



# Guidance for Headteachers and Governors

## Admission of 2 and 3 year olds to school

# Contents

1. Context
2. Statutory school age and the duty to provide school places
3. Ways in which early years provision can be made in schools
4. Making changes to the age range of a school
5. Admission arrangements
6. Governor-run preschool provision
7. Insurance
8. Staffing
9. Securing Quality Provision
10. Making Provision for Children with Special Educational Needs and/or Disabilities (SEND)
11. Health and Safety
12. Governance
13. Financial Considerations
14. Sources of Advice

This guidance applies to maintained schools including Voluntary Aided and Voluntary Controlled schools, Academies and Free schools to ensure that early years provision meets the requirements of the Statutory framework for the early years foundation stage

## 1. Context

**1.1** The government expressed its intention to see more early years provision being made available in schools. Schools are also being encouraged to be open from 8am to 6pm to provide care which wraps around education in order to help working parents.

**1.2** The local authority has a statutory duty to ensure the availability of sufficient early years places for all three and four year olds and for funded two year olds. Places in schools are part of this although in North Yorkshire a significant proportion of early education and care is provided through the private and voluntary sector (PVI). The local authority works with and supports all types of providers in order to meet its statutory duty.

**1.3 Schools** which do not currently have nursery, foundation stage classes or registered early years provision may wish to consider options for early years provision as part of the school. Some schools see early years provision as a means of attracting children from the local area or beyond who might then choose to continue their education at the school. In other cases there may be insufficient local early years provision and schools are responding to unmet demand from parents.

**1.4** The following information lays out the current position in respect of the admission of two, three and four year old children to school and provides guidance to heads and governors considering such a move.

## 2. Statutory school age and the duty to provide school places

**2.1** The local authority has a legal responsibility to provide a place in a school reception class for all children at the start of the academic year after the child's fourth birthday. Children must start full-time education once they reach compulsory school age. This is on 31<sup>st</sup> December, 31<sup>st</sup> March or 31<sup>st</sup> August following their fifth birthday.

**2.2** It also has a responsibility to secure adequate early years provision for all three and four year olds and eligible two year olds, some of which may be provided in schools.



### 3. Ways in which early years provision can be made in schools

- Direct School provision (Model A)
- Governor-run pre-school provision under Section 27 of the Education Act 2002 'Community Provision Powers' (Model B)
- Shared-site arrangement with a private, voluntary or independent (PVI) sector provider (Model C)

<b>Model A Direct School Provision</b> Key features: <ul style="list-style-type: none"> <li>• Early-years children on school roll</li> <li>• Delivered by staff with Qualified Teacher Status (QTS)</li> </ul>	This requires the school age range to be lowered: <ul style="list-style-type: none"> <li>• through a governor-led non-statutory process for VC and VA Schools OR</li> <li>• through a Local Authority-led statutory process for Community Schools which is likely to take 2 terms</li> </ul>
Examples: <ul style="list-style-type: none"> <li>• Nursery class for 2 year olds</li> <li>• Nursery classes for 2, 3 and 4 year olds</li> <li>• Nursery classes for 3 and 4 year olds</li> <li>• Foundation Stage class for 2, 3 and 4 year olds and Reception-aged children</li> <li>• Foundation Stage class with 3 and 4 year olds and Reception-aged children</li> <li>• Foundation Stage class with 3 and 4 year olds and Reception-aged and KS1 children</li> </ul>	<ul style="list-style-type: none"> <li>• EY provision under the governance of the Governing Body and the leadership of the Headteacher</li> <li>• Children on school roll</li> <li>• EY provision inspected under school inspection</li> <li>• Funding claimed by termly process via Provider Portal (information also needs to be included on the termly school census)</li> <li>• Children funded according to universal base rates for 2, 3 and 4 year olds plus relevant supplements</li> <li>• Children are eligible for free school meal</li> <li>• Adult:child ratio 1:13 for 3 and 4 year olds; 1:4 for 2 year olds</li> <li>• School classes for 3 and 4 year olds must be staffed by staff with QTS and appropriately qualified and experienced assistants. There is no QTS requirement for classes of 2 year olds but the provision must be made under the direction and supervision of a QTS to meet the requirements of the specified work act</li> </ul>

