

Early Education & Childcare Delivery On School Sites



Guidance For Governors And Head Teachers

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Introduction

Warwickshire County Council has created this guidance to support school leadership teams in making informed business decisions when developing or partnering with childcare services on school sites.

Who Is This Guidance For?

This guidance is relevant to:

- Maintained schools
- Academies

It helps governing bodies and academy boards understand their roles and responsibilities when considering childcare provision.

Why Is This Important?

There is a growing demand for childcare services due to:

- 🏠 New housing developments
- 👤 Increased working parent entitlements (from 9 months to 4 years for eligible children)
- ⌚ 15 hours universal funding for 3- and 4-year-olds
- 🧑 2Help funding
- 🌄 Challenges in rural areas

As a result, many schools are exploring on-site childcare options.



Types of Childcare Services Considered

Schools may consider offering but not limited to:

- 🧸 Preschool
- 🏠 Full day care nursery
- ⌚ Out-of-school care
- 🎨 Holiday provisions



Benefits of School-Based Childcare

-  Accessible location within the community
-  Secure, child-friendly premises

Right to Request

Schools may be approached by parents or providers under the “Right to Request” legislation.

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. 9 month - 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 (Wraparound Care)
- School Holiday Care
- Nursery / Preschool / Full Day Care (term-time and year-round, birth to school age)
- Nurture Nursery

Initial considerations when deciding to deliver childcare services

<p>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.</p>	
<p>Planning and Preparation</p>	<p>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.</p>
<p>Delivery Models</p>	<p>Where a school / academy intends to deliver the service directly themselves, full financial and business planning <u>must</u> be undertaken by the leadership team to ensure a thorough informed decision is made that does not put the school's service at risk.</p> <p>If a school identifies that the services of an external provider are required, the local authority MUST be consulted prior to undertaking any actions. 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.</p>
<p>Type of service to be provided?</p>	<p>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?</p>
<p>Why is the service required?</p>	<p>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.</p>
<p>Who will benefit (or lose!)?</p>	<p>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.</p>

Premises	<p>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.</p> <p>See 'Statutory Framework for the Early Years Foundation Stage' for children from birth to 5 years.</p> <p>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.</p>
Other considerations	<p>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.</p>
Business Planning	<p>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 findings should be documented in a written business plan, which can be reviewed by the governing body or Multi Academy Trust (MAT) board to support decision-making</p>

Understanding Delivery Options

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

Ofsted Registration and Inspection for Maintained and Academy Run Provision

Under the [Childcare Act 2006](#) and the [Small Business, Enterprise and Employment Act 2015](#), schools are **not required to register separately with Ofsted for early years provision when caring for children over the age of two**. Instead, these services—such as preschools or out-of-school care—are inspected as part of the school's overall Ofsted inspection and are included in the written report.

However, while separate registration may not be required, schools must still comply with all relevant Ofsted requirements. This includes adhering to the standards outlined in the [Statutory Framework for the Early Years Foundation Stage](#) and ensuring that any childcare provision meets the expectations of both the Early Years Register and the Childcare Register.

*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 of Education publication '[Maintained schools governance guide - Guidance - GOV.UK](#)' provides further information and guidance for maintained schools which should be read alongside this Local Authority document.*

Maintained School - School Run Provision

One option is for the school to deliver the childcare service directly using its Community Facilities Powers, granted under Section 27 of the [Education Act 2002](#) and supported by the [Childcare Act 2006](#). These powers allow governing bodies to provide services that benefit both their pupils and the wider local community.

In practice, this means schools can offer childcare and other community-focused services, often considered charitable in nature. Any profits generated must be reinvested into the service or the school itself. To support these activities, governing bodies are permitted to incur expenditure, deliver services, commission others, enter into legal agreements, and charge for services—though these actions are subject to certain limitations.



Academies- School Run Provision

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 of Education publication '[Academy trust governance guide - Guidance - GOV.UK](#)' provides further information and guidance for academies which should be read alongside this Local Authority document.*

School Run Delivery Benefits and Disadvantages

Benefits	Disadvantages
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 for children 2 and above.	
Established business infrastructure already in place.	

Partnership Models for Private or Voluntary Run Childcare Provision

Schools may identify a need for childcare services such as early years provision, wraparound care, or holiday clubs. In some cases, they may prefer not to run these services directly, especially if the site already accommodates services operated by external private or voluntary organisations. Instead, schools can explore partnerships with existing businesses or providers to deliver these services, allowing the external organisation to manage operations, meet regulatory requirements, and ensure quality service delivery.



