

Flexible 15 FAQs

Frequently asked questions about Flexible 15.

General (all schools and settings)

1. What is the new offer?

From September **2010** every local authority must offer 15 hours of free early education to all 3 and 4 year olds, over a minimum of 38 weeks. The offer must be flexible and offered over a minimum of 3 days.

The offer is being introduced in a staged process. Local authorities made the offer available to 25 per cent of the most disadvantaged 3 and 4 year olds from September 2009.

2. What does the offer in Oxfordshire look like?

From September 2010 (Sept 2009 in phase 1 areas), parents will be entitled to access 15 hours per week of free early education for 3 and 4 years olds over 38 weeks per year.

Access will be for not less than 2.5 hours or more than 6 hours in one day.

Free provision must be taken between 8am and 6pm.

3. When do children become eligible?

Children who are 3 between: **Will have a free place from the following:**

1 April and 31 August September

1 September and 31 December January

1 January and 31 March April

Flexibility

4. How do we define flexible?

A parent can use their 15 hour entitlement over a minimum of three days and a maximum of five days per week between 8am and 6pm. Parents will also be able to access the free entitlement in a more flexible way than the current system. The minimum any child may access in one day is 2.5 hours and the maximum 6 hours. If lunchtime is part of the free offer you cannot require parents to take up a costed lunch for their child, the option to take in a packed lunch should be given. Parents can request funding for any combination of hours within your setting's opening hours as long as it adheres to these guidelines. Settings are not obliged to meet every individual request where this is impractical. There needs to be a balance between what parents would like and what providers can offer. We would recommend you consult your parents to establish which options would most closely fit the need in your area. The council has a template questionnaire available online, should you wish to use it.

5. How do we ensure that we qualify for the flexibility supplement?

The definition of flexible and examples are given at Appendix 1. All aspects of the definition of flexible must be satisfied, in order to be eligible for the incentive rate. (See section on funding)

6. Can parents split their provision across providers?

Parents are entitled to access the full entitlement across a maximum of 2 PVI providers, except where the Council deems that there are exceptional circumstances. At the present time, parents cannot split their funding across maintained and PVI sectors. See related question number 18.

7. Children could be in settings for the maximum daily entitlement, such as an afternoon session through to 6pm. This would suit a lot of working parents but children tend to spend the last hour or so as 'wind-down' time. How would Ofsted view the setting if the play were not structured around supporting children's overall learning and development?

Settings must continue to offer supported learning throughout the day within Ofsted guidelines. However, if the child

chooses not to take it, this would not be viewed as a negative against the setting in an inspection with Ofsted.

Funding

8. How much funding will be available?

The standard NEF rate will be £3.55 per hour from 1st April 2010, there will be an extra 40p per hour available for settings demonstrating flexibility.

9. Will there be any other funding available to help providers deliver the extended free entitlement?

All providers implementing the 15 hours from September 2010 will be paid an additional one off payment (amount to be decided, but this was £3k in phase 1) to assist with implementation, e.g.extra resources, enhanced kitchen facilities, storage for packed lunches.

All providers who deliver a flexible offer will be paid an enhanced rate of £3.95 per hour. Please see Appendix 1 for examples and definition of flexible. The flexible offer applies to all children except reception children. (Please also see question 10)

10. Will the flexibility payments be paid for four year olds?

The flexibility supplement is not payable for reception children who will be four years old on or by 31st August 2010. This is because under Oxfordshire's admissions policy, children are entitled to funded provision equivalent to 25 hours per week. (Reception children who will not qualify will become 5 between 1st September 2010 to 31 August 2011)

11. Will children from low income families be entitled to free school meals if staying over the lunch period?

At present there is no entitlement, so please advise parents that they have the option to make packed lunches available if they would rather not pay for meals.

12. What advice do we give to low income families?

Low income parents will benefit from the additional hours and increased flexibility. For parents wishing to take up additional care over and above the free entitlement, advice should be offered on the childcare element of the working tax credit. Parents can be directed to Oxfordshire Family Information Service for more details: 08452 26 26 36 or email fis.enquiries@oxfordshire.gov.uk www.oxoncis.org.uk or the Council's website www.oxfordshire.gov.uk.

