

# Foundation Phase provision for three- and four-year-olds: Guidance for local authorities in Wales



## Guidance

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# Foundation Phase provision for three- and four-year-olds: Guidance for local authorities in Wales

## **Audience**

Local authorities; regional consortia; Foundation Phase nursery providers in non-maintained settings and schools; umbrella childcare organisations.

## **Overview**

This document sets out the duties of a local authority under section 118 of the School Standards Framework Act 1998, to secure the provision of sufficient nursery education for its area and to assist them in providing consistent good quality Foundation Phase education (referred to as Foundation Phase nursery provision (FPN)) for three- and four-year-olds in Wales.

## **Action required**

Local authorities must ensure that their statutory duties as set out in this document are implemented.

## **Further information**

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# 1. About this guidance

## Purpose

- 1.1 The purpose of this guidance is to assist local authorities in Wales to exercise their duty to secure the provision of sufficient and consistent good quality Foundation Phase Nursery (FPN) provision for 3 and 4 year olds in their authority area. This guidance replaces *Welsh Office Circular 7/99 - Guidance for Local Early Years Development and Childcare Partnerships in Wales*. It contains both statutory and non-statutory guidance.
- 1.2 FPN is the part-time education for 3 and 4 year old children before they enter compulsory education at the age of 5. Local authorities are required to provide an FPN place from the term after a child's 3<sup>rd</sup> birthday. Some children will receive five terms, some four terms and some three terms, depending on when they were born.
- 1.3 For the purposes of reporting, we refer to the first two terms as FPN1 and the following three terms as FPN2.

## What legislation is this guidance issued under?

- 1.4 The **statutory guidance** is issued under section 118(2)(b) of the School Standards and Framework Act 1998 ("the 1998 Act"). Section 118(1) of the 1998 Act provides that local authorities must secure the provision of sufficient part-time and full-time nursery education for children in their area who have not obtained compulsory school age or such age as may be prescribed in regulations by the Welsh Ministers. Accordingly, the Nursery Education and Early Years Development and Childcare Plans (Wales) Regulations 2003<sup>1</sup> (as amended by the Education (Nursery Education and Early Years Development and Childcare Plans) (Wales) (Amendment) Regulations 2005)<sup>2</sup> are made under section 118 of the 1998 Act and set out the requirement to provide a nursery place after a child's 3<sup>rd</sup> birthday.
- 1.5 When referring to part-time education we mean a minimum of 10 hours a week during school terms.
- 1.6 The **non-statutory guidance** is issued under section 10 of the Education Act 1996. This section places a duty on the Welsh Ministers to promote the education of persons in Wales.

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<sup>1</sup> [Nursery Education and Early Years Development and Childcare Plans \(Wales\) Regulations 2003](#)

<sup>2</sup> [Education \(Nursery Education and Early Years Development and Childcare Plans\) \(Wales\) \(Amendment\) Regulations 2005](#)

## 2. Background

- 2.1 The Foundation Phase is the developmental statutory curriculum for 3 to 7 year olds in Wales. It is based on the principle that early years' education provision should offer a sound foundation for future learning through a developmentally appropriate curriculum. It brings more consistency and continuity to children's education at an all important period in their development.
- 2.2 The Foundation Phase places great emphasis on children's learning by participating in practical activities. Young children will be given opportunities to gain first hand experiences through play and active involvement rather than by more formal education and completing exercises in books. It encourages children to be creative, imaginative and to have fun and places the child at the center of their learning.
- 2.3 Children are given more opportunities to explore the world around them and understand how things work by taking part in practical activities that are relevant to their developmental stage. They are challenged with open-ended questions and given opportunities to explore and share their ideas for solving problems.
- 2.4 This guidance refers to the element of the Foundation Phase for nursery age children at 3 and 4 years old, or FPN, which is an important part of the Welsh Government's education strategy – *Education in Wales: Our national mission* (<https://gov.wales/topics/educationandskills/?lang=en>) -and which also forms part of the Childcare Offer for Wales<sup>3</sup>.
- 2.5 All schools and settings delivering FPN are expected to adhere to the *Foundation Phase Framework* (<https://beta.gov.wales/foundation-phase-framework>). The Framework and training materials can be downloaded from the Welsh Government's website at <https://beta.gov.wales/current-curriculum>.
- 2.6 The Foundation Phase Framework sets out the curriculum and outcomes. It focuses on experiential learning, active involvement and developing each child's:
- skills and understanding
  - personal, social, emotional, physical and intellectual well-being so as to develop the whole child
  - positive attitudes to learning so that they enjoy it and want to continue
  - self-esteem and self-confidence to experiment, investigate, learn new things and form new relationships
  - creative, expressive and observational skills to encourage their development as individuals with different ways of responding to experiences
  - activities in the outdoors where they have first-hand experience of solving real-life problems and learn about conservation and sustainability.

