

# Childcare delivery on school sites

Guidance for Governors and Head Teachers



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## Introduction

Warwickshire County Council has developed this document as guidance for schools to assist the school leadership team to make an informed business decision when developing or working in partnership with childcare services on the school site.

This information can be used by both maintained schools and academies to ensure that the governing bodies and academy boards understand their roles and responsibilities.

With an overall increase in demand for childcare services due to new housing, the introduction of funded 2 year old places for eligible children and 30 hours funded places for eligible 3 and 4 year olds and in some cases the impact of rural areas, many schools are now considering developing childcare services on site. These include, but are not limited to preschool, full day care nursery, out of school and holiday provisions.

School sites give an accessible location to services within their community with child friendly, secure premises. Some schools may be approached and be required to consider parents and childcare providers right to request that care be offered on the school site – for more information see: -

<https://www.gov.uk/government/publications/wraparound-and-holiday-childcare-responding-to-requests>

Several options are available for schools to consider when looking at what type and level of childcare could be delivered from the site, and the following guide includes the wider business considerations that must be reviewed before decisions are made around childcare services.

## Type of Childcare Required

A variety of childcare options are now required by families in our local communities that cover all ages of children from birth to end of secondary school age. Demand can be driven by many reasons, and the addition of childcare services will aid parents in maintaining or returning to work which assists in improving outcomes for children.

The school's governance body will need to review what levels of services are required for the site and why.

Some considerations: -

- Has the school been contacted via a 'right to request'?
- Is there an existing provider that is planning on closing their service? Why is this?
- Does the school need to increase the number of childcare places on offer at an existing maintained nursery class?
- Does the school wish to introduce care and education for a new age range of children that are not currently accommodated on the site e.g. 2, 3 and 4 year olds?
- Is there demand to set up a new service on the site for existing pupils e.g. longer nursery sessions for 3 and 4 year olds or Out of School Care for pupils?
- Is there a shortage of a specific type of childcare and education in the local area?
- Are school concerned about intake numbers of pupils for the school?

Many school sites already have existing childcare services delivered by external providers (private or voluntary run) who will need to be consulted as partners when a school plans to introduce new services or develop existing provision further.

Current childcare delivered on school sites includes: -

- Before and After School Care
- School Holiday Care
- Wrap around Care for school services e.g. Nursery lunch club and extra sessions
- Nursery / Preschool and Full Day care Provision – term time and all year round - Birth to school age
- Nurture Nursery

## Business Considerations

The level of due diligence undertaken by schools when going through the decision making process (i.e. what types of childcare is needed? why and how it will be offered) will vary depending on the route of delivery for the service that is planned.

Identifying need and establishing evidence to support the actions of the leadership team is a process that takes time and is not something that can or should be rushed. A specific timescale for making changes to childcare or introducing a new service to a school site is not something that can be prescribed for each site however as a guide a school should allow a minimum of 6 months preparation time prior to requiring service delivery.

Where a school / academy intends to deliver the service directly themselves, full financial and business planning must be undertaken by the leadership team to ensure a thorough informed decision is made that does not put the school's service at risk.

If a school identifies that the services of an external provider are required, it is strongly recommended that a formal, application based process should be undertaken e.g. Expression of Interest application, to ensure a consistent route for all applications. This will need to be followed up with shortlisting, interviews and then a formal offer to the chosen provider.

***Type of service to be provided?*** - clear ideas of the type of service required may already be in place, however alternatives should be considered once responses from market research have been received. This could include a need for other ages of children to attend services e.g. Is there a demand for before and after school care for nursery age children?

***Why is the service required?*** - the community as well as the immediate need of the school should be considered when making decisions. Many schools will have identified the need to sustain or introduce additional childcare and education services to site e.g. to maintain school numbers or attract new families. This will be relevant to the decision making process for any new service. Each school will have its own reasoning behind making a decision which should be supported by a business case and evidence base.

***Who will benefit (or lose!)?*** - knowing whom the service is being set up for and why, is essential to inform the business planning process. Consideration must also be given to whether the final decision will impact on others e.g. parents, children, own school pupils or an existing business or school delivering services. Could the decision to introduce a new service have a negative impact on the school? A planned, informed, evidence based decision making process must be used before taking action to introduce, review, close or develop new childcare services to ensure that any issues that arise do not affect the school's main purpose.

***Where will the service be delivered from?*** - identifying suitable premises / spaces within the school should be one of the first actions undertaken. Different types of premises for

different ages and types of childcare will be required and for some ages will involve meeting specific premises criteria linked to space, toilets and outdoor spaces.

See [‘Statutory Framework for the Early Years Foundation Stage’](#) for children from birth to 5 years. Further consultation may be required with site landlords e.g. for an LA maintained school this could be the LA, the diocese or in some cases a separate local trust. **School must identify who acts as the landlord for the premises before taking action or entering into any agreements with external providers to ensure the correct process has been completed and all necessary paperwork and agreements are in place.** This can involve the need for legal services and formal documents e.g. lease or licence and specified charges and occupancy conditions.