Employment and staffing

13. What level of qualification do staff in registered early years provision need to deliver the free entitlement?

The provider should be registered with Ofsted and adhere to the Early Years Foundation Stage. Ratios of 1:8 should be operated where the supervisor/manager is level 3 qualified and at least 50% of the staff is qualified to level 2. These qualifications must be 'full & relevant' as defined by the Children's Workforce Development Council. For more details please go to: <http://eypquals.cwdcouncil.org.uk/public>.

Under EYFS a ratio of 1:13 can be operated between 8am and 4pm where there is a qualified teacher or early years professional present and all other staff are qualified to level 3 and above. This ratio is applicable when all staff are in direct contact with children; being present in the setting is not sufficient. Please also refer to Appendix 2 of EYFS packs for more detailed guidance.

Funding is available for qualifications training. For further information call 0845 604 2346 or email childcare.training@oxfordshire.gov.uk.

Please also see related question on lunch periods, number 19.

Curriculum quality

14. How will a programme of personalised learning be managed with children using more than one provider?

The EYFS ethos is based on personalised learning where children are encouraged to follow their own interests and be challenged in their learning. Where one setting cannot deliver the full 15 hours or where the parent chooses the free entitlement over 2 settings, we encourage the development of partnerships to provide continuity for children and to avoid duplication in the learning opportunity.

15. Do you have any guidance on changing Ofsted registrations as settings increase hours of opening to cater for the flexible and extended entitlement to free early education?

For the new Early Years Register settings firstly need to send a letter of variance to Ofsted. Settings making changes should:

1. Write to Ofsted informing them of any proposed changes to opening days and/or times/rooms used. They should quote their Ofsted Unique Reference Number and write to Inspection Support Team, Ofsted South Regional Centre, Freshford House, Redcliffe Way, Bristol BS1 6NL

Settings should keep a copy of their letter, and send it using the Royal Mail Recorded Signed For Service. Alternatively, settings can email enquiries@ofsted.gov.uk, asking for their email to be forwarded to the South Region Inspection Support Team, and keeping their 'sent' email. You should follow this up if you don't get a response within 2 weeks.

This could result in a change to the Ofsted annual fee:

£30 for childcare providers on non-domestic or domestic premises who operate for three or more hours each day, **but less** than five days a week **and/or less** than 45 weeks a year.

£200 for childcare providers on non-domestic or domestic premises who operate for three or more hours each day **and** for five or more days a week **and** 45 or more weeks a year.

It is thought that most pre-schools would be on the lower charge because they operate for less than 45 weeks a year.

2. Update Part A, section 1 of their Ofsted self-evaluation form, and re-submit the form.

The categories of 'sessional care' and 'full daycare' no longer exist. However, the process of issuing new registration certificates is happening gradually, so a lot of settings will still have a certificate that says they are registered as 'sessional care' or 'full daycare'. New certificates have been issued to settings that have been inspected since September 2008.

Premises and facilities

16. How might the setting need to adapt to be able to offer the extended entitlement?

Settings may need to make available a quiet area, especially for those children staying for a longer day.

Providers are not expected to provide meals where facilities do not exist, but a storage area for packed lunches will need to be provided.

Additional information for maintained sector

17. What will happen to schools with nursery classes currently operating two repeat sessions per day? Will they have to change their offer?

Yes. All schools are required to offer 15 hours from September 2010 to accommodate future demand. We would encourage schools to offer flexibility as far as possible. This could mean two 3 hour sessions in a day, running a different element of the curriculum for the morning and afternoon, so that children can stay all day.

As part of the flexible offer, the school is encouraged to consider agreeing to local partnership arrangements allowing the use of breakfast and after school clubs. In this instance, the funding will go to the school to be distributed in accordance with local agreement.

18. What else needs to be considered if Breakfast & After School Clubs are to be used to deliver the free entitlement?

Schools can work with Breakfast and After School Clubs in response to parental demand so long as:

- They have met their legal requirements to register with Ofsted if applicable.

