

# Setting up Pre-School Provision at a Maintained School

Information and Guidance

November 2021

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## Governor-Led or Maintained Nursery?

This guidance is for maintained schools only. A maintained school is funded and controlled by the Local Authority (LA) and excludes academies and free schools.

Schools are able to open early years provision as a maintained nursery, incorporating early years provision and the pupils into the age range of the school, or as a Governor-led provision, where the setting is kept separate from the provision of the school.

The following information provides guidance on the differences between a school nursery class and a Governor-led nursery, as well as the process to open one. 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. Aspects with asterisk are matters that are the same for both Governor-Led and integrated early years provision.

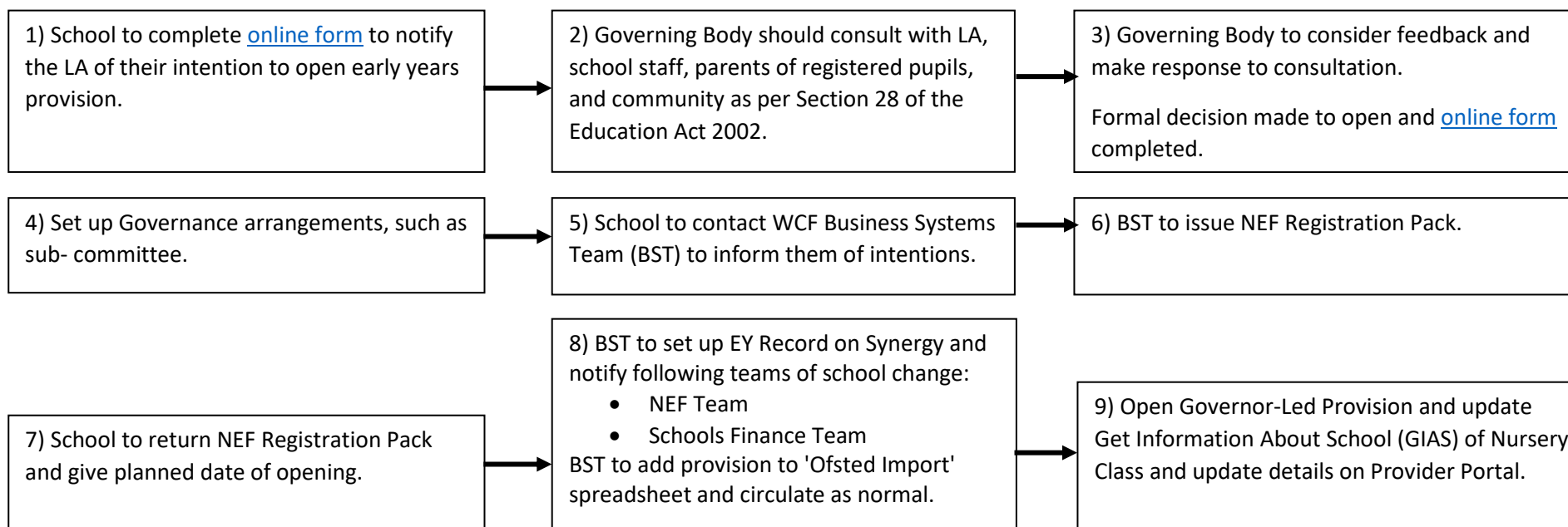
Aspect	Governor-Led	School age range
<b>Pupils</b>	Children are not classed as pupils of the school.	Children are classed as pupils of the school.
<b>Recording</b>	Children must be reported on the early years census only.	Children must be reported on the school census only.
<b>Staffing for 3 &amp; 4 Year Olds</b>	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.	Staffing must include a QTS & Level 3 Teaching assistant.
<b>Staffing for 2 Year Olds *</b>	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.
<b>Employment</b>	Staff are employed directly by the school under their own terms and agreement.	Staff are employed by the LA under the Local Authority terms of employment, except for foundation schools
<b>Ratios for 3 &amp; 4 Year olds</b>	Staffing ratio must be at least 1:8, or can increase to 1:13 if the provision is delivered by an QTS/EYPS, EYTS or approved Level 6 qualification.	Staffing ratio must be at least 1:13.
<b>Ratios for 2 Year Olds *</b>	Staffing ratio must be at least 1:4.	Staffing ratio must be at least 1:4.
<b>SEN Support</b>	Setting will receive support from the Early Years Inclusion Team for children who are known to Pre-School Forum.	Setting will receive support from school SENCO and School Improvement Team.
<b>Free School Meals</b>	Children are not eligible for free school meals.	Children in maintained nursery classes <b>may</b> be eligible for free school meals.