Working in partnership with Ofsted-registered providers—including out of school clubs, childminders, nurseries, pre-schools, or other schools—can help meet parental demand for flexible childcare. These services may be located on or off the school site.

Working with Private or Voluntary Sector Providers

Partnering with a private or voluntary run business enables schools to offer childcare without direct involvement in day-to-day management. These providers are responsible for meeting all relevant standards and regulations. To support effective collaboration, schools and providers should maintain strong communication and consider formal arrangements such as:

- Service Level Agreements (SLAs) for shared premises, access, and responsibilities, complementing formal tenancy documents.
- Regular meetings and opportunities for providers to engage with school governance to ensure alignment and a shared vision.
- Governing body representation on voluntary sector boards or committees, especially where there are skills gaps, to strengthen management and oversight.

Benefits of Working with Childminders

- Flexible use of school premises (e.g., before/after school or holidays).
- Reinforces the school's involvement in the child's care.
- Offers parents more childcare options.
- Supports quality assurance of wraparound services.
- Enables small schools to offer viable childcare solutions.

Benefits of Working with External Providers on School Sites

- Provider expertise in inclusive, age-appropriate activities.
- Familiar and convenient same-site provision for children.
- Additional income from facility use outside school hours.
- Employment opportunities for school staff.
- No additional management responsibility that can impact on workload/capacity of current staff.
- No direct financial risk to school.
- Separate Ofsted grading.

Considerations of Working with External Providers on School Sites

- No control over the running of the service.
- Separate Ofsted grading - may adversely affect school reputation if poor, as parents may view service as linked to school or vice versa linked to the school grading.

Regardless of the partnership model, schools must ensure that all providers understand and uphold their responsibilities to safeguard and promote the welfare of children. This includes proper vetting of all staff—paid or volunteer—before they begin working with children.

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.

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>*

Identifying Suitable Premises for Childcare Provision

When planning to offer childcare in a school, one of the first steps is to find a suitable space. The type of space needed will depend on the age of the children and the kind of childcare being provided. For children aged 0–5, there are specific rules about space, toilets, and outdoor areas. These are set out in the Statutory Framework for the [Early Years Foundation Stage](#).



Before making any decisions or agreements with external childcare providers, the school must identify and consult the landlord of the site. This could be:

- The local authority (LA)
- A diocese
- A local trust

It's important to know who owns or controls the premises, as formal permission must be obtained before any changes are made. This may involve legal services and official documents like leases or licences, which will outline costs and conditions for using the space.

In some cases, especially for academy schools where the premises are still owned by Warwickshire County Council (WCC), a lease agreement, including rental charges, will be required.

Staffing Requirements for Childcare in Schools

Staffing must follow the rules set out in the *Statutory Framework for the Early Years Foundation Stage* and/or the *Childcare Register*. These rules may vary depending on how the childcare service is delivered.

Key points to consider:

- Qualified staff must be available at all times, including during lunch periods for nursery-aged children.
- Staff must hold the correct qualifications. Not all teaching assistant or teacher qualifications are equal to Early Years qualifications. For example, a Level 3 Teaching Assistant qualification may not meet the requirements of a Level 3 Early Years qualification.
- You can check staff qualifications using the [Early Years Qualifications Finder](#) or the [Check an early years qualification service](#).

Before hiring or transferring staff:

- Get advice from your HR service to make sure contracts, pay scales, and job roles are appropriate.
- Be aware of financial implications, especially if the school is taking over a private or voluntary childcare setting. Staff may need to be moved to higher-paying school contracts.
- If staff are transferring from a setting that is closing or changing hands, TUPE (Transfer of Undertakings) rules may apply. HR advice must be followed carefully in these cases.

Financial Considerations

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

If a school offers childcare for children under 8 years old, the service will usually need to be registered and/or regulated by Ofsted.

However, if the childcare is run directly by the school, a separate Ofsted registration is not needed—unless the care includes children under 2 years old.

For services delivered through Section 27 (governor-led) or extended school provision, schools must still follow all statutory requirements, even if a separate Ofsted registration isn't required.

