

Implementing Free Flexible Entitlement for 3 & 4 years Olds

HR Issues

The purpose of this note is to give some advice to Head Teachers of Maintained Primary and Nursery schools about the flexibilities and restrictions open to them as employers with regards staffing for the flexible entitlement for 3 and 4 year olds.

From September 2010 the minimum requirements will be:

Entitlement:	15 hours per week over a minimum of 3 days unless in exceptional circumstances where this is taken over more than 38 weeks.
Length of Offer:	38 Weeks
Minimum hours in a day:	2 hour blocks
Maximum hours in a day:	10 hours in once day, 13 hours in total if the offer is split over 2 days only
Providers:	2 maximum unless the local authority deems exceptional circumstances

Present provision is for 12.5 hours per week to the additional provision is 2.5 hours per week.

When considering the development of the new entitlement schools need to think about the new working arrangements and the impact of these on all their staff.

It is assumed that most schools will offer the new entitlement by extending their existing core entitlement from 2.5 to 3 hours per day. There are opportunities for upskilling staff to participate in these changes e.g. playworkers/leaders and cleaning staff who could be upskilled to participate in the clearing down at the end of the day/lunchtime. It may also be possible to recruit new staff or offer additional hours to existing part time staff such as Teaching Assistants. Schools could also consider utilising this arrangement on a cluster/partnership basis so that a new appointee offer flexibility across a number of schools e.g. covering staff to allow then for time off for meetings, PPA time etc.

Teaching Staff terms and conditions:

- Working Time – 195 days , 1265 hours directed time per year (for those on Teacher Main Scale and Upper Pay Scale, this does not apply to those on Leadership or AST scales).
- Entitled to 10% of timetables teaching time for PPA
- Entitled to a break of 'reasonable length' between 12 noon and 2pm. It does not have to be an hour and it is unpaid.
- Teachers are entitled to receive "out of school hours learning activities" if they agree to undertaking the additional work



Support Staff terms and conditions:

- Full time 37 hours per week for 52 weeks per year but usually work term time only.
- Entitled to a break of 20 minutes if working more than 6 hours.
- Nursery Nurses who are paid for 52 weeks a year may, in agreement with the Head teacher, be required to work during the school holidays.

All employees are covered by the Working Time Regulations which restrict working hours to a maximum of 48 hours per week.

Head Teachers could consider changing the start and finish times (as long as this does not mean that any employee works more than 48 hours per week).

The times and length of the midday day break could be changed.

Additional hours and/or days could be offered to part time staff.

The regulations state that, in provision for children aged three and over in maintained schools (except for children in reception classes) that there must be at least one member of staff for every 13 children but they do not require a qualified teacher to be present at all times. A member of support staff can carry out 'specified work' as long as the head teacher is satisfied that they have the skills, expertise and experience necessary to do this.

Head teachers may wish to consider a whole school approach to providing the additional entitlement and take the opportunity to review roles of other support staff within the school and set up new initiatives where other support staff are involved in either direct delivery of the additional provision or in supporting this.

Remember that the lunchtime can be counted towards the free entitlement. It is recommended that 8 children require 2 members of staff when the QTS is not present. For best practice only one of these needs to be a Key member of staff i.e. qualified to Level 3. The other member of staff could be an assistant and staff within the school should be encouraged to stagger their lunch breaks in order to provide support over the lunchtime period. Once the children have finished their lunch typically they will play or have story time which would give the other member of staff time to clear up and prepare for the afternoon session. Teachers who work more than one session per day must be allowed one break of *reasonable* length either between school sessions or between the hours of 12 noon to 2pm. This does not have to be an hour. The working time regulations state that a person working more than 6 hours is entitled to a break of no less than 20 minutes. Therefore sessions over the lunch period could be staggered where a teacher is required.

Also provision could be made (space or partitioned area) for children who wish to relax, play quietly or sleep, equipped with appropriate furniture. This may be converted from play space providing children can rest and or sleep safely without disturbance. Each child should have their own bed linen, flannel and hairbrush if they are used and sleeping children should be frequently checked.

In order to cover the extended provisions Head Teachers will need to adopt a flexible approach and agree working arrangements that are fair, equitable and reasonable for all staff working in the school.