

10 October 2017

Proposal to Change the Oversubscription Criteria for Admission to Community and Voluntary Controlled Nursery Schools and Nursery Units from 1 September 2018 to take account of the Council's statutory duty to provide 30 hours free childcare per week for 3 and 4 year olds

Report of Margaret Whellans, Corporate Director, Children and Young People's Services

Purpose of the Report

- 1 To seek approval from the Corporate Director, Children and Young People's Services to allow consultation to be carried out on proposed changes to the oversubscription criteria for admission to community and voluntary controlled Nursery Schools and Nursery Units from September 2018 to take account of the Council's statutory duty to provide 30 hours per week free childcare for entitled 3 and 4 year olds.

Background

- 2 On 3 April 2016, the Department for Education (DfE) sought expressions of interest from local authorities to work with local childcare providers, including schools, who offered or planned to offer, provision for 3 and 4 year olds, to bid for capital funding to support the delivery of the 30 hours extended entitlement which came into effect on 1 September 2017.
- 3 The DfE estimated that around 4,010 children in Durham were eligible for 30 hours free childcare and therefore gave Durham the opportunity to bid for funding for up to 6 projects. Durham subsequently submitted 6 bids to the DfE for this capital funding, 3 bids in respect of schools and 3 on behalf of Private and Voluntary providers of childcare. The 3 bids in respect of schools were for larger projects at Neville's Cross Primary, Lanchester EP Primary and Tanfield Lea Primary.
- 4 As part of the council's MTFP 7 capital bidding process in July 2016, a capital bid of £750,000 was made which was approved by the Council's Member Officer Working Group (MOWG). This amount provides a contribution towards the cost of the three large projects on the school sites referred to in paragraph 3 to extend/remodel existing accommodation to provide space for 3 and 4 year olds, as it was anticipated that the DfE funding would not cover the cost of all the necessary work requested at each school.
- 5 On 23 December 2016 the DfE wrote to the Council to say that none of the bids had been successful. However, the DfE wrote to the Council again in April 2017 to confirm that all 6 bids originally submitted had been approved in their second round of funding. This meant that the £750,000 Council funding approved by MOWG could be used to contribute to the overall cost of the projects at Neville's Cross, Lanchester EP and Tanfield Lea Primary Schools as

well as funding a number of smaller scale minor improvements to create additional places in targeted areas throughout County Durham to ensure that there is sufficient provision for eligible families. The work at Lanchester EP and Tanfield Lea Primary Schools has now been completed. The work at Neville's cross Primary School will be completed in November 2017.

Admission Arrangements

- 6 On 8 February 2017, Cabinet approved the school admission arrangements for the academic year 2018/19. These arrangements include the oversubscription criteria to be applied for admission to community and voluntary controlled Nursery Schools and Units.
- 7 Those criteria did not include how applications for 30 hours per week places would be offered. To enable community and voluntary controlled Nursery Schools and Units to offer places in a consistent manner, to parents applying for 30 hours per week places, if they receive more applications than they have places available, the current oversubscription criteria need to be amended.
- 8 A working group comprising officers and representatives of Nursery Schools and Units have met to produce proposed oversubscription criteria on which to consult. These are attached as Appendix 2.

Consultation Timescales

- 9 It is intended that consultation on the proposed oversubscription criteria would commence in October 2017 for a period of 6 weeks. The proposed criteria would be widely distributed to community and voluntary controlled Nursery Schools and Units, voluntary aided Nursery Units, Private and Voluntary childcare providers and child minders.
- 10 The consultation would end in November 2017 and Cabinet would then be asked to make a decision taking account of the responses received to the consultation.

Recommendations and Reasons

- 11 To enable community and voluntary controlled Nursery Schools and Nursery Units to have a consistent approach when offering places if they are oversubscribed, they apply the Council's oversubscription criteria. The current criteria do not take account of the Government's offer of 30 hours per week free childcare to working parents. To ensure that parents who apply for a place at an oversubscribed community or voluntary controlled Nursery School or Unit can be considered for a place on a consistent basis, the Council's oversubscription criteria need to be amended. The earliest date the amended criteria can be applied is 1 September 2018.
- 12 The Corporate Director, Children and Young People's Services is recommended to use delegated powers to agree that consultation can begin on the proposed oversubscription criteria for community and voluntary controlled Nursery Schools and Units attached as Appendix 2.