*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>

Delivery model options for schools

Adding a nursery service can help schools make better use of their budget, staff, and available space. This is especially beneficial for schools in rural areas or those experiencing lower pupil numbers.



Foundation Unit Model

Schools may consider a foundation unit model for children aged 3 and above. This involves combining nursery and reception children in one shared space. To do this successfully:

- There must be enough space in the existing reception classroom.
- Statutory staffing ratios must be maintained at all times.
- Schools must follow the Early Years Foundation Stage (EYFS) Statutory Requirements and the Infant Class Size Regulations.



Stand -Alone Nursery Provision

Alternatively, schools can set up a stand-alone nursery if there is enough demand to make it financially viable. This model can include mixed-age care, such as 2- and 3-year-olds being cared for together.



Grouping and Safety

When planning nursery provision, schools must carefully consider:

- How children are grouped by age.
- Ensuring compliance with statutory requirements.
- Maintaining high-quality care and education.
- Addressing health and safety needs, including appropriate resources for different age groups.



Extended provision for a 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 Financial Considerations - page 14.

The setting may be signed up with Warwickshire County Council to provide funded places for eligible 9 month olds+ (meeting specific eligibility criteria), 2 year olds (meeting specific eligibility criteria) and all 3 (term after third birthday) and 4 year olds up until statutory school age.

Provider Responsibilities

- Must sign an annual Provider Agreement. The provider agreement (contract) is signed setting down specific criteria that must be met by the provider. Ensure you have read a copy of the provider agreement.
- The setting must maintain appropriate levels of quality and if the Ofsted grading falls below acceptable levels funding may be withdrawn.
- Subject to funding health checks and audits by the Council. A funding health check and audit may be undertaken by the Council at any time to ensure appropriate use of funds.
- Must allow access to funded hours free of charge (charges for meals, consumables, and extras must be transparent)

Annual Funded Hours

- **2-Help / Universal Entitlement:** 570 hours/year (15 hrs/week over 38 weeks)
- **Working Parent / Extended Entitlement:** 1140 hours/year (30 hrs/week over 38 weeks)
- **Stretch Option:** Can be spread over more than 38 weeks (up to 52 weeks) if the provider is open for more than 38 weeks.

Funded Places in Childcare Settings		
Age Group	Entitlement	Criteria
9 months+	30 hours (working parents)	Working parents with valid HMRC code
2-year-olds	15 hours (2Help)	Eligibility criteria met & approved application – for families in receipt of additional financial support.
2-year-olds	30 hours (working parents)	Working parents with valid HMRC code
3 & 4-year-olds	15 hours Universal	All children from term after 3rd birthday



Funded Places in Childcare Settings		
Age Group	Entitlement	Criteria
3 & 4-year-olds	30 hours Extended	Working parents with valid HMRC code
Foster Children (9m, 2y, 3y+)	Same entitlements	Must align with care plan & foster parent employment criteria

Please note: Entitlements begin **the term after** the child reaches the qualifying age.

Funding Rates

Current hourly rates can be found on the website by accessing the specific terms funding information letters. [Early Education Funding Entitlements – Education and Early Years providers \(warwickshire.gov.uk\)](#)

Further Information

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 (WCC) Requirements of Early Years Entitlements Funding 2025
- Warwickshire County Council (WCC) Guidance for Early Years Entitlements Funding 2025.

Please visit the WCC website to access the current editions:- [Early Education Funding Entitlements – Education and Early Years providers \(warwickshire.gov.uk\)](#)

Community Facilities Powers – Maintained schools – Essential Information

A governing body cannot engage in activity that might interfere with their duty to promote high standards of educational achievement at the school. 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.

Who should schools consult before starting? - 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, section 7.17 Control and community use of school premises – Maintained School governance guide - [Maintained schools governance guide - 7. Compliance - Guidance - GOV.UK \(www.gov.uk\)](#)

Before governing bodies make the decision to undertake delivery of any services using community facilities powers robust due diligence processes must be undertaken to make sure everything is safe, legal and well-planned.

Extended Activities/Services – Academies – Essential Information

Academy trusts are able to offer before and after school and holiday care activities. Academy trusts must change their age range to be able to offer extended services for 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 [Academy trust governance guide Section 7.15 - Academy trust governance guide - 7. Compliance - Guidance - GOV.UK \(www.gov.uk\)](#)

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 for Extended Services

To ensure the long-term viability and sustainability of extended services, it is essential to develop a comprehensive Business Plan and Financial Forecast



Business Plan Development

- A written business plan must be produced and reviewed annually.
- The plan should include:
 - A clear vision and objectives for the service.
 - An overview of the target market and intended users.
 - A summary of the service offer and delivery model.
 - A marketing strategy to promote the service.



