

Setting up Pre-School Provision at an Academy School

Information and Guidance

November 2022

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Separately Registered or Provision as Part of School Age-Range?

This guidance is for Academy schools only. An Academy school is funded directly by the government and is controlled by an Academy Trust or function as a standalone academy.

Academy Schools are able to open early years provision as a school nursery class, incorporating early years provision and the pupils into the age range of the school, or as a subsidiary company registered separately with Ofsted.

The following information provides guidance on the differences between a school nursery class and that operated as a subsidiary company, as well as the process to change the age-range of the school. It does not replace the need to follow the Early Years Foundation Stage curriculum (EYFS), which must be adhered to when opening any early years provision.

Aspect	Subsidiary Organisation	School age range
Pupils	Children are not classed as pupils of the school.	Children are classed as pupils of the school.
Recording	Children must be reported on the early years census only.	Children must be reported on the school census only.
Staffing for 3 & 4 Year Olds	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.	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 or At least one member of staff with QTS, EYPS, EYTS or an approved Level 6 qualification. At least one member of staff must hold an approved level 3 qualification.
Staffing for 2 Year Olds *	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.	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.
Employment	Staff are employed directly by the subsidiary company.	Staff are employed directly by the school.
Ratios for 3 & 4 Year Olds *	Staffing ratios must be at least 1:8, or can increase to 1:13 if the provision is delivered by an QTS/EYPS/EYTS or an approved Level 6 qualification.	Staffing ratios must be at least 1:8, or can increase to 1:13 if the provision is delivered by an QTS/EYPS/EYTS or an approved Level 6 qualification.
Ratios for 2 Year Olds *	Staffing ratios must be at least 1:4.	Staffing ratios must be at least 1:4.

Aspect	Subsidiary Organisation	School age range
SEN Support	Setting will receive support from Early Years Inclusion for children known to PSF.	Setting will receive support from school SENCO only.
Free School Meals	Children are not eligible for free school meals.	Children in academy nursery classes may be eligible for free school meals.
IT Systems	Records and IT must be maintained separately to ensure that children are not identified as pupils of the school.	Records and IT system can be managed through school systems including attendance, registers, payment for extras etc.
Accommodation	Accommodation use is agreed through a rental contract with the school. This can be within temporary accommodation. Not secured against permanent needs of the school if required for Basic Need.	School must have sufficient permanent accommodation to meet school PAN in all year groups as well as proposed nursery capacity.
Building Maintenance	Building maintenance and condition works managed and funded by the subsidiary company or through the rental agreement.	Building maintenance and condition works funded through CIF.
Ofsted	Registered and inspected by Early Years Ofsted.	Registered and inspected as part of schools Ofsted if taking over 2s only and operating on the school site. If providing provision for children under 2 years of age, must register separately.
Admissions Policy	Setting must have their own admissions policy.	School must have a separate Nursery admissions policy.
Quality *	Should have a 'good' or 'outstanding' Ofsted rating or not yet inspected.	Should have a 'good' or 'outstanding' Ofsted rating or not yet inspected.
Nursery Education Funding *	If good or above (or not yet inspected), can register to offer two-year-old funded hours If RI or above (or not yet inspected) can register to offer 3- & 4-year-old funded hours.	If good or above (or not yet inspected), can register to offer two-year-old funded hours If RI or above (or not yet inspected) can register to offer 3- & 4-year-old funded hours.
Insurance	Insurance must be in place for the organisation.	School insurance scheme should cover all children aged 2 and above.

**These matters are the same for both integrated early years provision and that which is managed through a subsidiary company.*

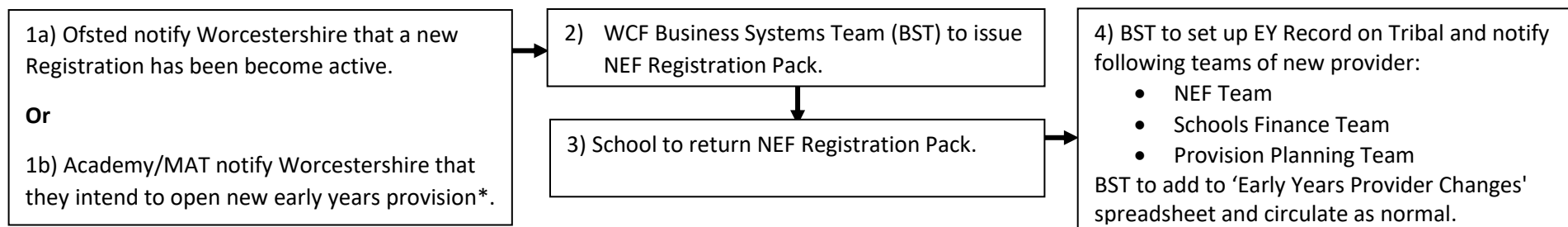
Opening Separately Registered (via a subsidiary company) Early Years Provision