<b>Model B Governor run pre-school provision under Section 27 of the Education Act 2002 'Community Provision Powers'</b> Key features: <ul style="list-style-type: none"> <li>• Early-years children on the early-years register and not on the school roll</li> <li>• Delivered by Early Years practitioners</li> </ul>	This does not require the school age range to be lowered as the early years children are not on the school roll, however you need to consult the Local Authority. Academies must contact the RSC regarding these proposals as they may advise that the academy needs to follow a significant change application to lower their age range in order to operate the nursery.
Examples: <ul style="list-style-type: none"> <li>• Governor-run Early Years Provision for 2, 3 and 4 year olds</li> <li>• Governor-run Early Years Provision for 3 and 4 year olds</li> </ul>	<ul style="list-style-type: none"> <li>• EY provision under the governance of the Governing Body and the leadership of the Headteacher</li> <li>• Children the early-years register and not on the school roll</li> <li>• EY provision inspected under school inspection</li> <li>• Funding claimed by termly process via Provider Portal (information should not be included on the termly school census)</li> <li>• Children funded according to universal base rates for 2, 3 and 4 year olds plus relevant supplements</li> <li>• Children not eligible for free school meal</li> <li>• Adult:child ratio 1: 8 for 3 and 4 year olds (Level 3 qualified) or 1:13 (EYPS/EYFT/QTS qualified); 1:4 for 2 year olds.</li> <li>• Early years practitioners with qualifications and ratios to meet EYFS requirements</li> </ul>

<b>Model C Shared-site arrangement with a private, voluntary or independent (PVI) provider</b> Key features: <ul style="list-style-type: none"> <li>• Early-years children on the early-years register and not on the school roll</li> <li>• Delivered by Early Years practitioners</li> <li>• School leases premises to the PVI setting</li> </ul>	This does not require the school age range to be lowered as the early years children are not on the school roll, however you need to consult the Local Authority, seeking advice from Strategic Planning Team to set up the childcare licence agreement.
Examples: <ul style="list-style-type: none"> <li>• Shared site delivery of early years provision for 2, 3 and 4 year olds by a PVI provider</li> </ul>	<ul style="list-style-type: none"> <li>• PVI provider operates separately under a childcare licence or lease agreement.</li> <li>• Management and governance by a business owner or community committee.</li> <li>• Separate Ofsted registration</li> <li>• Separate Ofsted inspection</li> <li>• Children funded according to universal base rates for 2,3 and 4 year olds plus relevant supplements</li> <li>• Adult:child ratio 1: 8 for 3 and 4 year olds (Level 3 qualified) or 1:13 (EYPS/EYFT/QTS); 1:4 for 2 year olds with early years practitioners</li> <li>• Early years practitioners with qualifications and ratios to meet EYFS requirements</li> </ul>

**3.1** If schools incorporate a PVI provider to operate under school governance, formal transitions to new arrangements will be needed particularly if the provider has operated on site under a lease or licence agreement or under an Early Years Alliance constitution. Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006 arrangements for staff may need to be negotiated and Governors may need to take over the functions of the charitable status of a group.

**3.2** It is important to take advice from HR regarding TUPE Regulations 2006, which protects the entitlement of employees who transfer to your organisation to the same terms and conditions, and continuity of employment. Under a TUPE transfer you will also take over all rights and obligations arising from those contracts of employment such as unfair dismissal, equal pay and discrimination claims. If an employee is dismissed because of the transfer, their dismissal is automatically unfair, unless the employer can show an 'economic, technical or organisational' reason entailing a change in the workforce.





## 4. Making changes to the age range of a school

**4.1** Most primary schools in North Yorkshire are established to serve pupils aged 4-11.

**4.2** This means they do not have an established nursery or foundation stage class. Schools which are established to serve pupils aged 4-11 are not permitted to admit pupils into school before the age of four other than inviting them as visitors to attend a limited number of transition sessions during the term before they start school. These sessions should be staffed and meet quality and insurance requirements as described in this guidance.