Market Research

Conduct market research with:

- Families
- The local community
- Potential users

This research should:

- Identify needs and demand
- Highlight key considerations
- Inform final decisions about the service offer



Supporting Evidence

Decisions made by the school leadership team should be supported by:

- SWOT analysis (Strengths, Weaknesses, Opportunities, Threats)
- Competitor analysis
- Any other relevant data or insights



Financial Forecasting

The financial forecast must:

- Cover a minimum of three years
- Be presented quarterly (ideally monthly)
- Include detailed assumptions that are realistic and evidence-based
- Clearly break down monthly income and expenditure



Cash Flow Analysis

A cash flow analysis must be included to:

- Identify any timing gaps between income and expenditure
- Highlight potential temporary deficits or overdrafts
- Propose how these will be funded, ensuring:
 - Any shortfall is charged to the extended service
 - The school's main budget is not used





Consultation

When developing services using community facilities powers or offering extended activities, schools should consult with:

- School staff
- Pupils
- Parents/carers and families
- The wider community

Schools should also consider local businesses and providers, including other schools and childcare settings, as part of this process.

How to consult effectively:

- Use questionnaires or short surveys to gather views.
- Ask questions that will inform decision-making and support business planning.



Statutory Duties

If a maintained school or academy trust provides or commissions extended services/activities:

- The governing body or trust is legally accountable for these services.
- They must ensure all decisions comply with statutory requirements and the school's governing documents.
- Regularly review any school-run provision to ensure compliance.



Staffing

When taking on new services, schools must follow legal staffing requirements, including:

- TUPE regulations if taking over an existing provision (e.g., a voluntary preschool closing and the school taking over).
- Seek advice from HR support teams and implement their guidance.

Staff qualification requirements:

- For early years provision: Refer to the [Early Years Foundation Stage](#) (EYFS) statutory framework.
- For school-aged childcare: Refer to the [Childcare Register requirements](#) [Childcare Register Guidance](#)

Check staff qualifications:

- [Early Years Qualification Finder](#)
- [Check an Early Years Qualification](#) - (Results can be saved or printed.)



Equal Opportunities

Schools must have due regard to:

- Eliminating unlawful discrimination
- Promoting equality of opportunity
- Fostering good relations within the community



Financial Duties

Schools must establish robust financial procedures for extended services, separate from the main school budget.

The Dedicated Schools Grant (DSG) must not be used directly to fund extended services.



Extended services may be charged for, and income must cover all associated costs. This must be assessed before launching any new service.

Consult the school's finance officer to ensure proper financial systems are in place.

Costs such as staffing may be higher due to terms and conditions. Pricing structures must reflect all expenditures.

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 are not covered by existing SLAs with the County Council.

Services from WES (e.g., Payroll, ICT, DBS checks, HR, Finance, Insurance) for extended service staff or expenditures will incur additional costs.

These costs must be covered by income from the extended service and included in 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.



- Safeguarding roles.

If specific areas are used outside normal hours, fire assembly points and first aid facilities may need relocation.

Policy documentation should include a dedicated section or appendix for extended hours use.

Schools must not relinquish accommodation during or outside school hours if it affects school use, without LA consent.



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

When delivering school-run provision, leadership teams must consult WES or alternative support providers for relevant advice.



Reporting - CENSUS/SIMS

The Department for Education (DfE) requires Local Authorities to carry out an Early Years Census of all providers of funded 9 month olds and 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 recorded 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 2025

