

**DERBYSHIRE COUNTY COUNCIL****CABINET****10 September 2013****Report of the Strategic Director for Children & Younger Adults****Guidance for Childcare on School Sites – (Children and Young People)****1. Purpose of Report**

To seek the approval of the Cabinet to publish and distribute guidance for schools to assist them in establishing and maintaining childcare provision on the school site.

**2. Information and Analysis**

The Government would like to see schools as hubs within communities, especially for working parents.

In July 2013 the DfE published “More Affordable Childcare” which states:

*“Childcare is a major concern for many families..... The traditional school day of 9.00am – 3.00pm does not always fit the demands of working parents in modern society. Too few schools offer activities before or after school that match the childcare needs of parents in full-time work.*

Making better use of schools is one of the actions within “More Affordable Childcare”. The Government would like to see primary school sites open for more hours in the day, from 8.00am – 6.00pm and more weeks in the year, by offering a blend of education, childcare and extra-curricular activities.

Although many schools are keen to extend the school day to incorporate out of school activities, there are many elements in delivering this that need careful consideration.

The Guidance for Childcare on School Sites (Appendix A) provides guidance and advice from a number of relevant Local Authority Services to assist head teachers and governing bodies to meet the requirements of Ofsted as well as the Local Authority’s financial and human resource requirements.

**3. Financial Considerations**

Where possible, this document will be made available by electronic means. Copies will be placed on the Learning Platform, which is accessed by schools. Copies will also be provided by e-mail. However, there will need to be some hard copy versions available and there will be a cost for printing etc. In order to produce 200 copies, a budget of £40 will be required and this will be met from the 2011/13 Childcare Sufficiency budget.

4. Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime & disorder, health, legal & human rights, human resources, equality of opportunity, environmental, property and transport considerations.

5. Key Decision

No

6. Strategic Director's Recommendations

That Cabinet approves the printing and distribution of the Guidance for Childcare on School Sites

**Ian Thomas, Strategic Director for Children & Younger Adults**

# **CHILDCARE ON SCHOOL SITES**

## **GOOD PRACTICE GUIDANCE**

### **DRAFT**

## **SCHOOL RUN CHILDCARE**

Childcare for school aged children can form a vital role within schools. Many working parents are now looking for something beyond the normal school day. However, this does not mean that every school has to offer on site childcare.

Operating high quality childcare is an additional responsibility that takes time, commitment, knowledge and skill. Over the past few years, many schools have successfully worked in partnership with providers from the voluntary, community and independent (VCI) sector to provide this care on site or made arrangements for children to be 'collected' by an external partner organisation and taken to an offsite location.

However, legislative changes in September 2008, enabled schools to run childcare including breakfast, after school, holiday care and wraparound care for nursery aged children as part of the school registration. The law requires that all relevant school policies and procedures extend to include these additional hours, and type of provision.

Although, on site childcare provision may be beneficial in terms of flexibility and control, there are a number of factors that governing bodies and head teachers should consider before making a decision. This document aims to outline some of those issues.

### **GUIDANCE FROM THE CHILDCARE IMPROVEMENT SERVICE (SUFFICIENCY)**

The governing body/head teacher will need to consider how to achieve the long term sustainability of any childcare provision created. In order to do this they will need information on the current supply of childcare in the locality and the level of demand from parents who are prepared to pay for these additional hours.

The local authority Childcare Improvement Service (Sufficiency) can provide you with information on current supply, together with any information held in relation to demand. They will discuss with governors the various delivery options and, should you wish to engage a partner to deliver childcare for your school, assist you in the commissioning process.

Should the school decide they wish to deliver the childcare directly; the Childcare Improvement Service (Sufficiency) will be able to assist you in the undertaking of market research and in developing a business plan which should clearly show future viability and include as a minimum the following sections:

- Market research which demonstrates substantial demand
- Consultation with existing providers
- Operational management – staffing, fees, times, premises, governance
- Marketing and promotion
- Financial forecasts
- Financial management

Once you are up and running they will continue to offer business support in order to help you with the longer term sustainability of the provision.