- The provider in question delivers quality provision in accordance with the EYFS and that there are partnership arrangements in place to manage the programme for the child.
- Appropriate ratios of 1:8 are operated where the supervisor/manager is level 3 qualified and at least 50% of the staff are qualified to level 2. These qualifications must be 'full & relevant' as defined by the Children's Workforce Development Council. For more details please go to: <http://eyquals.cwdcouncil.org.uk/public>

Please inform us if you intend to develop this model of offering 15 hours.

19. Should the enhanced offer be delivered over the lunch period?

The free entitlement can include the lunch period so long as this is specifically planned to support children's overall learning and development. For maintained schools, the lunch period must be staffed at the appropriate level (i.e. a 1:13 ratio with qualified teacher and L3 qualified teaching assistants) to form part of the free entitlement. Refer Appendix 2 of EYFS pack for more detailed information on ratios. The extra funding has taken this potential staffing cost into account. Please also see related question, number 15.

20. What level of qualification do staff need to deliver the free entitlement beyond the current normal school day?

One qualified teacher per nursery class and nursery assistants who are qualified to NVQ level 3 in Childcare. Additional staff above the 1:13 ratio could be qualified at a lower level. This ratio will continue to apply for short periods of the day where the qualified teacher's absence is covered by a Teaching Assistant. This could include the teacher's lunch break.

21. What are the legal implications for current school staffing contracts if members of staff are required to work shifts?

Although working hours may need to be more flexible, it has been proven through the pilots that this can usually be allocated through the overall contracted hours. A number of case studies giving examples are available. Please visit www.oxfordshire.gov/earlyyears or telephone us to request copies.

Additional information for PVI sector

The Offer

22. I run a pack away playgroup. How can I meet the requirement to offer 15 hours?

It is accepted that not all providers will be able to provide the full entitlement for a variety of reasons, but you may be able to offer your funded hours more flexibly. Providers should also consider the scope for working in partnership to deliver the needs of parents.

23. We have ensured sustainability through charging parents for extra hours. Can we continue to offer 12.5 hours but charge parents for the additional 2.5?

No, under the Code of Practice parents are entitled to 15 hours of free nursery education per week for 38 weeks of the year. Parents cannot be charged for any element of their free entitlement. This has not changed. (Please see relevant section of Code of Practice).

24. We already open for 15 hours per week but have so far charged the parents for the additional 2.5 hours. If we were able to extend our opening time by 15 minutes per day, could we charge the parents for this?

You can charge parents for any provision which is additional to 15 hours per week. However, parents must be given the option to just take the 15 hours or less if they choose. Providers can only claim funding for multiples of half hours.

25. Can we offer a full six hours in one day with lunch being part of the offer?

Yes. The free entitlement can include the lunch period as long as this is specifically planned to support the child's overall learning and development. Settings will also need to consider appropriate staffing for the lunch periods. If lunchtime is part of the free offer you cannot require parents to take up a costed lunch for their child. As an alternative, parents can be invited to provide a packed lunch and appropriate storage should be made available.

26. We would like to run a 2.5 hour session in the morning and a 2 hour session on the afternoon. Would this be ok?

There are several aspects to this sort of arrangement that would need to be considered:

1. The minimum offer is 2.5 hours per day, so if parents wanted to take up just the two hour session, this could not be funded.
2. Neither can parents be expected to pay for the two hour session as they are entitled to 15 hours per week.
3. It would not work if there was a lunch period offered which was not part of the free offer and parents wanted to use just your provision for their entitlement. Parents cannot be charged for the lunch period as this would be deemed wraparound childcare.
4. The offer would work if there was a half hour lunch, which was part of the free entitlement. This would make the hours up to five per day, which would then qualify for the flexibility enhancement. With regards to the lunch itself, parents cannot be required to pay; they should have the option of sending a packed lunch for the child to eat.

Sustainability

27. We are concerned that without being able to charge top ups our provision cannot afford to stay open.

What advice do you have?