**4.3** Since April 2007, for age range changes that are expected to be in place for more than 2 years (as these are considered permanent increases), **Community schools will need to ask the Local Authority (LA) to put forward a statutory proposal to change the age range of a school. For Voluntary Controlled, Voluntary Aided and Foundation schools, the Governing body or LA can propose a change of age range by following the non-statutory process.**

**4.4** Schools are expected to work with the local authority when making any changes in order to support coherent planning of provision across an area. They are expected to undertake appropriate informal consultation with parents and other local providers, especially when the proposed change will have a direct impact on their provision. Diocesan officers must also be informed for Voluntary Controlled and Voluntary Aided schools.

**4.5** Where a proposed age range change would also require an expansion of the school's premises, the LA or governing body must also ensure that they act in accordance with the requirements relating to proposals for the enlargement of premises.

***\*Currently there is no funding available from North Yorkshire Council to build or extend premises to create a nursery class. However, if a school has suitable surplus accommodation and funds to adapt please***



***contact the Strategic Planning Team on 01609 532232 at an early stage for a discussion. Any surplus building capacity would need to be considered against the forecasts of population growth and housing development to ensure***

***this space would not be needed in the next few years for pupils of mainstream school age.***

**4.6** For community schools the LA would follow the process below.

Community Schools: Statutory processes for prescribed alterations to change age range

Stage	Description	Timescales	Comments
	Informal consultation by the school	4 weeks in term time	Recommended good practice
Stage 1	Publication (statutory proposal/notice)		Decision to publish made by the Council's Executive
Stage 2	Representation (formal consultation)	Must be at least 4 weeks	As prescribed in the 'Prescribed Alteration' regulations.
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision
Stage 4	Implementation	No prescribed timescale	However it must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker

This statutory process is likely to take a minimum of two terms. Schools should consult with the Strategic Planning Team on 01609 532232 before starting any consultation.

### **4.7 Voluntary Aided, Voluntary Controlled and Foundation Schools: Changes of age range that can be made outside of the statutory process**

For Voluntary aided, voluntary controlled and foundation schools, the Governing body does not need to follow a statutory process but are expected to consult.

Before making any changes governing bodies should ensure that:

- they have consulted with the LA to ensure the proposal is aligned with local place planning arrangements
- they have secured any necessary funding;
- they have identified suitable accommodation and sites;
- they have secured planning permission and/or agreement on the transfer of land where necessary (including approval from the Secretary of State for change

to the use of playing field land under Section 77 (1) of the SSFA 1998

- they have the consent of the site trustees or other land owner where the land is not owned by the governing body;
- they have the consent of the relevant religious authority (as required); and
- the admissions authority is content for the published admissions number (PAN) to be changed where this forms part of the expansion plans, in accordance with the Schools Admission Code.

#### 4.8 Community Schools, Voluntary Aided, Voluntary Controlled and Foundation Schools

The department expects that in making these changes LAs and governing bodies will:

- liaise with the LA and trustees/diocese (as appropriate) to ensure that, a proposal is aligned with wider place planning/organisational arrangements and that any necessary consents have been gained;
- not undermine the quality of education provided or the financial viability of other 'good' and 'outstanding' schools in the local area; or
- not create additional places in a local planning area where there is already surplus capacity in schools rated as 'good' or 'outstanding' and
- ensure open and fair consultation with parents and other interested parties to gauge demand for their proposed changes and to provide them with sufficient opportunities to give their views.

**4.9** Once a decision on the change has been made, the proposer (i.e. LA or governing body) is responsible for making arrangements for the necessary changes to be made to the school's record in the department's Get Schools Information at <https://get-information-schools.service.gov.uk>

These changes must be made no later than the date of implementation or the change.

**4.10** Please refer to "Making Significant Changes ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision makers." Oct 2018 [Making significant changes \('prescribed alterations'\) to maintained schools \(publishing.service.gov.uk\)](#):

**4.11** It is expected that schools will take advice from the LA about the requirements for such provision in terms of quality assurance, suitability of accommodation and staffing requirements before raising expectations with parents. Schools will need to take advice from the LA before admitting any pupils in the younger age range. If they do not they may find that these children may not be funded and the school may not be insured.