**Other considerations** - registration or consent from other regulatory bodies e.g. Environmental Health, Ofsted or planning departments may be required depending on who and how the services are delivered. It is essential that awareness of any registrations required is fully investigated prior to making a decision. Where external providers are used this would generally be the responsibility of the separate business to undertake, however, school will want to ensure that any separate business operating from its site is legally compliant with all relevant regulators.

**Business Planning** - Where schools are planning on directly delivering the service, market research is essential to support any plans to ensure there is demand and reasoning behind establishing or continuing with any services. Planning tools such as Needs Questionnaires, Analysis tools - PESTLE, SWOT, PEST and competitor research should be used to review the plans and look in detail at considerations. These should be undertaken in written format as part of a wider business plan that can be shared and reviewed with governing bodies and Multi Academy Trust (MAT) boards to support reasoning.

## Delivery Options

Where a school is considering introducing a new service to the site there are a number of delivery options that can and should be considered by the leadership team.

### Maintained School - School Run Provision

Schools can choose to deliver childcare services directly themselves using their ‘Community Facilities Powers’. This power is granted as part of [The Education Act 2002 \(S27\)](#) and the [Childcare Act 2006](#) giving school governing bodies the powers to deliver services that benefit their own pupils and families within the local community - s27 (governor run) provision.

Most services and activities that schools want to provide e.g. childcare and other facilities of benefit to the local community are charitable in this sense. Any profits that a school may make from providing such services must be reinvested in the service or in the school. To further such activities a governing body may incur expenditure, provide services, commission others to provide services, enter into legal agreements and charge for services or facilities subject to certain limitations.

The [Childcare Act 2006](#) and [Small Business, Enterprise and Employment Act 2015](#) removed the requirements for schools to register their early years provision separately with Ofsted when caring for children over the age of 2 years. Inspections of extra services provided by a school e.g. preschool or out of school care for children over the age of 2 years are now undertaken as part of the school’s inspection and will be recorded in the written report.

Although school run provision is not required to directly register their early years and childcare services separately with Ofsted, it remains a legal requirement to ensure that schools follow all relevant Ofsted Requirements.

See: - \* *The requirements of the early years and childcare registers including the Statutory Framework for the early years foundation stage.*

<https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted>

<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>

\**Registering school based provision.*

<https://www.gov.uk/government/publications/factsheet-childcare-registering-school-based-provision>

\**The Department for Education publication '[Governance Handbook](#)' provides further information and guidance which should be read alongside this Local Authority document.*

## Academies

As with maintained schools, academies can introduce services for existing pupils of the school e.g. Out of School care, or add a service for a new age range, and must follow robust due diligence processes before making a final decision.

Any changes or additions must be in line with the articles or trust documents for the Academy or MAT and it may be required that the age range of the school be formally changed. Please contact the Local Authority and the Education and Skills Funding Agency (ESFA) for advice.

Where a school is converting from Local Authority control to become part of an academy trust consideration can be given to changing the age range of the school at the point of transfer.

In all cases academy schools MUST consult their Multi Academy Trust boards and seek advice and guidance from the Education and Skills Funding Agency (ESFA) before taking action.

\**The Department for Education publication '[Governance Handbook](#)' provides further information and guidance which should be read alongside this Local Authority document.*

## School Delivery

<u>Pros</u>	<u>Cons</u>
Directly controlled by school	Capacity of leadership teams and staff - additional workload
Encourage new business and meet wider needs for current families	Financial risk - running costs for school run services can be higher due to staff on costs
No separate Ofsted registration required	
Established business infrastructure already in place	



## Private or Voluntary Run Business

A school may identify the need for services and may not wish to take on the direct running themselves or the site may already accommodate services that are run by an external private or voluntary run business.

When exploring the introduction of new services, a school may identify a preference to find an existing business to deliver these services for the school. This removes any direct involvement in the running of the service and leaves the private or voluntary run business to meet all of the relevant requirements, run the business and manage quality and service delivery.

Strong collaborative working ensures that the school and external provider can offer support to each other when needed. Consideration could be given to introducing a service level agreement where shared premises, access etc. are involved that can sit alongside the formal tenancy documents.

Schools will not be able to make direct decisions on how this type of business is run, however, the provider could be invited to participate in regular meetings, join governors meetings etc. to ensure a shared vision is achieved and that a strong partnership offer is achieved.

Where voluntary sector care is provided, and a skills shortage identified on running committees or boards there would be the option for representation from the governing body to join the voluntary organisation and strengthen further management arrangements.

<u>Pros</u>	<u>Cons</u>
No additional management responsibility that can impact on workload/capacity	No control over the running of the service
No direct financial risk to school	Separate Ofsted grading - may adversely affect school reputation if poor, as parents may view service as linked to school
Separate Ofsted grading	

## Voluntary Run Business - Governor and leadership team involvement.

A school may wish to retain control of the running of a new, existing or transferring service but feel they do not wish the service to be directly linked and run by the school (extended services). A school may decide to set up a standalone 'not for profit' entity to run a service for the school with the leadership team holding the roles of the voluntary board, or members of the governing body and school staff team may choose to stand as part of the management board of an existing voluntary run organisation.

With this model the leadership team must ensure that separate meetings and direct monitoring of the service is undertaken as well as acting separately in their roles as the school's leadership team. Failure to monitor and manage a setting thoroughly will result in a poor Ofsted grading and will still have an impact on the school.