**Email:** [enquiries.sufficiency@derbyshire.gov.uk](mailto:enquiries.sufficiency@derbyshire.gov.uk)

Telephone: 01629 532598

## GUIDANCE FROM OFSTED

### Early Years Age Group (Birth to 31<sup>st</sup> August following their 5<sup>th</sup> birthday)

Inspections of childcare, for example before and after school clubs, that provide for any child from the Early Years Foundation Stage (EYFS), will focus on partnerships, liaison with Early Years Foundation Stage teachers, and the appropriateness of the activities for young children. All of the welfare requirements of the EYFS will apply. Please see the link below for further information.

<http://www.education.gov.uk/schools/teachingandlearning/curriculum/a0068102/early-years-foundation-stage-eyfs>

All provision on a school site that is **managed by the governing body** will be inspected in a '**single inspection**'. The inspector will take account of any extended provision and make judgements on the care offered, guidance and support, and leadership and management as well as on the Early Years Foundation Stage.

Inspectors will look for information about the additional provision in the school's SEF relating to the childcare offered to ensure that the school can demonstrate that it meets the requirements of the Early Years Foundation Stage and/or ensures that, where required, the childcare provision is separately registered with Ofsted Early Years and complies with the necessary registration requirements. The school will need to be clear about who **manages the childcare** on the school site and whether it is separately registered or not. If the childcare provision is run by a VCI provider and is separately registered with Ofsted Early Years, it will be subject to an early year's inspection. The findings of such inspections however can be taken into account during any subsequent inspection of the school.

### Later Years Age Group (Commencing from 1<sup>st</sup> September following their 5<sup>th</sup> birthday)

The provision of childcare for pupils older than five and up to 17 must have regard for the requirements of the Ofsted **childcare register**. The most important consideration will be whether there is any risk to children's **health, safety and wellbeing**.

**All childcare managed by the governing body should have systems in place that;**

- Ensure that all adults are 'suitable' – i.e. they hold an enhanced Disclosure and Barring Service (DBS) check. The principals of safe recruitment apply in that all those having unsupervised contact with children must have been suitably checked and vetted, and records held.
- There must be an appropriate level of supervision; **for children over five and up to eight there should be at least two people over the age of 18 working with a ratio of one staff member for every eight children subject to a minimum of two staff at any one time. For children aged eight and over at least two people over the age of 18, regardless of the number of children attending.**
- There must be contingencies in place for staff absences and dealing with emergencies, i.e. other appropriately qualified staff to call on.

- Adults caring for the children should be appropriately qualified; in **provision for children under eight the manager/supervisor should have an appropriate level 3 qualification, and at least half of the staff should have an appropriate level 2 qualification. For children aged eight and over at least one person should have a relevant level 2 qualification or training in the common core skills**
- There should be a qualified first aider always available.
- The premises where the childcare is offered should be safe, for example children are not able to leave unnoticed, and no-one can enter the provision unnoticed.
- There should be safe and suitable equipment for the children to use.
- There should be a policy, procedure and training in child protection
- Annual risk assessments should be carried out.
- There should be appropriate systems in place for managing children's behaviour
- There should be appropriate provision for children of a wide age range ensuring that the care of older children does not have a negative impact on younger children.
- Equality of opportunity should be ensured so that children are not treated less favourable by reason of race, home language, family background, gender, religion or disability.
- There should be clear records of attendance, accidents, and any medicines administered.
- There should be a complaints procedure and records of complaints kept.
- There should be a confidential reporting code in place and is publicised to parents.
- Information should be made available for parents about the activities children will undertake
- Appropriate insurance should be in place.
- Corporal punishment should not be used.

### Who needs to register?

The table below is taken from the Ofsted childcare factsheet 'Registering school based provision' reference number 080291 or available to download by clicking this link - <http://www.ofsted.gov.uk/resources/factsheet-childcare-registering-school-based-provision>  
It is recommended that you check the above factsheet to check whether you need to separately register your provision.