**Schools must consult with the Strategic Planning Team on 01609 532232 before starting any consultation.**

#### 4.12 Age Range Changes - Academies

Academies rated 'good' or 'outstanding' in their last Ofsted inspection may be able to change the age range of their school by up to two years (including adding nursery provision) by following the fast-track application process to the Regional Schools Commissioner (RSC).

**4.13** Alternatively, a full business case application may need to be submitted to the RSC.

**4.14** Any age range change which could be considered contentious or which will set a precedent for schools in their local area will require the Academy Trust to submit a full business case.

**4.15** Where proposals are likely to have a significant impact on other local provision a full business case will usually be required to provide evidence that the education of children in the area will not be compromised.

**4.16** The addition or removal of a relevant age group must be consulted on in accordance with the Schools Admission Code.

**4.17** The consultation process on a significant change should run for a minimum of four weeks.

**4.18** Please refer to "Making significant changes to an open academy and closure by mutual agreement" November 2019 [Making significant changes to an open academy and closure by mutual agreement \(publishing.service.gov.uk\)](#)

#### 4.19 Who should be consulted and how?

For both full business case proposals and fast track applications the academy trust will need to confirm that a fair and open local consultation has been undertaken, with all those who could be affected by the proposed change and that the proposal takes account of all responses received.

**4.20** The LA will hold important contextual information on the requirement for places locally, and must be consulted in all cases. The RSC (or the Secretary of State as appropriate) will need to be satisfied that the LA has been consulted, and will consider any reasonable objections from them.

## 5. Admission arrangements

**5.1** Children are admitted to reception classes by the admissions authority following agreed criteria and admission arrangements. In the case of community and Voluntary Controlled schools the local authority is the admissions authority and is the only body which can allocate a place in a reception class. A place will not be offered unless the parent has completed a common application form.

**5.2** Admission to nursery or a foundation stage class is managed by the governing body of the school in line with the agreed oversubscription criteria. This does not guarantee a place at the same school in the Reception class.

**5.3** Outside of the above arrangements it is still possible for an individual child to be admitted exceptionally outside of its chronological age group and there are a number of schools where this has previously been agreed. This must be agreed with the local authority in line with published guidance. Such judgements will take account of the child's level of social and educational development and other individual factors.

**5.4** The School Admissions Code requires school admission authorities to provide for the admission of all children in the September following their fourth birthday. A child is not required to start school until they have reached compulsory school age following their fifth birthday. For summer born children this is a full school year after the point they could have been first admitted.



Some parents may feel their child is simply not ready to start school in the September following their fourth birthday. Flexibility in the admissions code allows for this. Parents can request that their child attends part-time until they reach compulsory school age or that the date their child is admitted to school is deferred until later in the same academic year. School Admissions Code 2014 (2.17) enables a parent to seek a place for their child outside of their normal age group [School Admissions Code 2014 \(publishing.service.gov.uk\)](#).

## 6. Governor run preschool provision

### 6.1 Staffing

Governor-run provision is often provided by a non-QTS at a ratio of 1:8.

Governor run provision, however, can also be provided by a Qualified Teacher within school provision. The class must have no more than 30 in total (to abide by class size 30 Regulations) and up to 13 of them can be nursery age. The employment of this Teacher would remain the responsibility of the employing school regardless of whether she is teaching the statutory provision or under the governor led provision. There would be no change to the contract.