Careful management of this must be undertaken to ensure that the original voluntary provision is closed in line with all legal requirements.

Where this model is developed or taken over by a school, consideration needs to be given to the additional requirements that must be met: -

- separate Ofsted registration and inspection
- reporting to other regulators e.g. Companies House and / or Charity Commission
- access to advice and services from external suppliers must be arranged e.g. HR and Payroll - WES will not be available
- tenancy requirements must be met e.g. lease and rent charges
- Articles of Association or constituted documents must be followed and adhered to.

Additional support, guidance and training can be accessed via WCC Governance Services, where applicable – See useful contacts for information.

**\*For additional information on voluntary run childcare see 'WCC Voluntary Managed Childcare Provision' booklet - see appendices.**

## Delivery Models

Delivering a new service can give schools an opportunity to maximise expenditure and optimise staffing and spare space capacity. When considering introducing a nursery element to site, schools, especially those in rural areas or where lower class numbers are being experienced, could consider delivery of a **foundation unit model** for nursery places for 3 years and above. This requires there to be sufficient space requirements in existing reception classes and involves incorporating nursery and reception children together into one space. The statutory staffing requirements must always be maintained. These are detailed in the Early Years Foundation Stage Statutory Requirements, and the Infant Class Size Regulations.

Stand-alone provision may also be considered where it is felt that demand will provide sufficient take up of places to cover costs for this. Mixed ages of care can be included for consideration e.g. a nursery with 2 and 3 year olds cared for together.

Careful consideration must be given to how ages of children are grouped to ensure that the wider statutory requirements, quality delivery and health and safety issues are achieved e.g. suitable resources.

## General Considerations

Whichever delivery route is undertaken there are consistent areas that must always be considered when running childcare services which remain the same regardless of the chosen route or legal structure.

All the below considerations must be factored into the cost implications when undertaking the initial planning and ongoing financial management for the service.

**\*See: - \* The requirements of the early years and childcare registers including the Statutory Framework for the early years foundation stage.**  
<https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted>

**\*See: - The requirements of the childcare register.**  
<https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted/registration-requirements>

**Premises** - must be suitable, safe and secure with sufficient services to meet the age ranges of the children to be cared for. Where services are offered for children in the early years age range specific space requirements apply and spaces that are to be used must be measured and places offered delivered in line with this. Toilet facilities for all users - children



and staff, must be considered and for younger aged children are easily accessible to ensure that staffing and child development is maximised. Accessible facilities for children with additional needs and younger children that may require toileting support including nappy changing will need to be established.

The landlord of the site must be consulted before undertaking new arrangements or service offers and consent must be obtained. There will be different levels of requirements depending on the provider type and who acts as the landlord. In some circumstances there will be a requirement for a school to enter into a lease with the landlord e.g. where the service is to be delivered by an academy school and the control of the premises to be used has been retained by WCC.

**Staffing** - must comply with the requirements stipulated in the Statutory Framework for the Early Years Foundation Stage and / or the requirements of the childcare register and may differ depending on the delivery route for the service. **Appropriate numbers of qualified staff as stipulated in the legislation must be available to work with the children at all times including lunch periods for nursery aged children.**

Specific qualification requirements must be met, bearing in mind that qualified teacher and teaching assistant qualifications are not always comparable to Early Years qualifications e.g. TA level 3 may not equal an Early Years level 3 qualification. Staff qualifications must be checked to ensure compliance with requirements.

\*See <https://www.gov.uk/guidance/early-years-qualifications-finder>

Advice must be sought from the relevant HR service to ensure that staff are offered the appropriate contracts, pay scales and job specifications. This will have wider financial implications where a school is taking over the running of a former private or voluntary setting as staff may be transferred onto higher paying contracts. For staff that have previously been working in a setting that is to close or is to be transferred to the running of the school Transfer of Undertakings (TuPe) are likely to apply to the posts - HR advice must be sought and followed.

**Finances** - Any service offered by the school or an external provider must remain financially viable at all times, generating sufficient income to cover all outgoings and ensure a contingency pot for leaner times, growth, repairs, training etc. School run provision cannot be directly funded by the schools dedicated schools grant (DSG) as this is in place to meet the delivery of the main purpose of the school.

Schools that deliver s27 (governor run) provision must seek advice from the relevant finance departments to ensure that income and expenditure for the service is managed appropriately. This will involve the need to establish separate budget codes, monitoring systems and possible financial transfers between the service and school budgets.

Nursery services in general rely on two forms of income that must cover the day to day running costs of a service. Funded places (See Early Education Funding section) and income generated from sold places. Charges for sold sessions must be reflective of the cost it takes to deliver services and be reviewed regularly.

**Ofsted** - Services offering care for children under the age of 8 years will normally require registration and / or regulation by Ofsted. Where services are delivered directly by the school there is no longer a need to hold a separate Ofsted registration unless offering care for children under the age of 2 years. Section 27 (governor led) / extended services provision must ensure that it still meets all statutory requirements related to delivery, even though a separate Ofsted registration is not needed.