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<sup>3</sup> See Section 8.

### 3. Planning and delivering FPN provision

- 3.1 This section provides statutory guidance pursuant to section 118(2) (b) of the 1998 Act. As such local authorities are obliged to have regard to it. The Welsh Government considers that for a local authority to satisfy its duty to secure sufficient nursery education for children in its area, it must secure a minimum of 10 hours a week of FPN provision either in a maintained and/or non-maintained setting during school terms.
- 3.2 Local authorities should **make arrangements to secure the delivery of a minimum of 10 hours a week of FPN:**
- for the same number of weeks as the normal school year (i.e. 39 weeks), and
  - in **maintained settings** such as school-based nursery and/or **non-maintained settings** such as a day nursery, playgroup, Cylch Meithrin or a child-minder, ensuring flexibility and accessibility for parents.
- 3.3 When **planning** and **delivering** provision, local authorities should:
- effectively plan for the delivery of sufficient high quality FPN places to be offered to all parents of eligible children
  - take into account the need for partnership working with the non-maintained and the maintained sector to secure the most appropriate provision
  - ensure that FPN places are available within reasonable travelling distance of a child's home if this is the family's preference (including possible cross border arrangements)
  - ensure that enough Welsh medium provision is available
  - ensure that those children with additional learning needs have access to suitable FPN provision
  - work with providers in settings and schools to ensure they are aware of the benefits and requirements of delivering FPN
  - provide information, advice and training to providers to ensure quality FPN provision and effective transition between settings and schools for children
  - provide information, advice and support to parents on FPN and identify the benefits of their child taking up their government-funded FPN place
  - clarify what provision is available to parents in their area and provide support in parental choice of provision
  - take account, through their Childcare Sufficiency Assessment, of the barriers to flexible delivery by providers and identify ways to ensure that provision is delivered to support parental choice
  - take account, through their Childcare Sufficiency Assessment, of the barriers to parents/children accessing FPN and look to ways to improve flexibility and innovation
  - monitor take up and quality of service, and intervene to ensure quality as and when appropriate
  - adapt provision to take account of the Childcare Offer, actively aligning FPN with local childcare to enable families to take up the whole 30 hours.

## 4. Flexibility and parental choice

- 4.1 To enable as many 3 and 4 year old children as possible to attend FPN in either a maintained or non-maintained setting, local authorities and providers should ensure that provision is delivered flexibly to suit the needs of families. Evidence has found that the current way FPN provision is delivered in Wales can be 'inflexible' and can prevent some families accessing their entitlement.
- 4.2 One of the key barriers highlighted by parents is how the 10 hours a week are split across four or five days. This is especially true of working parents and parents in education and training. The Welsh Government does not require that FPN should be delivered for a set number of hours over a set number of days. Instead, we expect local authorities to consider flexible models which could remove the barriers some parents face in enabling their children to access FPN provision at all.
- 4.3 Local authorities should ensure there is flexibility and choice of the settings available to parents to ensure that a child is able to access the most suitable FPN provision, in maintained or non-maintained settings, in their chosen area. In planning for this, consideration should be given to the practical issues around access to FPN for parents who will need wraparound provision, working parents, parents seeking work or training opportunities, unemployed households, low income families, lone parent families, families from ethnic minority backgrounds and families with children who have special educational needs or a disability.
- 4.4 Some parents will want their child to take up their FPN place in a different local authority area. Local authorities should, when conducting their assessment of provision, take account of the needs of those who want to access FPN outside their area as well as those who travel to their area to access FPN. Local authorities are encouraged to collaborate with neighbouring local authorities to facilitate this.
- 4.5 The Welsh Government will support local authorities by publishing support materials, including case study scenarios on various models of delivery for FPN, early in 2019. They will detail models of collaborative and flexible delivery for FPN provision, building on the Foundation Phase Flexibility Pilots (<https://gov.wales/docs/caecd/research/2016/161208-evaluation-foundation-phase-flexibility-pilot-scheme-en.pdf>)<sup>4</sup> and models we have already seen in Wales, and learning from other countries about innovative models which could work well in Wales. They will also provide local authorities with examples of how co-location has been achieved and how it supports parental choice of provision and consider how these approaches work alongside the implementation of the Childcare Offer.
- 4.6 Local authorities in Wales are already required<sup>5</sup> to establish and maintain a service providing a wide range of information, advice and assistance for parents and prospective parents, including information about childcare and