### 6.2 Establishing governor run provision

Best practice would include:

	exploring financial implications.
2	<b>GB to seek whether provision would align with LA place planning and sufficiency.</b>  Local Authority colleagues will help with information around early years provision in the area
3	<b>GB decides to consult</b>  Prepare consultation paper  Include in the consultation paper information on facilities and number of places available
4	<b>GB consults</b>  Consult on nursery proposal with parents and wider community.  Minimum 4 week consultation period  Make consultation paper available on school website and at local venues
5	<b>Evaluate Responses to Consultation</b>  Write a report evaluating responses
6	<b>GB decides.</b>  An agenda item at a meeting for which at least 7 days' notice is given.  GB consider report on consultation responses.  GB decides whether to proceed  GB votes and the decision is formally minuted

Stage	Action
1	<b>Initial exploration</b>  Governing Body (GB) explores scope for nursery, via auditing extent of wider interest and

7	<b>Communicate decision</b> to parents, community, LA, Diocese  Consider a press release
8	<b>Any building work.</b>
9	<b>Get started</b> and keep in touch with LA as necessary including EY Funding.

This process takes a varying amount of time, depending on how quickly governors wish to progress. In general, the process is likely to take between 2 and 3 terms.

## 7. Insurance

**7.1** From 1<sup>st</sup> April 2021, North Yorkshire Council insurance no longer applies. Schools have to sign up to the Department for Education's (DfE) Risk Protection Arrangement (RPA). Schools will need to contact the DfE directly. Schools should consult their insurers before making any changes to their provision [The risk protection arrangement \(RPA\) for schools - GOV.UK \(www.gov.uk\)](#).

## 8. Staffing

**8.1** Schools must staff early years provision according to the ratios required for the youngest children in the group. For two year olds this is one adult to four children. Staffing requirements need to be considered in the context of the school geography, layout, access to outdoor provision, etc. in order to ensure that the needs of all children can be met at all times. The starting point has to be the quality of educational provision for the whole class but particularly for the youngest child.

**8.2** For a maintained school nursery, a school teacher must lead the class. A school teacher is somebody who holds qualified teacher status (QTS), as defined by the Education Act 2002. Nursery classes must meet an adult: child ratio of 1:13. A person with early years teacher status (EYTS) would be able to fill the position of the second adult in a class of 14+ children, but would not be eligible to lead the class.

**8.3** Statutory Guidance for the Early Years Foundation stage states that: *“Reception classes in maintained schools and academies are subject to infant class size legislation. The School Admissions (Infant Class Size) Regulations 2012 limit the size of infant classes to 30 pupils per school teacher. ‘School teachers’ do not include teaching assistants, higher level teaching assistants or other support staff. Consequently, in an ordinary teaching session, a school must employ sufficient school teachers to enable it to teach its infant classes in groups of no more than 30 per school teacher.”* (EYFS, 2021 3.39)

Reception classes in maintained schools cannot be led by someone with 'Early Years Teacher' status, or other statuses. 'Early Years Teacher' status is non-statutory and as such does not confer 'school teacher' status on its holder.

**8.4** In a mixed key stage class where the majority of children in a class are 5, 6 or 7 by the end of the year (reception and year 1), the basic legal required staffing ratio is 1:30, the member of staff must be a qualified teacher. This member of staff needs sufficient knowledge of child development and the early years curriculum. Good practice suggests an additional adult would also be required. This person should be Level 3 qualified with an approved early years qualification and experience. Staffing at the highest level should be considered in order to offer provision across the age range and meet children's personal care needs.



**8.5** In the case of an early years 'foundation stage unit' where the majority of children will be under 5 by the end of the year the staffing ratio is 1:13 and the starting point for staffing is a qualified teacher. Maintained school nursery class ratios and qualifications will apply in these cases, i.e. at least one adult for every 13 children aged three or over - one of whom must have QTS. If the numbers in the unit are between 13-26 there must be at least two adults, one of whom has QT status the other qualified at Level 3 and so on. If two year olds were to be admitted to a 'Foundation Stage Unit', the quality and content of provision must meet their developmental needs, and the appropriate staffing ratios be in place.

**8.6** It is important to be aware of the impact and potential for placing staff under stress when expecting a teacher to cope with the full range of needs of children who may be a year younger than the usual age of entry to a class. It is recommended that a staff mentor is appointed to provide advice and support for the class teacher where the Headteacher cannot do this. Existing staff may need additional training and on-going professional development to take on this role.

**8.7** Exceptionally, and where the quality of care and safety and security of children is maintained, changes to the ratios may be made (EYFS 2021, 3:31) e.g. over lunch.

