



**Directorate of People Services**

**Determined Admission  
Arrangements for Community and  
Voluntary Controlled  
Maintained Nursery Schools and  
Classes  
September 2019**

***'Putting children and young people first in Dudley'***

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## **CONTEXT OF POLICY:**

### **Background**

Determining the admissions policy for community and voluntary controlled maintained nursery schools and classes is the responsibility of the Local Authority (LA) in consultation with individual schools.

The responsibility for determining the admissions policy for foundation and voluntary aided schools including academies and free schools, nursery classes is the responsibility of the individual Governing Body.

### **Legal Context**

- Children Act 1989 (Section 22)
- Education Act 1996 (Section 8)
- Education (Start of Compulsory School Age) Order 1998 (SI 1998: 1607).
- School Standards and Framework Act 1998
- Human Rights Act 1998
- Race Relations (Amendment Act) 2000
- Special Educational Needs and Disability Act 2001
- Disability Discrimination Act 2005
- Childcare Act 2006 - Amendment Regulations 2010 (SI 2010/301) Duty to secure early years provision free of charge
- Childcare Act 2016 - Duty to secure the equivalent of +15 hours of free childcare over 38 weeks for qualifying children and their parents
- Equalities Act 2010 and (Specific Duties) Regulations 2011
- The School Finance (England) Regulations 2012 (SI2012/335)

And have regard to the School Admission Code Feb 2012

And with reference to the reformed Early Years Foundation Stage (EYFS) (2017) – learning and development and safeguarding and welfare regulations

### **Desired Outcomes of Admission Policy**

- To ensure consistency across all community and voluntary controlled maintained nursery schools and classes in the Dudley Borough with regard to local admission arrangements.

- To ensure that all applicants are treated in a fair and consistent way and that the admissions policy for all maintained nursery schools and classes is clear and transparent.

## **POLICY FOR ADMISSIONS TO COMMUNITY & VOLUNTARY CONTROLLED MAINTAINED NURSERY SCHOOLS AND CLASSES**

**It is not a legal requirement that consultation take place on admissions arrangements for community and voluntary controlled maintained nursery schools and classes; however, the LA is required to publish any separate entry requirements and over subscription criteria.**

All eligible children are entitled to access the free early education entitlement of 15 hours on a part-time basis for two years, from the beginning of the term after their 3<sup>rd</sup> birthday until they reach compulsory school age, defined at Section 8 of the Education Act 1996 together with the Education (Start of Compulsory School Age) Order 1998 (SI 1998: 1607). A child will reach compulsory school age on or after their 5<sup>th</sup> birthday.

This table indicates when children become eligible for a free part time maintained nursery place:

<b>A child born between</b>	<b>Will become eligible for a free place from</b>
1 <sup>st</sup> April and 31 <sup>st</sup> August	The start of the autumn term following their 3 <sup>rd</sup> birthday
1 <sup>st</sup> September and 31 <sup>st</sup> December	The start of the spring term following their 3 <sup>rd</sup> birthday
1 <sup>st</sup> January and 31 <sup>st</sup> March	The start of the summer term following their 3 <sup>rd</sup> birthday

These dates are set by the Department for Education and do not take account of variations in the date of Easter

Places in maintained nursery schools and classes can become available throughout the year as children leave for whatever reason. Therefore, a maintained nursery school or school with a nursery class will hold its own waiting list in order to fill these occasional spaces as and when they become available. However, places in general must be offered from the waiting list in line with the admissions criteria given below.

In all cases, parents must apply to the individual school to have their child's name added to the maintained nursery waiting list; applications to the school held waiting list will only be taken the term after the child's 2<sup>nd</sup> birthday. Parents will then be advised of a place in the maintained nursery at least half a term before their child is due to be admitted.

All 3 and 4 year old children who reside within the Borough of Dudley will be given priority for admission to local maintained nursery schools or classes at community and voluntary controlled primary schools. Only where places remain available after children resident in Dudley have been accommodated within the maintained nursery, will children from outside of the Borough be considered in line with the locally defined maintained nursery admission criteria.

### **Admissions criteria**

The following criteria will be used by the individual school to allocate available places within its maintained nursery school or class where it receives more applications than can be accommodated.