\*for additional information See Ofsted Factsheets: -

Registering School Based Provision - <https://www.gov.uk/government/publications/factsheet-childcare-registering-school-based-provision>

\*for additional information See: The Statutory Framework for the Early Years Foundation Stage - <https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>

**Service offer** - Consideration must be given to the type of service to be offered and the impact of other elements factored in e.g. if offering care for children of nursery age are the available premises suitable to meet the children's needs - toileting needs, access to designated outdoor spaces etc.

\*for additional information See: The Statutory Framework for the Early Years Foundation Stage - <https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>

**Quality Control** - Whether a private provider or school run, the school will want to ensure that quality provision is delivered. School run provision is not required to hold a separate Ofsted registration when offering care for children over the age of 2 years. However, any services will be inspected and judged as part of the school's inspection, and this must be considered by the school. Ofsted gradings of all service providers will have an impact on the delivery of funded early education places.

**Partnership Working** - Working in partnership with other providers can offer schools a solution to meeting the parental demand for childcare. Once a school has established that there is a need to offer out of school (wraparound) childcare, holiday care or early years provision, it must consider the most appropriate way to provide it.

Schools can work in partnership with an existing Ofsted registered provider such as an out of school club, childminder, day nursery/pre-school or other school in the local area. These provisions could be situated on or off the school site.

Benefits for schools working in partnership with an external provider to provide childcare on a school site:

- provider expertise and track record in providing a range of age appropriate inclusive activities
- same site provision
- familiarity for children
- additional income from the use of school buildings outside normal school hours
- additional employment opportunities for school staff
- ease of communication with provider

Benefits for schools using childminders:

- childminders may operate for 50% of their time at an alternative site - this may be an option to use the school premises for before or after school or in the school holidays. This will reinforce the message that the school is involved in the care of the child through the partnership with the childminder
- schools are able to offer parents more flexibility in the options they can offer
- schools are able to support childminders with the quality of a wraparound service, reassuring parents of quality of provision

- schools with small number of pupils are still able to offer parents a viable option for childcare which would not be possible without partnership working

Schools must ensure that the early years, wraparound or holiday care providers fully recognise their responsibility to have arrangements in place to safeguard and promote the welfare of children, including ensuring that providers and their staff (both paid and volunteers) are properly vetted before they care for children.

For further information on partnership working please contact your Early Years Business Support Officer (see Annex A for details).

**Maintained Nursery Classes** – leadership teams of schools with existing nursery classes will need to ensure that they **monitor occupancy alongside the school's allocated nursery PAN** (please contact the early years team if you require PAN information), place take up and financial impacts of the nursery class on the overall school budget. Changing needs of families linked to many factors e.g. working parents, rural living etc. are seeing a change in demand in many areas with a need for a flexible model of education and care. Schools should investigate reasons for any reduced take up to enable an informed decision on what and how to increase interest and take up of places. Where take up of places reduces and to ensure that the service remains financially efficient schools should review and investigate options that can be changed to increase take up of places. Please contact the Local Authority for further information and guidance where numbers remain low or demand is increasing above allocated PAN.

Some suggestions for consideration: -

- Termly intakes
- Advertising and promotion
- School day sessions including offer of 30 hours Free entitlement
- Wrap around sessions e.g. lunch club, breakfast and / or after school club
- Flexible groupings e.g. foundation units for lower numbered sessions
- Partnership working with other local providers – gives a full day care model

**Other Legislation** - a school must ensure that all other regulation and legislation is followed and implemented as necessary within services. Some of these include: - Equality Act 2010, including appropriate toileting requirements (nappy changing), SEND, GDPR requirements, Environmental Health, Building and Planning regulations etc.

## Early Education Funding

\*See also Finances - page 9.

In accordance with the Statutory Guidance: -

- A two year old child will be entitled to a funded place from the beginning of the term after both of the following conditions are satisfied: (1) the child has attained the age of two and (2) the child or the parent meets the eligibility criteria.
- All three and four year old children are eligible for the universal entitlement from the beginning of the term following their 3<sup>rd</sup> birthday, until they reach compulsory school age.
- A three or four year old child of working parents will be entitled to the extended entitlement from the term after both of the following conditions are satisfied: (1) the child has attained the age of three: (2) the child's parent has a current positive determination of eligibility from HMRC i.e. a valid 30 hour eligibility code

- From September 2018, children in foster care will also be eligible for the extended hours providing that they meet all of the following criteria: (1) the child has attained the age of three; (2) that this is consistent with the child's care plan (3) the foster parent is taking up paid employment outside of their fostering role

The universal entitlements are for 570 hours per year, delivered over a minimum of 38 weeks of the year (equating to 15 hours a week). Children may stretch their entitlement over more than 38 weeks (and up to 52 weeks). This means taking fewer hours per week, subject to a maximum of 570 hours a year until the child reaches compulsory school age (the beginning of the term following their fifth birthday). Children entitled to the Extended Entitlement (30 Hours funding) may claim a maximum of 1140 hours per year.

Current hourly rates are as follows:

- 2 year olds – all providers - £5.37 per hour
- 3 and 4 year olds – PVI sector including Childminders - £4.09 per hour
- 3 and 4 year olds - Maintained Nursery Classes – £4.09 per hour
- 3 and 4 year olds - Maintained Nursery Schools - £4.09 per hour (additional funding is provided by the Government until a national review of Nursery Schools is completed)
- Additional premium for Early Years Pupil Premium (EYPP) £0.53 per hour
- Additional premium for Deprivation Factor (DF) £0.53 per hour
- Disability Access fund (DAF) £615 per year usually paid annually from start of eligibility.