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<sup>4</sup> The flexibility pilots looked at different models of FPN and childcare i.e. shared provision, unsociable hours, stretched provision, non-term time FPN, full-day FPN, relaxed access.

<sup>5</sup> Section 27 of the Childcare Act 2006 (c. 21).

related services for disabled children and young people. As part of this, local authorities should provide parents and prospective parents with information to:

- encourage them to take up their child's FPN entitlement<sup>6</sup>
- help them understand what provision is available, in maintained or non-maintained settings and also Welsh medium provision, to allow parents to choose what suits their family
- help them understand what wraparound care is available
- help them understand what else parents can access i.e. to allow them to take up the whole of the Childcare Offer.

4.7 Evidence suggests that at present a range of approaches are being used to promote FPN including, but not exclusively, local authority and/or Family Information Services (FIS) websites and social media. The quality and accessibility of information differs greatly across Wales and parents have reported that they are often confused by what is available. It is important that information is suitable for the audience, is jargon free and clear for parents.

4.8 Close links should be made between education and other practitioners working with families that have young children, such as Flying Start and Social Services. Health visitors are key to reaching families with young children. It is important that they are aware of the entitlement and benefits of FPN so that they can share information with families. This is especially true of families in Flying Start who could access FPN seamlessly<sup>7</sup> once the child's Flying Start childcare provision comes to an end.

## 5. Ratios

5.1 The Education Improvement Grant (EIG) provides financial assistance to schools, local authorities and regional education consortia to improve educational outcomes for all learners. The EIG funding must be used to support the requirement to deliver Foundation Phase staff to learner ratios (1:8 staff to learner ratios when delivering FPN to 3 and 4 year olds) as part of the delivery of high quality and effective Foundation Phase curriculum.

5.2 In addition, regulated non-maintained FPN providers **are required** to adhere to the National Minimum Standards (NMS) for Regulated Childcare (<https://gov.wales/docs/cssiw/publications/160303regchildcareen.pdf>), which states the minimum staffing qualification and ratios for all non-maintained settings, including childminders.

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<sup>6</sup> *Foundation Phase nursery: A guide for parents and carers* (<https://beta.gov.wales/foundation-phase-nursery-guide-parents-and-carers>)

<sup>7</sup> Flying Start guidance states that a child's entitlement to funded childcare via the programme ends at the end of the term a child turns 3. A child's entitlement to Foundation Phase begins at the start of the next term after a child turns 3. Therefore, the gap between Flying Start ending and the Foundation Phase entitlement starting would be a matter of a few weeks at most.

## 6. Funding

- 6.1 The EIG is also available to support Foundation Phase practitioners in non-maintained settings to deliver high quality FPN provision.
- 6.2 In addition to the EIG, funding to support a local authority's role in delivering FPN is provided through the Revenue Support Grant (RSG). Currently, the local authority decides on the amount of funding they directly pay providers for FPN places and this varies considerably, not only between individual local authorities but also between maintained and non-maintained settings.
- 6.3 The Welsh Government has not set a national minimum hourly rate for every child in receipt of FPN. However, to ensure there is quality FPN provision for our youngest children with talented and able staff, we expect local authorities to invest fairly in this area and provide necessary training.

## 7. Charging

- 7.1 Local authorities are advised that providers should not, under any circumstances, charge parents for government-funded FPN.
- 7.2 However, the funding is not intended to cover the costs of additional hours/services, meals or other consumables. Local authorities should ensure that providers are completely transparent about any additional charges and parents understand what is and what is not government-funded FPN.