Although there are some challenges in implementing this national initiative, all provision is Governed by the Code of Practice. We are keen to support our diverse market, whilst ensuring real choice for parents. We appreciate that some settings may have some concerns over the extended entitlement. We offer the following advice following feedback from phase 1 providers:

1. Consider extending hours beyond 15 per week and charge parents for additional hours.
2. In phase 1, some providers have re-negotiated their lease and payments for rent.
3. Consider partnership arrangements with other providers.
4. Contact us with your concerns so that we can discuss alternatives with you.

Please see references to the Code of Practice below:

6.1 'Parents cannot be charged for any part of the minimum free entitlement either directly or indirectly'. P19

13.5 'Providers should not levy any fee in respect of the free entitlement nor should they charge parents fees in advance for the free entitlement to be refunded at a later date. Providers that normally charge fees should reduce the fees by the amount that they would normally charge for those sessions if the child was not accessing a free place. P39

13.6 'Providers can charge for additional services. The level of such fees is a private matter for agreement between the providers and the parent. However, parents should not be required or expected to take up additional services in order to access a free place. Parents who do choose to take up additional services should not be charged any more for those services than parents of children who are not accessing a free place. Above all, arrangements for charging for additional services should be clear and transparent. P39

Annex B 15. Providers should make sure that all fees and the billing procedures are presented clearly to parents and that the parents are made aware of all charges made for any additional services. P43

13.7 Local Authorities may attach conditions to funding paid to PVI providers to ensure that the basic entitlement is free at the point of delivery. P39

'A Code of Practice on the Provision of Free Nursery Education Places for Three- and –Four-Year-Olds' (February 2006) Available to download at:

<http://www.dcsf.gov.uk/everychildmatters/publications/0/1747/>

Appendix 1: Examples and definition of flexibility.

Criteria for flexibility Supplement.

1. Parents must be able to access 15 hours for their child, to suit their needs and with **no top up fees** over a minimum of 3 days.
2. Children become eligible the term after their third birthday and will have a free place from September, January or April.
3. The offer cannot involve split sessions where parents need to collect children and bring them back for the next session.
4. Providers must **publish the offer** in all documentation and websites.
5. It should be **made clear to the parent** which sessions are part of the free offer and which are charged sessions. The invoice received by the parent must lay this out clearly. Parents should be under no obligation to pay for any extras and should be able to access 15 hours per week and no more.
6. All eligible 3 and 4 year old children will qualify for the higher supplement irrespective of how many children access it, as long as it is being offered.
7. The flexibility supplement is not payable for reception children who will be four years old on or by 31st August 2010. This is because under Oxfordshire's admissions policy, children are entitled to funded provision equivalent to 25 hours per week. (Reception children who will not qualify will become 5 between 1st September 2010 to 31 August 2011).

Funding is available for qualifications training. For further information call 0845 604 2346 or email childcare.training@oxfordshire.gov.uk.

Further information

This list of frequently asked questions will be updated regularly.

In the meantime if you have any further queries please contact: Kaley Vigar-Horsley, Oxfordshire County Council, on 01865 328576 or kaley.vigar-horsley@oxfordshire.gov.uk.

Examples of options (hours) offered by the provider.

| Day 1 | Day 2 | Day 3 | Day 4 | Day 5 | Total hours | Defined as flexible |
|------------|------------|------------|-------|-------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 | 5 | 5 | | | 15 | yes |
| 6 | 6 | 3 | | | 15 | yes |
| 6 | 3 | 6 | | | 15 | yes |
| 6 | 5 | 4 | | | 15 | yes |
| 2 x 2.5 | 2 x 2.5 | 2 x 2.5 | | | 15 | No. If a child stayed for both sessions the lunch period would be deemed wraparound childcare. Parents cannot be charged for any part of the free offer. |
| 3 | 3 | 3 | 3 | 3 | 15 | no |
| 2.5 | 2.5 | 2.5 | 2.5 | 5 | 15 | no |
| 5 | 5 | 2.5 | 2.5 | | 15 | no |

Contact details

Early Learning and Childcare
 First Floor
 County Hall
 New Road

Oxford
OX1 1ND

Tel: 01865 815630

[Email this service](#)

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