More detailed information regarding the Early Education Funding including eligibility criteria, the funding process, and the requirements of delivering the funding, can be found in Warwickshire County Council Guidance and Requirements of Early Education Funding for 2, 3 & 4 year olds. Please contact your Early Years Business Support Officer for a copy (See Annex A for details).

## Community Facilities Powers – Maintained schools

### School Run Provision - Essential Information

A governing body cannot engage in any activity that might interfere with its duty to conduct the school with a view to promoting high standards of educational achievement. The governing body's use of the power set out in Section 27 of the Education Act 2002, is also subject to any limits or restrictions contained in the school's instrument of governance or in its trust deed (if it has one) and to any local directions issued by the LA regarding the control of school premises.

Community Facilities Powers (CFP) - before implementing any plans to provide facilities or services using the power, the governing body must consult with school staff, and parents of its registered pupils, registered pupils themselves (where this is appropriate) and any other persons that the governing body considers appropriate. The governing body should have regard to any advice given to it by the LA and must have regard to guidance that has been issued by the Department.

\*Reference: Department for Education website - Governance Handbook - <https://www.gov.uk/government/publications/governance-handbook>

Before governing bodies make the decision to undertake delivery of any services using community facilities powers robust due diligence processes must be undertaken.

## **Extended Activities/Services – Academies**

As with maintained schools Academy trusts are able to offer before and after school and holiday care activities. Academy trusts may consider changing their age range to be able to offer extended services such as nursery provision. Academies must follow the [significant change](#) process if this is the route they choose to take. Academy trusts should seek advice and guidance from the ESFA and should also check their funding agreement to ensure they follow the correct process. Academy trusts may also be required to amend their articles of association as appropriate. Further guidance on the available options for Academy trusts to be able to operate nursery provision on their sites can be found in the [Governance Handbook, Section 6.12.5](#).

Before academy trusts make the decision to undertake delivery of any extended activities or services robust due diligence processes must be undertaken.

## **Business Plans and Financial Forecasts**

In order to ensure viability, it is vital to produce a written business plan and financial forecast, reviewing expenditure and income annually. Market research should be undertaken as part of this with families, local community and possible users to support needs, demand, identify other considerations and inform the final decisions. These should be backed up by additional evidence gathering e.g. information from SWOT analysis and competitor analysis that support why the school leadership team has made the decisions to develop provision. The plan should include financial forecasts which must provide a detailed financial account of the predicted operations of the service, over at least three years. The forecast should be presented on (at least) a quarterly, ideally monthly basis. Detailed assumptions need to be included to support the figures. These assumptions must be as realistic and accurate as possible and should include monthly income and expenditure that is clearly broken down to inform decision making and long term monitoring.

The cash flow analysis should identify where differences in the timings between payments for expenditure items and the receipt of income may result in the use of a temporary deficit or overdraft. The cash-flow analysis should include a proposal for the funding of any temporary deficit / overdraft. This should be charged to the extended service and not to the school's main budget.

## **Consultation**

It is advised that school staff, pupils, parents / carers, families and the wider community is consulted when a school and / or cluster of schools commence the development of services using community facilities powers/extended activities.

School will want to ensure that other local business providers are considered as part of this process and this may include other local schools and childcare providers. Questionnaires and short surveys can be issued to aid this process and ask relevant questions that can then be used to support the final decision making process and inform the business planning.

## **Statutory Duties**

Where a maintained school / Academy trust provides extended services/activities, the governing body/trust is legally accountable for services they provide or commission, depending on the arrangements in place. The governing body/trust must ensure they meet all statutory requirements as per their governing documents when making decisions and reviewing school run provision.

## **Staffing**

Legal staffing requirements must be followed including any TuPe undertakings where a school takes over the running of an existing provision e.g. voluntary run preschool closes its services and the school takes over and runs a replacement service. Advice and guidance must be sought from HR support teams as required and implemented as directed. Legal



staffing requirements for provision for early years children can be found in the [EYFS](#) and for services for school aged pupils in the Requirements of the Childcare Register <https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted/registration-requirements>. Staff qualifications can be checked via the DfE Early Years qualification checker [here](#)

### **Equal Opportunities**

When carrying out functions, the school must have due regard to the need to eliminate unlawful discrimination, to promote equality of opportunity and to promote good relations.

### **Financial Duties**

All schools will need to make arrangements for their financial procedures for activities beyond the school's main duties. Finances for extended services must be managed robustly by the governing body/academy trust board and maintained separately from the school budget. The school dedicated schools grant (DSG) should not be directly used to run extended services.

The services delivered can be charged for and the income must be sufficient to cover any outgoings generated by the delivery of the service. This must be considered prior to opening up any new service.

Advice must be sought from the school's finance officer to ensure that the correct systems are set up to manage finances.

Costs of running extended services can be higher for some elements e.g. staffing due to the levels of terms and conditions. This must be factored in during the planning process ensuring that schools set a realistic pricing structure that covers all expenditure.

