 'top-up' the free early learning. Maintained providers should all charge a fee in line with the Sheffield City Council Early Years Charging Policy.

7.2 Nursery Classes

- 7.2.1 Vacant places \ hours in nursery classes can be offered to parents, as additional hours, at a cost, but the additional hours (in excess of the 15 FEL hours) will not be guaranteed in subsequent academic terms. Additional hours will not be guaranteed for subsequent terms to ensure an eligible child will not be denied a place if demand for places increased.
- 7.2.2 The only time a parent \ carer can be guaranteed additional hours in subsequent terms is when the nursery class has had an ongoing surplus of places for the last two terms and there is no predicted increase in the number of eligible children within the local area. This must be assessed at the point of the child's entry into nursery and predicted numbers checked to ensure the additional hours will remain available. Schools should request a population forecast from the Childcare Planning team childcareplanning@sheffield.gov.uk and must ensure that sufficient spare hours will be available in each term that the child will remain in nursery.
- 7.2.3 Additional hours over and above the 15 hours free early learning will be charged by the school at their standard rate for children of the child's age. This rate can be determined by school governors or can be charged in line with the Sheffield City Council Early Years Charging Policy.

8 Appendix

8.1 Definitions for the purpose of this policy

- Eligible provider \ setting

Any provider or setting eligible to offer the free early learning for children aged 3 and 4 years (including school nursery units)

- Nursery School

School providing pre-school education for 3 and 4 year old children only

- Nursery Unit

Unit established in a primary or nursery infant school, and under the direction of the school, providing free early learning for 3 and 4 year old children

- Children's Centre

A centre that provides a wide range of family and health services including childcare and pre-school education

- Maintained Sector provider

Provider maintained directly by Government funding

- Private \ Voluntary \ Independent Sector providers

Childcare provider not maintained directly through Government funding

- Application Deadline

Date by which applications must be received for initial consideration for a place for the following term

- Waiting List

List of applications maintained by the eligible provider in the event of oversubscription. The waiting list is maintained in order of admission criteria

- Autumn Term

The school term beginning in September and ending in December

- Spring Term

The school term beginning in January and ending at Easter

- Summer Term

The school term beginning in April and ending in July

8.2 Contacts for Advice and Support

Childcare Planning Team (0114) 2813785

Pupils' Admissions Primary Admissions (0114) 2735766

Free Early Learning (FEL) Admissions Procedure

- 1 Parents \ carers may apply at any time for a place for their child. All parents \ carers applying for a place should be given a copy of the admissions policy and procedure in force at that time, asked to complete a standard application form and informed of the deadline for submission of the application.
- 2 The admissions policy and procedure and application form will be distributed to parents \ carers, on request, by the provider. Application forms from parents \ carers will be submitted to the provider.
- 3 Where there are more applications than places, all applications received by the deadline will be considered using the oversubscription criteria only.
- 4 Applications submitted after the deadline will only be considered for admission if the provider is not full or a place becomes available. If a place does not become available, the application will be considered at the deadline for the following term.
- 5 All information given by the parent \ carer must be regarded as confidential, but must be made available to those considering the application.
- 6 (If applicable) It should be made clear on the information provided to parents \ carers that attendance at the nursery, or foundation stage unit is not connected to the admissions process for any primary or infant school. Attendance at a nursery, or foundation stage unit does not guarantee a place at any specific primary or infant school. When considering applications for primary or infant schools, no priority is given to children who have attended the nursery, or foundation stage unit.
- 7 All applications for places in the provision will be held by the provider and considered in the week after the half term, of the term before entry. Children are eligible for the free early learning provision from the term after their third birthday. Therefore children can be admitted at the beginning or during any of the three terms (autumn \ spring \ summer) subject to the availability of a place.

Date of Birth of Child	Term in which child is eligible to be considered for entry	Application Deadline
1 April – 31 August	Autumn Term	Last Friday before half term of the summer term
1 September – 31 December	Spring Term	Last Friday before half term of the autumn term
1 January – 31 March	Summer Term	Last Friday before half term of the spring term

- 8 A committee of the governing body will consider applications for places in nursery schools or nursery units, or the governing body may delegate this task to the Head teacher and at least one other member of staff nominated by the governing body. There is an obligation for this group to liaise with other bodies (e.g. Local Authority, Health, Social Services, Pre-schools etc.) as appropriate to secure more information about the child's individual play \ care \ learning needs.
- 9 Parents may apply for between 2.5 and the total number of hours the setting is open per week (within the operational constraints¹ of the setting). Up to 15 hours of this can be claimed as free early learning. Subsequent hours will be charged in line with the Early Years charging policy set by the governing body. Parents applying for fewer than 15 hours per week must be given equal consideration as those applying for the full 15 hours.
- 10 When applying, parents will indicate their preferred times of attendance in line with the options offered by the individual provider. Allocation will be at the discretion of the provider and providers should attempt to minimise vacant sessions whilst maximising the number of children accessing their free early learning.
- 11 In the case of nursery classes parents \ carers will be reminded that if it is agreed that their child can attend for more than 15 hours per week, there is no guarantee that the additional hours will be available the following term (unless the conditions outlined in 7.2.2 have been met).
- 12 If a child attends more than one provider and is claiming for more than 15 hours free early learning the providers involved will be asked to resolve the funding dispute with the parent \ carer and inform the local authority of the outcome.
- 13 If a child transfers to a different eligible provider during the term, the funding will be split accordingly, so long as appropriate notice periods have been observed by the parent \ carer. 'The Code of Practice for Delivery of Free Early Learning (FEL) for Three & Four Year Olds – Provider Agreement' outlines the arrangements to cover the financial implications of children transferring between providers.
- 14 Parents will be informed as soon as possible after their application has been considered, but no later than 2 weeks after half term, of the term before entry to the provision.
- 15 All children due to start in any particular term, should be given a common starting date. Where there are large numbers of children due to start in the same term, they may be phased in over a short period of time (See paragraph 2.6 in the The Code of Practice for Delivery of Free Early Learning (FEL) for Three & Four Year Olds – Provider Agreement').

¹ A provider's operational constraints are the starting and ending times of its session