Situation	Who should register?
The governing body at a school employs an individual to provide childcare.	Registration isn't required providing at least one child attending is a pupil of the school and no children are aged under three. If registration is required, the governing body would need to register.
The school commissions an individual or organisation to provide childcare on its behalf. The commissioned person employs staff to work in the setting and is responsible for the service, its policies and practice.	The individual or organisation commissioned to provide the service
The school lets a room to a person or organisation for the provision of care.	The person or organisation renting the premises and providing the childcare
The governing body sets up a committee to have full responsibility for the running of the out-of-school care provision. The committee	The committee responsible for providing the care

does not report back to the governing body.	
The headteacher and some members of the governing body form a committee to provide the care (even if they do not report back to the governing body as a whole).	Registration isn't required providing at least one child attending is a pupil of the school and no children are aged under three. If registration is required, the governing body would need to register.
The governing body sets up a committee to have responsibility for the management and running of the out-of-school care provision. The committee reports to the governing body.	Registration isn't required providing at least one child attending is a pupil of the school and no children are aged under three. If registration is required, then the governing body would need to register.
The out-of-school club is run by a parent committee who have full control of the day-to-day care provided.	The committee
The school uses a childminding network to provide its wrap-around care before and after school.	Each individual childminder
The school rents a local community centre with two more schools.	Registration isn't required providing at least one child is a pupil at each of the schools and no child attending is aged under three. If registration is required, the governing bodies would need to register if they are jointly responsible.
The headteacher directly manages the childcare but does it on behalf of the school.	Registration isn't required providing at least one child attending is a pupil of the school and no children are aged under three. If registration is required, the governing body would need to register.
The headteacher employs a manager to provide childcare and does this on behalf of the school.	Registration isn't required providing at least one child attending is a pupil of the school and no children are aged under three. If registration is required, the governing body would need to register.
The local authority runs childcare in one school and provides a bus service for all local schools to participate.	The local authority would need to register if they employ the staff providing the childcare.
The local authority commissions an individual or organisation to provide childcare on its behalf in one school, and the local authority provides a bus service for all local schools to participate.	The individual or organisation commissioned to provide the childcare

### Childcare on the school site provided by other bodies

All childcare provision on a school site that is **not managed by the governing body** must normally be registered with Ofsted. Such provision will be inspected at the same time as

the school, where practically possible as a '**parallel inspection event**'. However, the inspections will remain as separate entities in line with the different legislation.

Where a partner provider is providing childcare on a school site the governors should have a **Transfer of Control Agreement (TOCA)** in place so that other bodies are responsible during the times specified. The Governing Body of a community school must obtain the local authority's consent before entering into a TOCA that transfers control during school hours. Governors should seek assurance that these other bodies have appropriate policies in place to safeguard children.

Although the school is not responsible for the quality of care provided by these organisations, if there is evidence that the provision may be inadequate or putting children at risk, inspectors will consider the nature of the school's responsibility in this situation, which may be considerable if it is, for example, renting out its space to a group of parents. Inspectors will also consider the school's management of its relationship with the partner organisation and whether this has implications for judgements on the school itself, for example in its leadership and management. As highlighted earlier in this guidance, the outcomes of an inspection of privately provided childcare on school sites may therefore impact on a subsequent inspection of the school.

## **GOVERNING BODY INVOLVEMENT RECOMMENDED PROCEDURE**

The proposal to provide school run childcare should be discussed at a full Governing Body meeting. Formal approval from the Governing Body should be obtained and recorded, particularly if the Governing Body is agreeing to act as the legal body. The Governing Body should formally minute that they delegate daily responsibility to the Head teacher or other nominated person. A Governor or committee should be nominated to have monitoring responsibility. The full Governing Body should receive regular reports from the Head teacher or nominated person/committee regarding progress, financial information and any relevant management or operational issues.

### **Using School Funds to Support School Run Childcare**

Headteachers must provide the Governing Body with a forecast of the income and expenditure for any childcare provision as part of the budget planning process. Should there be an anticipated shortfall, any contribution from the school budget must be agreed in advance by the Governing Body and recorded in the minutes. This amount cannot be exceeded without first taking this to a Governing Body meeting and the agreement to further funding clearly recorded in the minutes.