Annex A - Useful Contacts

<u>Organisation</u>	<u>Contacts</u>	<u>Support</u>
WCC – Early Years & Childcare Entitlements, Sufficiency & Business	Mandy Latham – Strategy Manager - Early Years Sufficiency and Entitlements mandylatham@warwickshire.gov.uk Tel: 01926 742216	
	Early Years and Childcare Sustainability Officer earlyyears@warwickshire.gov.uk	Business support, marketing, sustainability, offering funded places, Ofsted registration & requirements
WCC – Early Years Entitlements Team	Tel: 01926 742233 eyfunding@warwickshire.gov.uk	Advice and support for Early Years providers of Working Parent Entitlements and Universal 3 & 4 year olds funding
WCC - 2 Help Team	Tel: 01926 742218 2help@warwickshire.gov.uk	Advice, support and referrals for 2 Help funded places
WCC – Governor Services	https://www.warwickshire.gov.uk/school-governors	Information and advice on governor duties and training courses
HM Revenue and Customs (HMRC)	https://www.gov.uk/government/organisations/hm-revenue-customs Tel: 0905 915 8213	Tax, NI, employment advice
Information Commissioners Office (ICO)	https://ico.org.uk/ Tel: 0303 123 1113	Data Protection and GDPR
Action For Children	www.actionforchildren.org.uk Tel: 01923 361 500	Professional body supporting childcare sector
Early Years Alliance (formerly Preschool Learning Alliance)	https://www.eyalliance.org.uk/ Tel: 020 7697 2500	Professional body supporting childcare sector

National Day Nurseries Association	www.ndna.org.uk Tel: 01484 40 70 70	Professional body supporting childcare sector
Foundation Years	www.foundationyears.org.uk	EYFS, sector specific updates, current information, consultations
ACAS	www.acas.org.uk Tel: 0300 123 1100	Free advice for employment issues
Charity Commission	https://www.gov.uk/government/organisations/charity-commission	Compliance and registration for registered charities
Companies House	https://www.gov.uk/government/organisations/companies-house Tel: 0303 1234 500	Compliance and registration for registered companies
Ofsted	https://www.gov.uk/government/organisations/ofsted Tel: 0300 123 1231	Registration information and compliance
Central Government	www.gov.uk	Employment, DBS, pensions, childcare legal requirements etc.
Community And Voluntary Action	http://www.wcava.org.uk	Support for voluntary sector
Cov & Warks CDA	http://www.cwcda.co.uk/home	Support for voluntary sector
WCC - Schools Finance	Yvonne Staniforth: Education Finance Manager Tel: 01926 412923 Email: yvonestaniforth@warwickshire.gov.uk	For any queries regarding schools funding
WCC - MIDAS Team	Tel: 01926 414100 Email: ictdsservicedesk@warwickshire.gov.uk	Information and support with SIMS/Agora