**8.8** Schools need to be aware that a failure to ensure appropriate staffing and provision to meet the needs of all children can leave the school vulnerable in respect of Ofsted inspection.

## 9. Securing Quality Provision

**9.1** Please refer to the Statutory Framework for the Early Years Foundation Stage (EYFS, 2021) which sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe.

**9.2** When considering whether to admit children as young as two years old into the school, it is essential that two year old children are not treated as young three year olds. Two year olds are at a qualitatively different stage in their development. Whilst they may enjoy playing with resources that are available for older children, their development needs require different provision and learning opportunities. Adults must have skills and knowledge of child development and be able to adapt their expectations and judgements to this age group e.g. recognizing and supporting schematic theories in children's freeflow play.

**9.3** Provision, routines and expectations for two year olds must be developmentally appropriate. It is important to remember the view and height of two year olds in the environment. The environment must be flexible yet familiar which encourages free flow play between areas and space to move around in both outdoors and indoors. The environment should reflect children's interests and developmental needs whilst offering choice and access to resources. Two year olds need opportunities to build and develop a wide range of skills including emotional, social and physical ones. They must have opportunities and support to develop their language, vocabulary and communication skills as well as developing an understanding of new concepts such as sharing and taking turns. It is therefore important that sufficient and appropriate

resources are available to meet the needs of all children. Two year olds are developing their independence and often have a drive to do it for themselves. They will need support from adults to be able to regulate their feelings and emotions. They will need support to manage self-care tasks such as dressing, undressing, toileting and hygiene routines. Meal and snack times need to be slow and unhurried and children must be supervised whilst eating. Suitable provision should be made to allow children to sleep or have a rest (EYFS, 2021 3.60).

They need to know what to expect and find security in returning to their favourite spaces or keeping personal items/comforters close at hand. They thrive in a peaceful environment, not only needing open areas but enclosed, attractive, quiet spaces in which to withdraw and relax, possibly sleep. Unhurried time is essential, with close, warm care and attention provided by adults who know the children very well.

### **9.4** Points for further consideration - what do two year olds need?

- Adults that have an excellent understanding of child development - The level of development of some children accessing two year old funding may be lower than that developmentally typical for their age. In order to ensure high quality inclusive provision and practice, resources and routines and approaches may need to be adapted further.
- High quality interaction and support - A staff ratio of 1:4 to children is required (EYFS 2021, 3.33).
- The care of a key person that knows them very well. Two year olds need a huge amount of emotional support. Secure attachments are key to strong



emotional health and well-being. Caring adults need to make the time to become familiar with two year olds as individuals to understand their needs, interests, fascinations, personal world and routines.

- Resources that are open ended and reflect the world that they know and are familiar with as a two year old.
- Malleable and heuristic materials must be available every day.
- Furniture and bathroom facilities of an appropriate size.
- Carpeted areas so that resources are at floor level - not on tables.
- Sleep areas – sleeping children must be frequently checked (EYFS 2021,3.60)
  - Adults that re-adjust their expectation for a wide range of everyday behaviours.
  - Private space and time for personal intimate care routines with their key person.
  - Individualised transition and settling routines – separation from parents can be much harder for young children. A great deal of time is needed for younger children to become familiar with the practitioners and the environment.
  - Quiet, cosy areas - bean bags and cushions.
  - Shielded areas enclosed from pathways.

Schools must provide access to an outdoor play area or, if that is not possible, ensure that outdoor activities are planned and taken on a daily basis (unless circumstances make this inappropriate, for example unsafe weather conditions). Providers must follow their legal responsibilities under the Equality Act 2010 (for example, the provisions on reasonable adjustments.) (EYFS, 2021 3.59).

9.5 Premises and equipment must be organized in a way that meets the needs of very young children. Schools must meet the following indoor space requirements:

- Children under two years: 3.5 square metres per child.
- Two year olds: 2.5 square metres per child
- Three to five years: 2.3 square metres per child.