Aspect	Governor-Led	School age range
<b>IT Systems</b>	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 etc.
<b>Accommodation</b>	Accommodation use is agreed through rental contract with the school, can be within temporary accommodation. Cannot be secured against permanent needs of the school if the needs of the school are required for Basic Need.	School must have sufficient <b>permanent</b> accommodation to meet school PAN in all year groups <b>as well as</b> proposed nursery capacity.
<b>Building Maintenance</b>	Building maintenance and condition works managed and funded through the Governing body.	Building maintenance and condition works for Community, Foundation, and Voluntary Aided schools funded through Local Authority Capital Maintenance Programme as per the Worcestershire County Council Fair Funding Scheme for Financing Schools. Building maintenance and condition works for Voluntary Controlled schools funded through SCA or CIF funding.
<b>Finance *</b>	All schools must submit a full business case to WCC finance team for approval.	All schools must submit a full business case to WCC finance team for approval.
<b>Ofsted *</b>	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.	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.
<b>Admissions Policy</b>	Setting must have their own admissions policy.	The school must follow the LA nursery admissions policy.
<b>Quality *</b>	<b>Should</b> have a 'good' or 'outstanding' Ofsted rating or not yet inspected.	<b>Should</b> have a 'good' or 'outstanding' Ofsted rating or not yet inspected.
<b>Nursery Education Funding</b>	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.	Schools can register to offer two, three and four year old funded hours.
<b>Insurance *</b>	School insurance scheme should cover all children aged 2 and above.	School insurance scheme should cover all children aged 2 and above.

*\*These matters are the same for both Governor-Led and integrated early years provision*

## Setting-up Governor-Led Provision at a School

The Governing Body of a school can set up Nursery provision using **Section 27** of the '**Community Powers**' of the Education Act 2002.



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

- Will not affect the net capacity of the school
- Will not affect the planned admission number
- Will not put pressure on existing classroom space
- Will require no capital from the Local Authority
- Is fully financed
- Has considered all requirements within the EYFS

### Before opening, the School must provide details of:

- The number of places and age-range of provision
- When the change will take effect
- Where the children will be accommodated and whether any consent to use land or buildings are required
- How the provision will be organised e.g. standalone nursery, Foundation Stage Unit (include details of all year groups)

Early Years Team – [EYCC@worcestershirechildrenfirst.org.uk](mailto:EYCC@worcestershirechildrenfirst.org.uk)  
 Early Years Systems Team – [EYCSystems@worcestershirechildrenfirst.org.uk](mailto:EYCSystems@worcestershirechildrenfirst.org.uk)  
 SPP Team – [spp@worcestershirechildrenfirst.org.uk](mailto:spp@worcestershirechildrenfirst.org.uk)