Governing Bodies must take into consideration that, although the school's delegated budget can be used to fund this activity, they must be satisfied that this will not interfere to a significant extent with the performance of any duties imposed on them by the Education Acts, including the requirement to conduct the school with a view to promoting high standards of educational achievement. The agreed amount must not be exceeded without a further application to the Governing Body and approval recorded in the minutes. Governing Bodies wishing to financially assist a partner childcare provider where this is not run as part of the school activity, should do so by approving a grant from the school budget. Again, any such grant must be clearly recorded in the Governing Body minutes.

### **Using School Funds to Support On Site VCI Childcare**



If the Governing Body wishes to give subsidised premises costs to a VCI provider, this must also be agreed in advance by the Governing Body and recorded in the minutes and follow the same procedure as stated above. In addition an agreement must be put in place with the VCI childcare provider to provide Audit Services the guaranteed rights of access at all times to the records and staff of the partner organisation.

## **GUIDANCE FROM LEGAL SERVICES**

### **1. Legal Background**

The Education Act 2002 gave governing bodies of maintained schools power to run community focused services and facilities for the benefit of pupils at the school, or their families, or any person who lives or works in the locality in which the school is situated. Such community provisions could include childcare. Under the Children, Schools and Families Act 2010 there is a requirement (not yet brought into force – August 2013) that governing bodies consider the exercise of such powers at least once every school year. The power enables governing bodies to incur expenditure, enter into arrangements or agreements with any person, co-operate with, facilitate or co-ordinate the activities of any person, and provide staff, goods, services and accommodation to any person. However, it is subject to any limitations in the school's instrument of government and the local authority's financial scheme for schools.

When exercising these powers, governing bodies are required to have regard to advice given from time to time by the Department for Education ('DfE') and by the local authority. Under the current DfE guidance issued in 2011, schools now have greater freedoms and flexibilities to decide how best to use their budgets to support extended services for the benefit of their pupils. To achieve this, extended services should be integrated into the school improvement plan. Governing bodies must exercise their powers according to the local authority's financial scheme, and are required to consult with the local authority, staff, parents and other relevant persons before setting up such arrangements. Governors must also be satisfied that anything they propose to do will not significantly interfere with their other duties, particularly their duty to promote high standards of educational achievement. Schools must also have regard to the local Children and Young Persons Plan.

There are a number of different governance models by which a school can facilitate childcare on its premises.

Should a school wish to work in partnership with an organisation from the private, voluntary and independent sector, they should ensure that a Transfer of Control Agreement (TOCA) is in place. However, there is still a responsibility to ensure that the partner has appropriate policies and procedures in place, particularly in relation to safeguarding, inclusion and safer recruitment, and even where a TOCA is in place, the governing body will retain some liabilities under the Occupiers Liability Acts, and so will need to be satisfied that the provider's staff are properly trained, for example, in emergency evacuation procedures and keeping accident records. Schools must obtain consent from the local authority (Community and Voluntary Controlled Schools) or the Secretary of State (Foundation and Voluntary Aided Schools) before entering into a TOCA which applies during school hours (Schedule 13 of the School Standards and Framework Act 1998).

Alternatively, a school may decide that it wishes to directly manage the services on site. There are a number of advantages and disadvantages to this model which schools should consider prior to choosing this model of provision.

## **2. Advantages**

- The governing body/head teacher would retain full control over the services provided.
- The services will be run according to the cultural ethos of the school.
- Schools can retain any profit derived from the service, which must be reinvested in the school or the service.
- The school's arrangements for staff recruitment and vetting, and record keeping, will apply.

## **3. Disadvantages**

- The governing body would be responsible for the provision of the services and therefore accountable. It must ensure that the provision is properly controlled, supervised and risk assessed to fall under the local authority's insurance.
- The governing body would be liable for any deficit arising from the provision of services. Any deficit would need to be met by funding from sources other than the school's delegated budget.
- The governing body would retain control over the finances/and administration of the services. The school may need to employ additional staff to deal with this extra work. If existing staff are used then those staff would need separate contracts of employment for the additional duties undertaken. Again, additional costs would need to come from sources other than the school's budget share.
- The governing body/head teacher would need to dedicate additional time to overseeing the running of these services (any time spent by the head teacher should be out of school hours). Governing bodies would need to have regard to the work/life balance requirements for head teachers, and ensure that teachers' conditions of employment are fully met.