## 10. Making provision for children with Special Educational Needs and/or Disabilities (SEND)

10.1 The Equalities Act 2010 states a person defined as disabled if they have ‘a physical or mental impairment that has a substantial and long term adverse effect on their ability to carry out normal day to day activities.’ It also states that no person should be treated less favourably by reason of their disability. This includes children. For children under the age of six a special educational need can be regarded as a disability even if there is no diagnosis of condition.

10.2 Provision and routines for children with SEND must be developmentally appropriate. It may be useful at this stage to consider when

a child would be regarded as having a special educational need (SEN).

A child can be considered to have SEN if their attainment is significantly below age related expectations in one or more of the aspects of the EYFS. Their need will also fall into one or more of the categories of SEND as defined in the SEND code of practice; January 2015.

Has the rate of progress the child is making improved? If the answer to any of these questions is yes then the provision that the school is making for that child is meeting their needs. The school, setting or childminder should continue to provide this level of support and use their Assess, Plan, Do, Review to continue to monitor the child's

progress.

10.3 When a child is identified as having a special educational need there is a typically expected level of intervention that an educational setting must provide. This relates to the **graduated approach** to meeting the needs of children with SEND. The ‘graduated approach’ is defined in the SEND code of practice; January 2015.

Resources, support and training for schools to support early years pupils with SEND can be found through the SEND hubs in each locality. More details of how to access these can be found at [SEND hubs | CYPInfo \(northyorks.gov.uk\)](#)

10.4 The graduated approach recognises that, where necessary, increasing specialist expertise may be required to develop strategies to support children with complex and / or significant special educational needs.

10.5 Specialist support can be accessed in each locality through the SEND hub via this link [SEND hubs | CYPInfo \(northyorks.gov.uk\)](#)

10.6 A very few children may require a higher level of support or an Education, Health and Care Plan (EHCP). At this level of need specialists from IES and/ or health and / or social care will be involved. Children who require an EHCP have highly complex and significant needs.

10.7 Funding may be available for children who have complex and / or significant SEND.



## 11. Health and Safety

**11.1** Schools must ensure that the site is fit and managed according to the age range.

**11.2** Risks related to unsuitability of environment for age group

- space, inside and outside to cater for young learners
- storage
- environmental hazards
- including choking risks
- intimate care arrangements – toilets and changing facilities will be needed, with the need for better disposal of potentially clinical waste (e.g. nappies from young children with infections)
- additional risk of very small children being in the school environment, during emergency situations e.g. fire alarms
- times when older and very young children are arriving, departing and using circulation spaces requiring planned supervision

**11.3** Requirements for health and safety management over and above current provision:

- There would have to be more detailed risk assessments for the management of young children within the school setting
- Further staff training that may be required, e.g. for additional paediatric trained first aiders, or increased awareness for health needs of very young children.

## 12. Governance

**12.1** It is the expectation that governing bodies will work with the Local Authority and other partners through this period of change. Strategically, governors will be reviewing all provision in their locality and be clear about the expectations of other providers.

**12.2** It is strongly recommended that governors consult with parents, and work together with the Headteacher and staff to ensure they are confident that the needs of all children will be met.

**12.3** Governing bodies will continue to review their admissions policy on an annual basis and take account of all the implications for staff, children and parents as they implement any changes to the age range of pupils on roll. Evidence of any review and adoption of policy will be recorded in the minutes of governing body meetings.



## 13. Financial Considerations

**13.1** Schools should undertake market research to establish the potential number of children who may attend early years provision based at the school. The options available to schools for the delivery of early years provision have different cost implications and Governors should consider the financial implications of each proposal and the impact on the whole school budget.

**13.2** Schools can use their delegated budget to subsidize community focused extended schools activities which is what a PVI provision run under a sub-committee of the Governing Body would be classed as. In addition, academies which are part of multi-academy trust are advised to verify any proposed subsidy from their delegated budget with the trust. The school and the Governors would need to verify any proposed subsidy and the Governors would need to satisfy themselves that this was in the interest of the school and that it was not going to create a financial burden that may result in the school going into a deficit position.

**13.3** All schools offering early years

provision should have a charging policy.