If the Academy or Multi-Academy Trust (MAT) choose to open a subsidiary company to operate early years provision outside of the school age-range, normal Ofsted registration processes will apply: [Registering school-based provision with Ofsted \(publishing.service.gov.uk\)](https://publishing.service.gov.uk). Applications can be made here: [Apply to register your nursery or other daycare organisation \(EYO\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

The requirement to have a separate Early Years registration with Ofsted will depend on the how the Academy or MAT choose to govern the provision. Ofsted will take into account the following criteria when making their determination:

- Who will make up the organisation that is to provide the childcare?
- Who will have the main/lead responsibility in relation to the childcare?
- Who will recruit and pay the staff who will work in the childcare provision?
- Who will make the decisions about how the childcare is run, for example, in terms of its opening hours, the age group it covers, and how much parents pay?
- Who will determine the educational programme that the childcare will offer, and who will make the decisions about how the childcare will meet the welfare and learning and development requirements of the EYFS?
- Who will the manager of the childcare setting report to?
- Who will account for the income and expenditure that is associated with the childcare provision?
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Process for Opening Separately Registered Early Years Provision



**The WCF Early Years Team are able to provide support around the Ofsted registration process, the EYFS and Nursery Education Funding, as required.*

Undertaking a Change of Age Range

Academies may undertake a change of age range of the school by following the regulations as set out in “Making significant changes and closure to an Academy’.

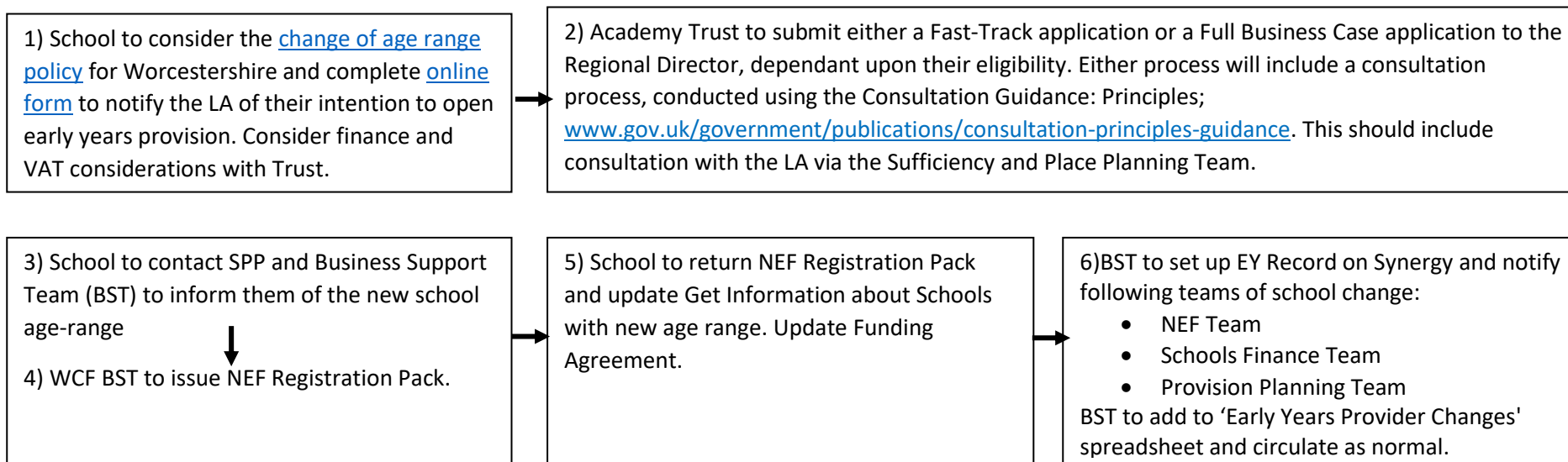
[Academies: making significant changes or closure by agreement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/making-significant-changes-or-closure-by-agreement)

Certain types of changes will be subject to the statutory school organisation process and will require a full business case submission to the RSC, these are outlined below. All other changes can be undertaken following the non-statutory fast track process. When determining whether the Local Authority will support a proposal for a school to change their age range, we will follow the policy as available to download [here](#).

Proposer	Type of Proposal	Process	Decision Maker
Academy trust	Alteration of lower age range of up to 2 years.	Fast Track if school is rated good/outstanding by Ofsted Full Business Case if school is not.	Regional Director (formerly Regional Schools Commissioner)
Academy trust	Alteration of lower age range by 3 years or more.	Full Business Case.	Regional Director (via the Advisory Board)



Process for Changing the School Age Range



Prior to any consultation, the school will need to confirm that the change:

- Will not impact on the net capacity of the school
- Will not affect the planned admission number
- Will require no capital from the Local Authority

The School must provide details of:

- The number of places and for what ages of children
- When the change will take effect
- Where the children will be accommodated and if any consent to use land or buildings are required

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