## 8. The Childcare Offer for Wales

- 8.1 The Welsh Government has committed to providing **30 hours** of government-funded **early education** and **childcare** for 3 and 4 year old children of eligible working parents for up to 48 weeks of the year. The Childcare Offer is currently being tested, including the 'fit' between FPN and childcare, before it becomes available across Wales from September 2020.
- 8.2 The primary policy aims of the Childcare Offer are to:
  - enable more parents particularly mothers to return to work
  - increase the disposable income of those in work and help counteract poverty for those in low-paid jobs
  - encourage child development and school readiness.
- 8.3 For the purpose of the Childcare Offer, 'early education' refers to FPN as set out in this guidance. During school term time (39 weeks a year), FPN will form part of the 30 hours of the offer. Therefore, the Childcare Offer is very relevant to this guidance and should be considered alongside local implementation of the Offer to ensure children can benefit from the whole Offer.

- 8.4 For the purposes of the Childcare Offer, ‘childcare’ refers to regulated childcare, which encompasses a wide range of different types of provision, which are subject to the NMS and are regulated and inspected by the Care Inspectorate Wales (CIW), or Ofsted if they are located in England.
- 8.5 The exact hourly split between FPN and childcare will depend on the current provision of FPN offered by local authorities, or, where relevant, the individual school but will comprise of at least 10 hours of FPN and cannot be more than a total of 30 hours of combined FPN and childcare.
- 8.6 Outside term-time, FPN will not be available and there will be 9 weeks where working parents will be entitled to 30 hours of childcare. This will be delivered in non-maintained childcare settings only, such as private day nurseries, childminders, out of school childcare and sessional care.

### **Parents not accessing FPN provision**

- 8.7 Working parents do not need to access FPN as a pre-requisite to accessing the childcare element of the Childcare Offer, but they should be encouraged to do so. And, as stressed in this guidance, local authorities should ensure FPN provision is as flexible and accessible as possible to ensure families can benefit from both elements of the Offer.
- 8.8 If a parent does not access FPN provision then they will still be entitled to the childcare element of the Offer during school term time (39 weeks of the year) and to 30 hours of government-funded childcare for the remaining 9 weeks. Under no circumstances can hours of FPN be swapped for hours of childcare and no child should receive more than a combined total of 30 hours government-funded FPN and childcare per week.
- 8.9 For further information on the Childcare Offer visit the Welsh Government webpages at <https://gov.wales/topics/people-and-communities/people/children-and-young-people/childcare/talk-childcare/?lang=en><sup>8</sup>.

There is also guidance<sup>9</sup> relating to the Childcare Offer online at <https://gov.wales/docs/dsjlg/publications/cyp/180702-early-implementer-september-2018-en.pdf>.

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<sup>8</sup> <https://gov.wales/topics/people-and-communities/people/children-and-young-people/childcare/talk-childcare/?lang=en>

<sup>9</sup> <https://gov.wales/docs/dsjlg/publications/cyp/180702-early-implementer-september-2018-en.pdf>

## 9. Next steps

- 9.1 Local authorities will be expected to adhere to this guidance until further notice.
- 9.2 We know that there are many elements of FPN which we would all agree are working well and we must make sure that we protect these elements which are fundamental to its integrity and pedagogy. However, we know from talking to a significant number of parents, providers and local authorities that there are elements that are not working for all children, parents or providers.
- 9.3 Implementation of the new curriculum, findings from the Foundation Phase evaluation and the Foundation Phase flexibility pilots, implementation of the Childcare Offer, and the outcome of #talkchildcare have provided evidence that delivery of FPN needs to be reassessed with an increased focus on flexibility and accessibility, as set out in this guidance.
- 9.4 Local authorities should, with their partners, look at the way they commission and deliver FPN in both maintained and non-maintained settings, its accessibility to families, staffing and quality so that children can maximise the value it provides. FPN can and should be delivered in any settings that can evidence the necessary quality and should not be delivered exclusively in certain settings that result in families being unable to logistically access FPN. Parents should be offered a choice of FPN settings which would work for their family circumstance, and fit with their childcare needs. Local authorities should engage and discuss with their stakeholders, including families and providers, and plan how they could increase awareness and work more flexibly with the sector to take this forward on a local level.
- 9.5 In addition, local authorities should ensure synergy between FPN and wrap around childcare, with a particular focus on how provision can ensure that eligible parents take up the full 30 hours of the Childcare Offer.
- 9.6 The Welsh Government will expect to see evidence of local authorities planning to put this guidance into practice. We will be contacting local authorities to learn about their plans and timelines and working with them to offer support by providing examples of good practice, alternative and innovative models across Wales and further afield.