The school's Governing Body/Academy trust board will need to ensure: -

- financial procedures can deal with the extra requirements needed to manage, control, and report on the extended services
- that the accounts are audited by a qualified accountant, or by suitable persons (other than those concerned with keeping of the accounts) approved by the governors/board members and as required in legislation
- that agreements with other parties contain adequate provision for access by the LA and its Auditors to all records in order for the LA to satisfy itself as to the propriety of expenditure on the facilities
- transactions relating to the extended service must be separately identified.

Schools Finance Team can provide advice and support if the school wishes to pay for the additional services for extended services.

### **Service Level Agreements**

Extended services will not be covered by any of the school's' existing SLAs with the County Council. This means that service from WES e.g. Payroll, ICT, DBS check, HR and Payroll, finance, insurance etc., in respect of staff employed or expenditure in the running of the school run provision will only be provided at an extra cost. This cost must then be met by the income generated by the extended service and should be included in any financial planning and forecasts.

### **Premises**

Where schools are looking to operate extended services/activities either themselves or via an external provider it is crucial that the LA Property Services team are consulted over plans to accommodate and develop new provision and any costs may need to be directly passed on to the extended service.

Where schools choose to extend their hours and maintain control of the premises, the school



health and safety policy should be altered to reflect the changes to the responsibilities and arrangements. There may be changes to personnel who are to be responsible for certain arrangements, for example:

- unlocking and locking up the premises and general security of premises and contents.
- cleaning/tidying up after use.
- defect reporting and minor maintenance.
- first aid provision.
- fire wardens involved in assisting and controlling the evacuation of the building in the event of an emergency.

It may be decided that if one particular area of the school is to be occupied outside normal school hours, that the fire assembly point should be relocated. The same too may apply to first aid facilities. This again should be reflected in the policy documentation and a separate section or appendix produced to reflect the arrangements specifically for extended hours use.

Schools must be aware that they may not give up accommodation during normal school hours, or out of school hours if this may affect school use, without the prior consent from the relevant Local Authority team.

### **Legal Framework**

Governors/Academy trust boards need to consider the legal structure within which extended services are to be monitored.

Where a maintained school is developing a project on its own, the project can simply be regarded as an activity of the Governing Body. The Governing Body is, of course, a separate legal “person”; it has its own legal status and is able to enter into contracts.

The Governors will need to consider how they want to manage the project, e.g. through a subcommittee, and will need to ensure that appropriate terms of reference and reporting requirements are put in place.

Alternative options are available to schools by establishing a stand-alone new legal entity.

Consideration must be given to how the services will be monitored by the full governing board/Academy trust board and how decisions will be managed, agreed and recorded.

Any services run by the school using Community Facilities Powers/Extended services must be proactively managed at all times.

For full advice and guidance Governing bodies must seek advice from the necessary Legal and Governance/Academy trust Teams.

### **Insurance**

A school proposing to provide extended services must undertake an assessment of the insurance implications, terms of cover and costs, seeking professional advice.

The school should seek advice from the Council’s Insurance Manager/or appropriate advisor before finalising any insurance arrangement for extended services.

- Since under Community Facility Powers/Extended services, the activities are provided by the school, this would usually be treated as an extension of the normal activities and therefore the existing insurances should normally operate.

- For these purposes it is assumed that the school subscribe to the Combined Insurance under the Traded Services. This must be checked and confirmed by the relevant department.
- Those schools insured elsewhere must contact their insurers for confirmation that cover applies.
- It is imperative that all risk assessments and control measures are applied in the same way to activities carried out under Community Facility powers as to traditional school activities.
- All significant risks associated with the activity to be undertaken must be documented and appropriate control measures taken.

Further information and guidance can be sought from the School Insurance Team or Academy trust insurance company as appropriate.

Support and advice - where school run provision is to be delivered the leadership team must consult WES or alternative support to provide the relevant advice.

### **Reporting - CENSUS/SIMS**

The Department for Education (DfE) requires Local Authorities to carry out an annual Early Years Census of all providers of funded 2, 3 & 4 year olds in the private, voluntary and independent sectors. The Early Years Census is mandatory, and data must be collected at individual child level. There may be additional Census collections as required by the Department for Education. The Early Years Census is a separate reporting process to that undertaken via SIMS or other similar school pupil census reporting. Guidance must be consulted to ensure children are recording on the correct census.

For further information on the use of SIMS/School census please contact the MIDAS Team (please see contact details in Annex A).

For further information on the use of Synergy/Early Years census please contact the Funding Team (please see contact details in Annex A).