## Undertaking a Change of Age Range

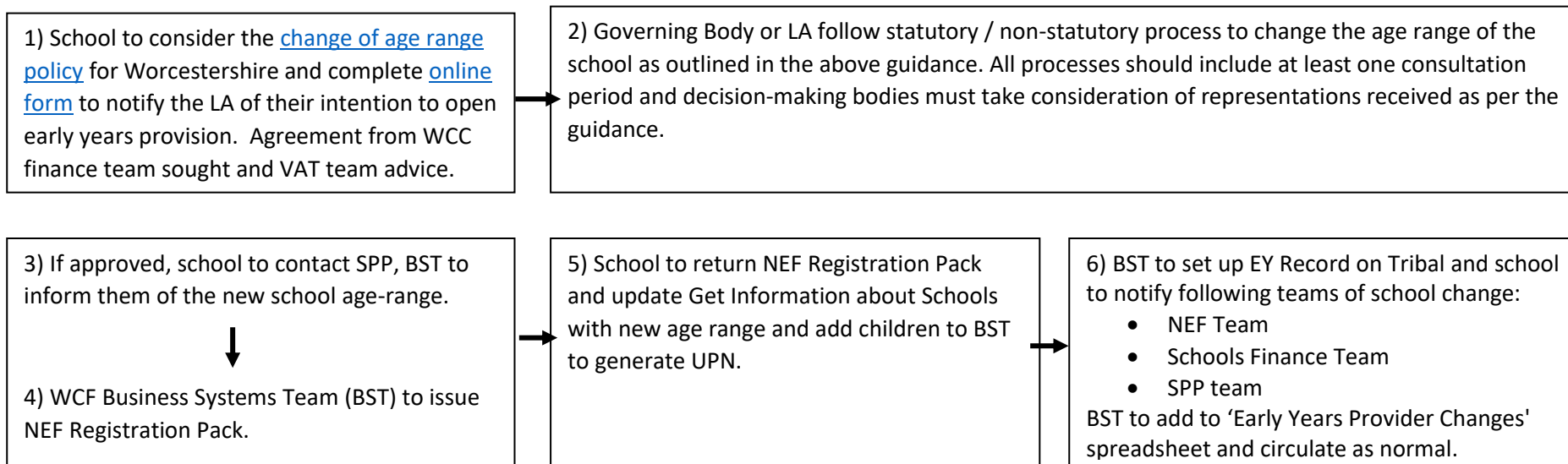
In order to operate a maintained nursery class, the age range of the school must incorporate the nursery age range. Local Authority Maintained Schools (including Voluntary) may undertake a change of age range of the school by following the regulations as laid out in the guidance 'prescribed alterations to maintained schools.'

[School organisation: local-authority-maintained schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Certain types of changes will be subject to the *statutory* school organisation process, these are outlined below. All other changes can be undertaken following the non-statutory route as outlined in the above guidance. The number of years you can alter the age range of a school before the statutory process is triggered are outlined below. 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
Community and community special school	Alteration of lower age range by 1 year or more	Statutory process	Local Authority
Voluntary or foundation school	Alteration of lower age range by 3 years or more	Statutory process	Local Authority
Foundation special school	Alteration of lower age range by 1 year or more	Statutory process	Local Authority

## Process for Undertaking a Change of Age Range



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

- Will not affect the planned admission number and will not put pressure on existing classroom space.
- Is fully funded and will require no capital from the Local Authority, unless already agreed.
- Takes into account all requirements within the EYFS.

### The School must provide details of:

- The impact on the net capacity of the school, the number of places and the age-range of children.
- When the change will take effect and how any capital funding will be sourced.
- How the provision will be organised e.g. standalone nursery, Foundation Stage Unit including where the children will be accommodated and whether any consent to use land or buildings is required.

Early Years Team –  
[EYCC@worcschildrenfirst.org.uk](mailto:EYCC@worcschildrenfirst.org.uk)  
 NEF Team –  
[NEF@worcschildrenfirst.org.uk](mailto:NEF@worcschildrenfirst.org.uk)  
 Early Years Systems Team –  
[EYCsistemas@worcschildrenfirst.org.uk](mailto:EYCsistemas@worcschildrenfirst.org.uk)  
 SPP Team –  
[SPP@worcschildrenfirst.org.uk](mailto:SPP@worcschildrenfirst.org.uk)  
 VAT Team –  
[VATenquiries@worcestershires.gov.uk](mailto:VATenquiries@worcestershires.gov.uk)