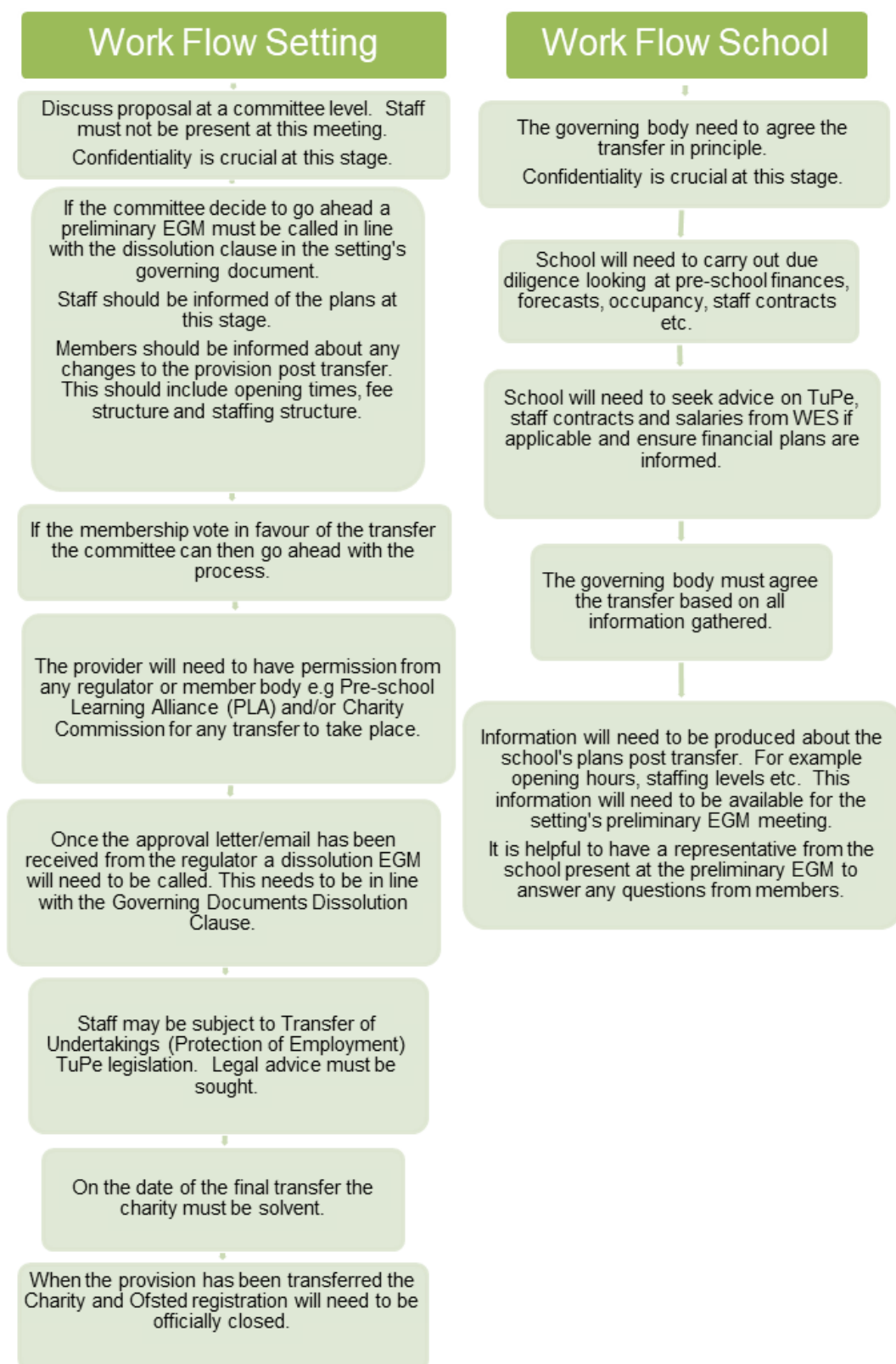
WCC – HR Team	Tel: 01926 412370 Email: - hradvice@warwickshire.gov.uk	Information and support with HR
WES - Warwickshire Education Services	www.warwickshire.gov.uk/Wes Tel: - 01926 412210	Support for schools

Annex B - Additional Resources

Publication	ISBN / Information
Working Together to Safeguard Children	Obtain from: - www.gov.uk/publications/working-together-to-safeguard-children
Keeping Children Safe in Education	Obtain from: - https://www.gov.uk/government/publications/keeping-children-safe-in-education--2
Voluntary but Not Amateur	ISBN 978 1 906294 07 6
Early Years Foundation Stage (EYFS)	Statutory Framework, Early Years Outcomes, A Know How Guide - https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2
Requirements of the Childcare Register	https://www.gov.uk/government/organisations/ofsted Tel: 0300 123 1231
Requirements of the Early Years Register	https://www.gov.uk/government/organisations/ofsted Tel: 0300 123 1231
WCC Requirements of Early Education and Childcare Funding Entitlements	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 or this can be located from the below website link under 'Guidance Documents' Early Education Funding Entitlements – Education and Early Years providers (warwickshire.gov.uk)

WCC Guidance for Early Education and Childcare Funding Entitlements	<p>WCC Funding Office – See contact sheet</p> <p>This document will usually be re-issued each academic year - please contact the Early Years Funding office for a current copy or this can be located from the below website link under 'Guidance Documents'</p> <p>Early Education Funding Entitlements – Education and Early Years providers (warwickshire.gov.uk)</p>
Important information and forms for funded providers	Early Education Funding Entitlements – Education and Early Years providers (warwickshire.gov.uk)
Getting It Right Legally	www.playwork.co.uk
Out of School Alliance	www.outofschoolalliance.co.uk
Early Years Alliance publications – various	<p>https://www.eyalliance.org.uk/</p> <p>Tel: 020 7697 2500</p>
Business Toolkits	<p>Group setting cost calculator co-produced with Merton and Coram PACEY through DSF funding - https://www.pacey.org.uk/working-in-childcare/nurseries/group-setting-cost-calculator/</p> <p>NDNA – Business Zone NDNA Business Zone http://www.ndna.org.uk/NDNA/News/Early_Years_Business_Zone.aspx</p>
Childcare works	<p>Provider business planning support -</p> <p>https://childcareworks.org.uk/hub-for-providers/introduction</p>

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



Annex D - Flowchart for partnership working in schools