**All legal requirements are the responsibility of the school and / or business to maintain ensuring that they reflect the correct current business information and relevant legislation**

**Reviewed August 2019**

**Reviewed February, October & December 2020**

## Annex A - Useful Contacts

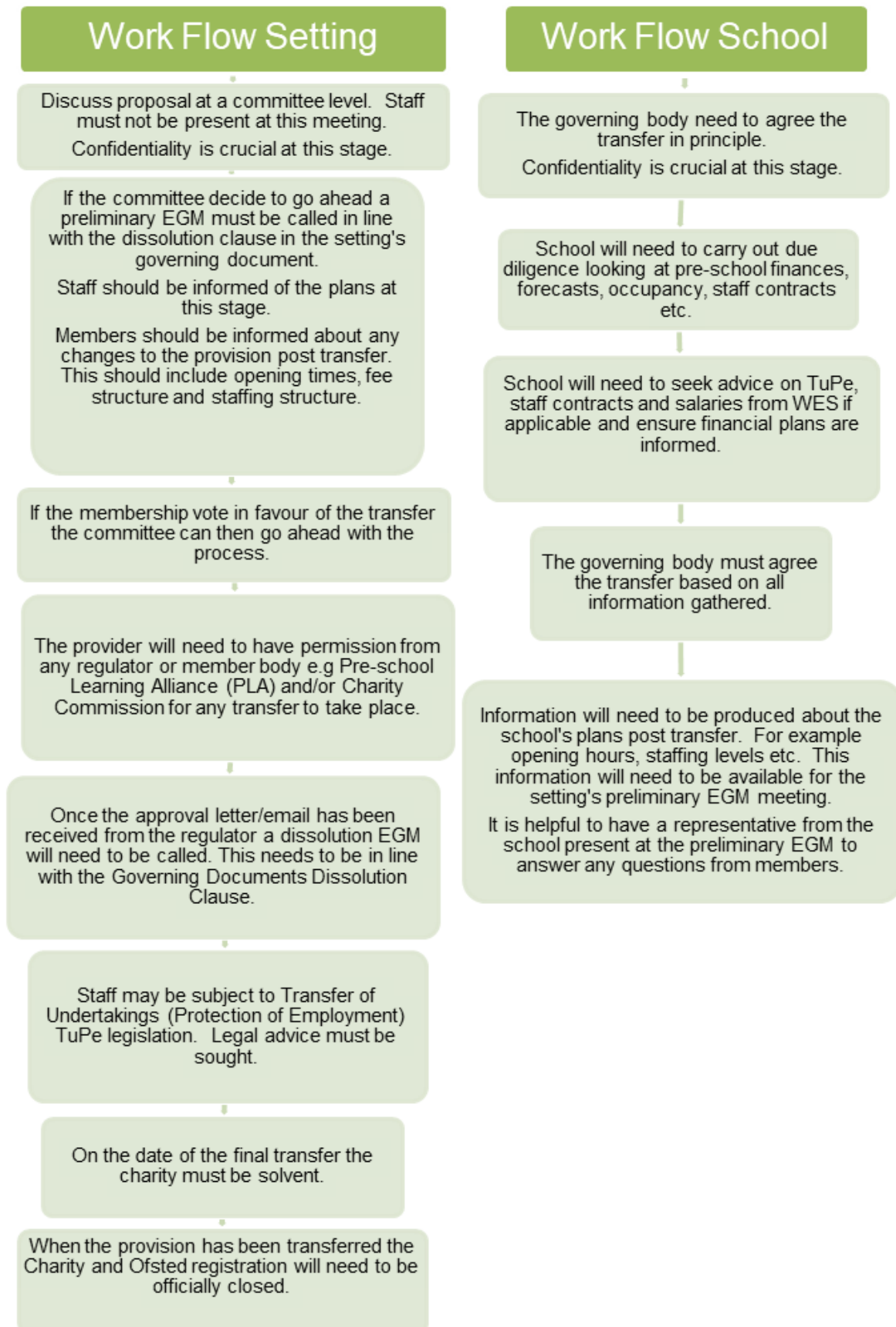
<u>Organisation</u>	<u>Contacts</u>	<u>Support</u>
WCC - Early Years Business Support Team - Office Tel: 01926 742633	Mandy Latham – Early Years Lead: Entitlements, Sufficiency & Business Commissioner <a href="mailto:mandylatham@warwickshire.gov.uk">mandylatham@warwickshire.gov.uk</a> Tel: 01926 742216	
	Jessica Holderness – Early Years Business Support Officer <a href="mailto:earlyyears@warwickshire.gov.uk">earlyyears@warwickshire.gov.uk</a> Tel: 01926 742995	Business support, marketing, sustainability, offering funded places, Ofsted registration & requirements
WCC – Early Years Funding Team	Tel: 01926 742235/ 742233/ 742218 <a href="mailto:eyfunding@warwickshire.gov.uk">eyfunding@warwickshire.gov.uk</a>	Advice and support for Early Years providers of 3 & 4 year olds funding
WCC - 2 Help Team	Tel: 01926 742218 <a href="mailto:2help@warwickshire.gov.uk">2help@warwickshire.gov.uk</a>	Advice, support and referrals for 2 Help funded places
WCC – Governor Services	<a href="https://www.warwickshire.gov.uk/school-governors">https://www.warwickshire.gov.uk/school-governors</a>	Information and advice on governor duties and training courses
HM Revenue and Customs (HMRC)	<a href="https://www.gov.uk/government/organisations/hm-revenue-customs">https://www.gov.uk/government/organisations/hm-revenue-customs</a> Tel: 0905 915 8213	Tax, NI, employment advice
Information Commissioners Office (ICO)	<a href="https://ico.org.uk/">https://ico.org.uk/</a> Tel: 0303 123 1113	Data Protection and GDPR
Action For Children	<a href="http://www.actionforchildren.org.uk">www.actionforchildren.org.uk</a> Tel: 01923 361 500	Professional body supporting childcare sector
Early Years Alliance (formerly Preschool Learning Alliance)	<a href="https://www.eyalliance.org.uk/">https://www.eyalliance.org.uk/</a> Tel: 020 7697 2500	Professional body supporting childcare sector
National Day Nurseries Association	<a href="http://www.ndna.org.uk">www.ndna.org.uk</a> Tel: 01484 40 70 70	Professional body supporting childcare sector
Foundation Years	<a href="http://www.foundationyears.org.uk">www.foundationyears.org.uk</a>	EYFS, sector specific updates, current information, consultations

