

STATES OF JERSEY



DRAFT EDUCATION (NURSERY FEES) (JERSEY) REGULATIONS 201-

Lodged au Greffe on 31st May 2011
by the Minister for Education, Sport and Culture

STATES GREFFE



Jersey

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REPORT

Pre-school children aged three to four are eligible for free nursery education in Jersey. This is provided for up to 20 hours a week during term time (38 weeks a year) in the year before they start statutory primary education in a Reception class.

Research has identified significant social and educational advantages of early years education and 20 hours a week is recognised as the optimum amount of time for children to gain the benefit from it. Longer hours bring only marginal additional benefit.

The 20 free hours have been available in the private and voluntary sector nurseries since September 2009 and are paid for through the Nursery Education Fund, which was approved by the States in 2008. Free nursery education is also available in those States schools that have nursery units.

However, States nursery classes are open for 30 hours a week, so there has been a discrepancy between the amount of free hours available in the public and private sectors. The Minister for Education, Sport and Culture is addressing this inequality through the introduction of charges above 20 hours in school nurseries from September 2011. These Regulations need to be formally approved so that the charges can be implemented.

The Regulations will mean that from September, parents will have access to 20 hours a week free nursery education for their child, irrespective of whether they choose a States or private nursery and will be able to purchase additional hours in either sector if they choose.

Arrangements are already in place between private sector nurseries and parents who need additional childcare hours and this has proved successful. The charging scheme proposed for States nursery classes will allow parents to purchase extra sessions of one or 2 hours a day, totalling 5 or 10 hours per week. Any family or child that has specific needs will still be able to apply for 30 hours a week free of charge in a States nursery.

As this proposal represents a new charge, States approval is being sought in accordance with the report and proposition 'States Approval for New User Pays Charges' (P.63/2003), adopted by the States in June 2003, in which it was agreed that no new 'user pays' charges should be introduced without specific States approval.

The basis of the scheme is as follows –

- All children allocated a place at a States nursery class will receive a minimum of 20 hours' free nursery education during term-time.
- Ten extra hours will be made available free of charge to families with children at risk, who are vulnerable, have special educational or emotional needs or have particular needs (*for example multiple births, parental illness, siblings with special needs*). A referral panel will be established to ensure free hours are only provided to those children in most need.
- It is also proposed that free sessions will be made available to working parents on Income Support. This reduces the need for cross-charging between departments.
- Parents will have the option to purchase extra sessions, and these will be available for either one or 2 hours per day.
- The hourly charge will be the same as the charges applicable in the private/voluntary sector under the Nursery Education Fund, and in the first academic year (September 2011 – July 2012) this will be £4.78 per hour.
- At present, parents purchasing nursery care from registered nursery providers (from the private and voluntary sectors) are able to apply for income tax relief for these hours. It is accordingly being proposed by the Minister for Treasury and Resources that the Income Tax (Jersey) Law 1961 be amended to allow parents who purchase extra hours from nursery classes in provided primary schools nursery classes to also claim tax relief on these hours. This will ensure there is parity between the private and voluntary sectors. It is also being proposed by the Minister for Treasury and Resources that the additional hours should be exempt from GST, in line with childcare hours in the private and voluntary sector.

Parents have been informed of the proposed changes and are currently indicating where additional hours may be required.

Income generated will enable the Minister for Education, Sport and Culture to reduce the department's budget by £138,000 in 2011 and £414,000 in 2012 in order to meet commitments made as part of the Comprehensive Spending Review.

Following adoption of these Regulations, the Minister will make a Ministerial Decision to introduce charges on the basis set out in this report.

Financial and manpower implications

There are no additional financial or manpower implications arising from this proposal. It should be noted that the delivery of this project will be undertaken by the Administrator for Child Care Registration with support from school secretaries and officers at the Treasury.

As noted above, the introduction of the new charge will enable the Minister for Education, Sport and Culture to reduce the department's budget by £138,000 in 2011 and £414,000 in 2012 in order to meet commitments made as part of the Comprehensive Spending Review.

Explanatory Note

The object of these Regulations, made under Article 9 of the Education (Jersey) Law 1999, is to enable the Minister for Education, Sport and Culture to require parents to pay fees for the attendance of children below compulsory school age in nursery schools, or nursery classes, established and maintained by the Minister.



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Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES, in pursuance of Article 9 of the Education (Jersey) Law 1999¹, have made the following Regulations –

1 Minister may require fee for child's attendance

- (1) The Minister may require the parent of a child below compulsory school age to pay a fee for the attendance of the child in a nursery school, or nursery class, established and maintained by the Minister.
- (2) The fee may be based on the recovery of the full, partial or average cost of the establishment and maintenance of one or more nursery schools or nursery classes, or otherwise.
- (3) Without affecting the generality of paragraph (1) or (2), the fee may apply –
 - (a) either in all cases or in specified cases and either in all circumstances or in specified circumstances;
 - (b) in relation to some or all hours of attendance or otherwise than on the basis of hours of attendance; and
 - (c) according to such other factors as the Minister may from time to time decide.
- (4) The Minister may exempt certain persons or certain classes of persons from the requirement to pay the fee.

2 Citation and commencement

- (1) These Regulations may be cited as the Education (Nursery Fees) (Jersey) Regulations 201-.
- (2) These Regulations shall come into force on 1st September 2011.

¹ *chapter 10.800*