#### **First priority shall be given to children who are:**

- 1) In the care of the Local Authority (Looked after Child/en) or provided with accommodation by them under section 22 of the Children Act 1989. In addition, priority is also given to children who were previously looked after but immediately after being looked after became subject to an adoption, residence, or special guardianship order. (See notes below).
- 2) Known by the LA to have additional educational needs/disability as defined by the Children Act 1989 or the Education Act 1996 and whose needs can be best met at the preferred maintained nursery – (applications made under this criterion would need to be supported by a recommendation from DMBC Specialist Early Years, Hearing Impaired, Visually Impaired or Physical Impairment and Medical Inclusion Services). Or is a child that is currently subject to a child protection plan or child in need process or has an Early Help Plan in place. An Early Help Plan (EHP) provides a method for assessing needs for children and young people and their family to support earlier intervention and to improve joint working between professionals and practitioners who support the individual child or young person. An EHP will improve the co-ordination and consistency of and between assessments leading to fewer and shorter specialist assessments.
- 3) A child with a long-term physical or mental impairment or who has a life limiting progressive condition, where the Directorate of People Children's Services is satisfied that attendance at the preferred maintained nursery will meet the needs of the child's condition rather than any other maintained nursery, after reasonable adjustments have been implemented (Parents must provide supportive information from their child's Paediatrician or specialist Consultant (medical), at

the time of application in order to be considered under this criteria). This supportive information should include information about the needs of the child and should detail the difficulties the child would experience if they had to attend another maintained nursery. Parents should also indicate why the preferred maintained nursery is the most appropriate to meet their child's condition rather than any other maintained nursery. (The School will not seek to obtain this evidence on behalf of parents.)

- 4) Children who will have an elder brother/sister, half-brother/sister or step brother/sister attending the school/nursery at the requested time of entry. Children must reside at the same home address during the school week. (The definition of brother or sister also relates to adopted or fostered children living at the same home address).
- 5) Any remaining places will be filled according to those children who live closest to the preferred maintained nursery. Distances will be calculated in a straight-line from the home address to the main entrance of the schools nursery class.

**In all cases priority will be given to children who will enter primary school in the following academic year (2019/2020), over children who will enter primary school in the next academic year (2020/2021).**

### **Children Looked After**

"Children Looked After" means children who are looked after by a local authority in accordance with section 22 (1) of the Children Act 1989 and who is (a) in care of a Local Authority, or (b) being provided with accommodation by a Local Authority in the exercise of their social services functions.

An adoption order is an order under section 46 of the Adoptions and Children Act 2002. A residence order is an order settling the arrangements to be made as to the person with whom the child is to live under section 8 of the Children Act 1989. Section 14A of the Children Act 1989 defines a special guardianship order as an order appointing one or more individuals to be a child's special guardian (or special guardians).

### **Specialist Early Years Provision**

There is a range of provision for children with special needs: Bromley Specialist Nursery, Phoenix Pre-school, Leapfrog Group, Enhanced Nurseries and outreach support. Places are allocated via the Specialist Early Years Service. There is an open referral system to this service

following which educational needs will be assessed to determine the most appropriate placement. Places are allocated each term depending on the number of places available. Places are reviewed termly with the aim of reducing the level of support as the child makes progress.

### **Application Process**

An application from a parent for a nursery place should be made directly to the individual school who will allocate places in accordance with the admissions criteria (page 4) above, where over subscription has occurred.

### **Unsuccessful application**

Unsuccessful applicants will be placed on the school held maintained nursery admission waiting list in accordance with the criteria given above (page 4); applicants may also request in writing that their unsuccessful application be re-considered by the **Lead Member for Children's Services**, giving detailed reasons for the request. Maintained nurseries will only be able to admit up to their agreed number based on the required staff: child ratios (1:13) and space: child ratios (2.3 square metres per child) as per the Statutory Framework for The Early Years Foundation Stage 2017 (EYFS).

### **Oversubscription**

In the event of oversubscription in any category, priority will be given to children who will enter primary school in the following academic year (2019/2020), over children who will enter primary school in the next academic year (2020/2021). The distance (straight line) between the home address and the main entrance of the school will be with priority being given to those living the closest. The home address is considered to be the child's (along with their parents') genuine principal place of residence at the time of the allocation of places i.e. where they are normally and regularly living. If a child is resident with friends or relatives (for reasons other than guardianship), the friends' or relatives' address will not be considered for allocation purposes.

Where parents have shared responsibility for a child, and the child lives with both parents for part of the school week, then the home address will be determined as the address where the child lives for the majority of the school week. Parents will be required to provide documentary evidence to support the address they wish to be considered for allocation purposes. At least one item of proof must demonstrate where the child lives.

## **Multiple birth children**

Special conditions will apply in the event that one child from a set of twins or triplets does not gain admission to their parents' preferred maintained nursery through the locally defined maintained nursery admission criteria, in that the school governors will, in consultation with the local authority, exceed the admission number for the maintained nursery class concerned to prevent separation of twins / triplets. However, the maintained nursery must adhere to the appropriate staff: child ratios and space: child ratios as per the EYFS.