ACAS	<a href="http://www.acas.org.uk">www.acas.org.uk</a> Tel: 0300 123 1100	Free advice for employment issues
Charity Commission	<a href="https://www.gov.uk/government/organisations/charity-commission">https://www.gov.uk/government/organisations/charity-commission</a>	Compliance and registration for registered charities
Companies House	<a href="https://www.gov.uk/government/organisations/companies-house">https://www.gov.uk/government/organisations/companies-house</a> Tel: 0303 1234 500	Compliance and registration for registered companies
Ofsted	<a href="https://www.gov.uk/government/organisations/ofsted">https://www.gov.uk/government/organisations/ofsted</a> Tel: 0300 123 1231	Registration information and compliance
Central Government	<a href="http://www.gov.uk">www.gov.uk</a>	Employment, DBS, pensions, childcare legal requirements etc.
Community And Voluntary Action	<a href="http://www.wcava.org.uk/">http://www.wcava.org.uk/</a>	Support for voluntary sector
Cov & Warks CDA	<a href="http://www.cwcda.co.uk/home">http://www.cwcda.co.uk/home</a>	Support for voluntary sector
WCC - Schools Finance	Yvonne Staniforth: Education Finance Manager Tel: 01926 412923 Email: <a href="mailto:yvonestaniforth@warwickshire.gov.uk">yvonestaniforth@warwickshire.gov.uk</a>	For any queries regarding schools funding
WCC - MIDAS Team	Tel: 01926 414100 Email: <a href="mailto:ictdsservicedesk@warwickshire.gov.uk">ictdsservicedesk@warwickshire.gov.uk</a>	Information and support with SIMS/Agora
WCC – HR Team	Bridget Edwards – Delivery Lead Tel: 01926 738780 Email: - <a href="mailto:bridgetedwards@warwickshire.gov.uk">bridgetedwards@warwickshire.gov.uk</a>	Information and support with HR
WES	Warwickshire Education Services <a href="http://www.warwickshire.gov.uk/Wes">www.warwickshire.gov.uk/Wes</a> Tel: - 01926 412210	Support for schools

## Annex B - Additional Resources

Publication	ISBN / Information
Working Together to Safeguard Children - September 2018	Obtain from: - <a href="http://www.gov.uk/publications/working-together-to-safeguard-children">www.gov.uk/publications/working-together-to-safeguard-children</a>
Keeping Children Safe in Education – 2018	Obtain from: - <a href="https://www.gov.uk/government/publications/keeping-children-safe-in-education--2">https://www.gov.uk/government/publications/keeping-children-safe-in-education--2</a>
Voluntary but Not Amateur	ISBN 978 1 906294 07 6
Early Years Foundation Stage (EYFS) - 2017	Statutory Framework, Early Years Outcomes, A Know How Guide - <a href="https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2">https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2</a>
Requirements of the Childcare Register	<a href="https://www.gov.uk/government/organisations/ofsted">https://www.gov.uk/government/organisations/ofsted</a> Tel: 0300 123 1231
Requirements of the Early Years Register	<a href="https://www.gov.uk/government/organisations/ofsted">https://www.gov.uk/government/organisations/ofsted</a> Tel: 0300 123 1231
Guidance and Requirements of Early Education Funding for 2, 3 and 4 Year Olds	WCC Funding Office – See contact sheet  This document will usually be re-issued each academic year - please contact the Early Years Funding office for a current copy.
Getting It Right Legally	<a href="http://www.playwork.co.uk">www.playwork.co.uk</a>
Out of School Alliance	<a href="http://www.outofschoolalliance.co.uk">www.outofschoolalliance.co.uk</a>
Early Years Alliance publications – various	<a href="https://www.eyalliance.org.uk/">https://www.eyalliance.org.uk/</a>  Tel: 020 7697 2500
Business Toolkits	Group setting cost calculator co-produced with Merton and PACEY through DSF funding - <a href="https://www.pacey.org.uk/working-in-childcare/nurseries/group-setting-cost-calculator/">https://www.pacey.org.uk/working-in-childcare/nurseries/group-setting-cost-calculator/</a> NDNA – Business Zone NDNA Business Zone <a href="http://www.ndna.org.uk/NDNA/News/Early_Years_Business_Zone.aspx">http://www.ndna.org.uk/NDNA/News/Early_Years_Business_Zone.aspx</a>

## Annex C - Work Flow - transfers of voluntary run pre-schools to school run





## Annex D - Flowchart for partnership working in schools