For further advice, please contact [BSO@northyorks.gov.uk](mailto:BSO@northyorks.gov.uk)

**13.4** Once a school has taken the decision to offer early years provision they must ensure the Early Years Funding Team is informed to secure funding. Extra funding may be available for children who have complex and/or significant SEND.

## 14. Sources of Advice

Please see contacts opposite.

For advice about:	Contact:		
<b>Early Years Statutory provision</b>	Helen Smith Early Years Strategy Manager Tel: 01609 797712 <a href="mailto:Helen.smith@northyorks.gov.uk">Helen.smith@northyorks.gov.uk</a>		
<b>Making Changes to the age range. Statutory or non-statutory process</b>	John Lee Strategic Planning Officer Tel: 01609 533182 <a href="mailto:John.s.lee@northyorks.gov.uk">John.s.lee@northyorks.gov.uk</a>		
<b>Inclusive Education</b>	Early Years SEND Inclusion Hub Tel: 01609 534010 <a href="mailto:NYSENDhubs@northyorks.gov.uk">NYSENDhubs@northyorks.gov.uk</a>		
<b>Health and Safety</b>	Robin Smith Health and Safety Risk Manager Tel: 01609 535686 <a href="mailto:robin.smith@northyorks.gov.uk">robin.smith@northyorks.gov.uk</a>		
<b>Admissions</b>	Lisa Herdman Lead for Schools Admissions Tel: 01609 534953 <a href="mailto:lisa.herdman@northyorks.gov.uk">lisa.herdman@northyorks.gov.uk</a>		
<b>Funding</b>	<table border="0"> <tr> <td>Sally Dunn Head of Schools and Early Years Finance Tel: 01609 532308 <a href="mailto:sally.dunn@northyorks.gov.uk">sally.dunn@northyorks.gov.uk</a></td> <td>Joanne Webster Early Years Funding Manager Tel: 01609 532970 <a href="mailto:joanne.webster@northyorks.gov.uk">joanne.webster@northyorks.gov.uk</a></td> </tr> </table>	Sally Dunn Head of Schools and Early Years Finance Tel: 01609 532308 <a href="mailto:sally.dunn@northyorks.gov.uk">sally.dunn@northyorks.gov.uk</a>	Joanne Webster Early Years Funding Manager Tel: 01609 532970 <a href="mailto:joanne.webster@northyorks.gov.uk">joanne.webster@northyorks.gov.uk</a>
Sally Dunn Head of Schools and Early Years Finance Tel: 01609 532308 <a href="mailto:sally.dunn@northyorks.gov.uk">sally.dunn@northyorks.gov.uk</a>	Joanne Webster Early Years Funding Manager Tel: 01609 532970 <a href="mailto:joanne.webster@northyorks.gov.uk">joanne.webster@northyorks.gov.uk</a>		
<b>Head of Clerking</b>	Chrissy Richardson Tel: 01609 532167 <a href="mailto:chrissy.richardson@northyorks.gov.uk">chrissy.richardson@northyorks.gov.uk</a>		
<b>HR and Staffing</b>	Nominated HR Adviser or HR Advisory helpline 01609 798343 <a href="mailto:NYHR@northyorks.gov.uk">NYHR@northyorks.gov.uk</a>		
<b>Early Years Business Support</b>	Catriona Lowin Early Years Business Support Tel. 01609 532823 (via Finance Enquiry Service), <a href="mailto:catriona.lowin@northyorks.gov.uk">catriona.lowin@northyorks.gov.uk</a>		
<b>Early Years Advisers</b>	John Banks – <a href="mailto:John.Banks@northyorks.gov.uk">John.Banks@northyorks.gov.uk</a> Elaine Broadbent – <a href="mailto:Elaine.Broadbent@northyorks.gov.uk">Elaine.Broadbent@northyorks.gov.uk</a>		

**Contact Us**

**North Yorkshire Council, County Hall, Northallerton North Yorkshire DL7 8AD**  
Our customer service centre is open Monday to Friday 8:00am – 5:30pm  
(Closed weekends and bank holidays). **Tel: 0300 131 2131**

If you would like this information in another language or format please ask us

**Tel: 0300 131 2131**