Appendix 1: Implications

Finance

None.

Staffing

None.

Risk

If the criteria are not amended there is a risk that the Council would not fulfil its statutory duty to provide 30 hours free childcare for 3 and 4 year olds.

Equality and Diversity

The proposed oversubscription criteria will enable working parents of 3 and 4 year old children to be considered consistently for a place at a community and voluntary controlled Nursery School and Unit. Nursery and pre-school education is a positive learning experience for all children and the proposed criteria will ensure equal access for all.

Accommodation

None.

Crime and Disorder

None.

Human Rights

None.

Consultation

Consultation will be undertaken with schools, childcare providers and child minders.

Procurement

None.

Disability Issues

None.

Legal Implications

There will be a breach of statutory duty imposed on the council to provide 30 hours per week free childcare for entitled 3 and 4 year olds if the nursery oversubscription criteria are not amended.



ADMISSION TO COMMUNITY AND VOLUNTARY CONTROLLED NURSERY SCHOOLS AND UNITS

Priority will be given to children entitled to 15 hours per week and these places must be allocated first. Places are allocated for the 15 hours per week entitlement according to the oversubscription criteria listed below:

- 1. Children who are 'looked after' or a child who was previously looked after but immediately after being looked after became subject to an adoption, residence/child arrangement, or special guardianship order*.** A looked after child is a child who is, at the time of making an application to a school, (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in section 22(1) of the Children Act 1989).

An adoption order is an order under section 12 of the Adoption Act 1976 or section 46 of the Adoption 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. A child arrangement order is an order settling the arrangements to be made as to the person with whom the child is to live under section 14 of the Children and Families Act 2014.

- * 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).

- 2. Children In Need**

The Children Act 1989 defines a child 'in need' as:

- a) He/she is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of services by the Local Authority under Part 3 of the Act.
- b) His/her health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services.
- c) He/she is disabled.

A maximum of two part-time nursery places are retained until the end of the Autumn half term in order to accommodate emergency referrals of children "in need" as defined in the requirements of the Children Act, 1989.

3. **The Two Year Old Free Entitlement**

Where a child has been accessing the free entitlement for 2 year olds in a maintained nursery school or unit, for a minimum of 15 hours per week for two terms immediately prior to the child becoming eligible for free entitlement, they shall receive priority for admission to that maintained nursery school or unit in order to preserve continuity, providing that they also live within County Durham's administrative area.

4. **Age**

The offer of a place will be prioritised according to date of birth. Normally, the earliest date your child can be accepted for Early Years Provision is the term after the child's 3rd birthday, although some 2 year olds can access the free entitlement. Where applicants have the same date of birth, priority will be given to the earliest date of application.

5. **Those children who are only entitled to the universal entitlement of 15 hours free early education per week**

Those children who are not eligible for the extended 30 hours offer should be offered the 15 hours universal entitlement for a minimum of three terms before they are due to enter a full time school place in the Reception year. Maintained nurseries should plan for this provision to ensure those who are only entitled to 15 hours are offered a place.

6. **Children Living in Other Authorities**

Although there are no catchment areas for places, preference will be given to children whose parents live within County Durham's administrative area. Only when all children living within the boundary of County Durham have been allocated a place, may a child living in a neighbouring area be offered a place.

30 hours free early education per week, term time, from September 2017:

This is for 3 & 4 year olds from working families that meet the eligibility criteria. The 30 hours free place will consist of the current 15 hours universal entitlement for all 3 & 4 year olds, which will be **extended** by an additional 15 free hours. The additional 15 free hours will be known as the '**extended entitlement**'.

The maintained nursery school or unit will undertake a validation check on the eligibility code and details provided by the parent on the application form. On confirmation the code is valid the following criteria will be applied to all applicants:

If there are more places available than applications, all children will be offered a place. Subsequent applicants will be offered places until the provision is full. Once all places have been allocated, further applications will be included on a waiting list and places will be allocated in accordance with the 30 hours oversubscription criteria.

If there are more applications than places the 30 hours oversubscription criteria will be applied as follows.

30 Hours oversubscription criteria:

Places will be allocated on a "first come, first served" basis on receipt of a verified code.