## **Admissions to Reception Class**

Attendance at a maintained nursery class attached to a school **will not** guarantee a child admission to the reception class of that school, or give any advantage to the parent's application for a reception class place. A separate application for admission to the reception class **will always** have to be made to the LA, as reception places are always allocated by the LA and not the school.

## **Equality of access**

Dudley Council has an inclusive education policy and children will not be discriminated against as laid down by the Race Relations (Amendment) Act 2000, The Human Rights Act 1998, The Special Educational Needs and Disability Discrimination Act 2001 and The Equalities Act 2010. This includes reasons such as:

- Developmental delays, e.g. a child's self-help skills are delayed affecting activities such as dressing, feeding or toilet training.
- Additional educational needs, including emotional or behavioural difficulties.
- Physical or sensory impairment.

## **Safeguarding statement**

Dudley Metropolitan Borough Council and its partners recognise that safeguarding is everyone's responsibility, whether their interest is in all children and young people 'staying safe' in all aspects of our services, or whether they are working in more targeted services with vulnerable children and young people. All staff have appropriate training and induction so that they understand their roles and responsibilities and are confident to carry them out. Schools, settings, children, young people and their parents and carers, or any member of the community should feel safe and secure and that they can raise any issues or concerns about the safety or welfare of their children and young people and know that they will be listened to and taken

seriously. This will be maintained by promoting an ethos of commitment to safeguarding and promoting the welfare of all children and young people.

### **Funding the free early education entitlement**

Maintained nurseries who take children in the term in which they become 3 years old will not receive funding for that child until the term **after** the child's 3<sup>rd</sup> birthday. However, children who are admitted in the term in which they become three may be eligible for funding, if their parents meet the eligibility criteria for a free funded 2yr old place. (See page 10 for criteria).

### **Free Full Time places**

Free full time maintained nursery places, beyond the free 15hrs entitlement, can only be offered in very exceptional circumstances and on a short, time-limited basis. If a maintained nursery school or class is considering offering a full-time place they should consult their own governing body outlining the reasons given by the parents and in liaison with other appropriate agencies that support the child. (Also see page 11 – 30 hour's free childcare entitlement).

### **Children transferring during the term**

Should a child transfer from one nursery to another or a private, voluntary or independent provider during the term, the funding will in most cases follow the child; this also applies to children transferring into nursery classes' midterm. Should a child transfer prior to 'head count' day, then the funding will go to the provider in which the child is recorded as taking up a place on 'head count' day.

### **Deferred admission to school**

Local authorities must have regard to the School Admissions Code which came in to force in December 2014 and applies to all maintained schools in England.

Children are offered admission to a school reception class at the beginning of the Autumn term following their fourth birthday. Under the School Standards and Framework Act 1998, children do not have to undertake full time education until the start of the term following their fifth birthday. If parents/carers wish to defer entry until later in that academic year or until the child is five, they should discuss this with the head teacher of the allocated school.

### **Delayed admission to School**

Parents/carers sometimes request that the admission of their child is delayed for an academic year due to developmental or emotional issues. The Local Authority accepts that there may



be exceptional, individual circumstances, to necessitate a pupil entering school outside of their chronological age group but this is considered on a case by case basis. Delayed entry beyond one academic year will not be supported.

Particular consideration will be given to summer born children or children who have been born so prematurely that it places them into an earlier academic year group than would have been the case had they been born on or nearer to the due date. Please see “admission outside of the chronological age range” Policy for further details.

This includes children currently accessing a free part time place in a maintained nursery. However, should a parent defer their child’s entry to school then the child would only be entitled to access up to 15 hours of free early education.

### **Free school meals (FSM)**

Nursery age children are only eligible for a Free School Meal if they receive their free entitlement in a maintained school, academy or a free school and receive their early education before and after lunch break. Under current criteria, the child’s parents must be in receipt of income support; income-based job seekers allowance; income-related employment and support allowance; support under Part 6 of the Immigration and Asylum Act 1999; or the guarantee element of State Pensions Credit; or be entitled to Child Tax Credit but not Working Tax Credit with an income not exceeding £16,190 and for Universal Credit have an income not exceeding £15,400.

## **ADDITIONAL INFORMATION AND GUIDANCE**

### **Access to flexible nursery provision**

The 15 hours of free entitlement to early education can be made available flexibly, so that parents may access, but only if the nursery has capacity to do so, more than 3 hours per day to a total of 15 hours per week as follows:

- No session longer than 10 hours
- No session offer before 6.30am and after 8.00pm
- The full 15 hours over no fewer than 2 days

## **Targeted Early Learning for 2yr olds (Time for Two's)**

Local authorities have a statutory responsibility to ensure that all two-year-olds who meet the eligibility criteria can access a free early learning place. This can also include children classed as a 'rising three-year-old' admitted to a maintained nursery school or class.

Eligibility criteria:

- Looked After Children, including those who are adopted or who have a special guardianship or residence order
  - Children who meet the Free School Meal (FSM) criteria; where their parents are in receipt of any of the following benefits:
    - Income support
    - Income-based job seekers' allowance
    - Income-related employment and support allowance
    - Guaranteed element of state pension credit
    - Universal Credit provided they have an annual income of no more than £15,400 as assessed by HMRC
    - Child tax credit, provided they have an annual income of no more than £16,190 as assessed by HMRC, are not in receipt of working tax credit (except during the four-week period immediately after any employment ceases, or after they start to work fewer than 16 hours per week).

And

- Parents whose income falls below £15,400 and, those who are in receipt of Working Tax Credits, therefore extending the offer to low income working families.
- Children with significant SEND, with an education, health and care plan and who attract Disability Living Allowance (DLA) **regardless** of the family's income and some children with lower level SEND who do not meet the thresholds for statements of SEND or DLA

## **30 hours free Childcare for working parents**

The 30 hours free childcare entitlement is available; for 3 and 4 year olds in families where all parents in the household are working a minimum of 16 hours per week and earning the equivalent of the national or living minimum wage.

The 30 hours can be accessed through both maintained nurseries and registered private and voluntary early years and childcare providers. Children in full time reception classes are not entitled to receive 30 hours free childcare.

30 hour eligibility criteria for parents are working and/or:

- Both parents or a lone parent family (earning equivalent of 16 hours a week on National Minimum or Living Wage and earning less than £100,000 per year [each]) including the self-employed.
- Both parent or lone parent is temporarily away on leave (maternity, paternity, parental or adoption leave)
- Both parent or lone parent is on Statutory Sick Pay
- Both parent or lone parent is in receipt of benefits relating to caring responsibilities or their disability; or
- One parent is employed and one parent is disabled or incapacitated (on specific benefits).

The Government believes that including parents who are temporarily away from the workplace will help families to maintain their childcare arrangements, supporting their transition back to work at the end of parental leave or period of ill health and avoiding disruption to the child.

Parents will remain eligible for the free entitlement if they access Tax Credits, Universal Credit, Tax-Free Childcare and other childcare schemes to help pay for any additional childcare they need in addition to their free entitlement.

Parents **must apply** for the 30-hour entitlement through the Government's digital Childcare Service – 'Childcare Choices'. Parents are required to make an application the term before they wish to start receiving the entitlement, i.e. 31<sup>st</sup> August for autumn term, 31<sup>st</sup> December for spring term and 31<sup>st</sup> March for summer term. Parents can apply before their child turns three, although they would not be able to take up their child's place until the term after their third birthday. Parents can use up to two providers in any one day. For more information visit the Childcare Choices website at <https://www.childcarechoices.gov.uk/>

Should parents' circumstance change, i.e. they lose their job, the parent will enter 'The Grace Period' and they will retain their funded additional hours for up to 6 weeks, should they be unable to find alternative employment, they will revert to their universal 15-hour free entitlement. The 'Grace Period' can be extended for a short time at the LA's discretion to support parents who are victims of crime or domestic abuse where they have needed to leave their home.

## Foster Carers

DfE have extended the 30 hour free entitlement to Foster Carers who are employed outside of their fostering work where this meets the needs of the child's care plan in consultation with the responsible Social Worker.

For more information please contact Donna Farnell details below.

## **Charges for early education/childcare in nursery schools and classes**

The Department for Education has legislated within the Education Act to permit a school to charge for early education provision offered beyond the 15 free hours in their maintained nursery if it wishes to do so. However, if the parent is entitled to 30 hours free childcare then any additional hours required by the parent and available in the nursery must not be charged for.

It will remain entirely a matter for individual schools as to whether they wish to offer and charge for any additional hours. Schools will not be able to charge for children younger than the age at which they receive the free entitlement (the term after the child's third birthday) or once they have entered reception class. Schools may not make a profit on any hours paid for over and above the free entitlement but they may use any income generated to support staff costs or to provide additional resources.

## **NB: Parents do not have to take up additional hours and this should not affect the offer of a funded maintained nursery place**

Schools charging a fee for any extra hours beyond the free entitlement need to ensure that full consideration has been given to the local market rate and to both the learning and development and safeguarding welfare regulations of the Early Years Foundation Stage (2017) and in particular the potential impact on other providers of early education in their area.

As this decision will affect the LA childcare sufficiency assessment and nursery place planning, it would be appropriate and helpful for schools to consult with the Local Authority Childcare Strategy Manager on 01384 814373 or email [donna.farnell@dudley.gov.uk](mailto:donna.farnell@dudley.gov.uk)

**This document will be reviewed annually.**