## **4. Issues for Consideration**

- A school may use its delegated budget for extended activities that bring an educational benefit to children, but it is not lawful for the delegated budget to be used to support facilities which are purely for community purposes such as childcare or sporting activities. School accounting procedures must distinguish between activities that can and can't be funded from the delegated budget, and records of decisions concerning extended activities should identify whether delegated budget funding can be used. All additional costs relating to extended activities, including an apportionment of overheads such as power, wear and tear and caretaking, must be separately funded.
- Any charges made for extended activities must comply with the legal requirements for permitted charges, and be set out in the school's charging policy.
- The school's complaints procedure must include a procedure for dealing with complaints relating to any community facilities established by the governing body.
- School governing bodies are bodies corporate and, generally, individual governors will not have personal liability provided they act in good faith.
- Depending on the circumstances, a school proposing to make extended childcare provision may need to follow a statutory process for extending its age range.
- Since the community activities must further a charitable purpose, for the benefit of pupils or people who live and work in the school's locality, schools would not

normally expect to make significant profits from providing extended services. Schedule 13 of the School Standards and Framework Act 1998 imposes a statutory duty to have regard to the desirability of community use, and this would normally take precedence over more commercial activities.

- In a Community or Voluntary Controlled School, where the child care provision is managed directly by the governing body, staff will be employed by the local authority. For Foundation and Voluntary Aided Schools, the governing body will be the employer. The governing body will need to be satisfied that the provision is sustainable over a longer term and be aware of the financial implications of redundancy should the provision not be sustainable. Specialist schools HR/personnel advice should be sought.
- If a school takes over childcare provision from another provider, or transfers its provision to a private provider, staff employed in the service may be entitled to automatic transfer under the Transfer of Undertakings Protection of Employment Regulations (TUPE).
- Enhanced CRB checks should be made for staff carrying out 'regulated activity'. 'Regulated activity' relating to children comprises work/activity that is carried out regularly which involves:
  - (i) Unsupervised activities: teaching, training, instructing, caring for or supervising children; providing advice/guidance on well-being; or driving a vehicle only for children;
  - (ii) Work for a limited range of establishments ('specified places'), with opportunity for contact; for example, schools, children's homes, childcare premises. This does not include work by supervised volunteers. Governing bodies have a duty to carry out risk assessments to ensure that staff/volunteers are appropriately supervised.
- It is important for schools to understand the definition of 'regulated activity' because:
  - (i) If you knowingly allow a barred person to work in a regulated activity, you will be breaking the law;
  - (ii) If you have dismissed or removed a person from a regulated activity because they pose a risk or have harmed a vulnerable child or adult, or you would have done so if they had not left, you must notify the Disclosure and Barring Service;
- Care or supervision of children is a regulated activity, as is driving a vehicle used to convey children. It is essential that anyone driving a vehicle and transporting children is properly licensed, insured and the vehicle is maintained in a roadworthy condition. Evidence of these checks should be provided.
- The governing body should ensure that childcare offered through the school is registered with Ofsted, if required. Childcare provided directly by the governing body, for pupils from its own school who are three or over, does not require separate Ofsted registration, and will fall under the school's inspection arrangements. Childcare for children under three, whether provided directly by the governing body or by others, and childcare for children under eight provided by a third party, must be registered. Provision which is only for children who are not pupils at the school, or provision made off-site, must also be registered. Although

provision for children over eight, made by third parties, need not be registered, schools are expected to make arrangements only with voluntarily registered providers, to ensure that standards and criteria are met. Parents should be made aware that they are responsible for checking the quality of any private childcare signposted by the school, but the governing body should also assure itself of the quality of any services endorsed by the school.

- The governing body will need to be satisfied that there is suitable insurance cover, including adequate up to date public liability insurance for any third party provider.
- Where the governing body provides extended services directly, the school's child protection arrangements will apply. Where the services are provided by a separate body, the school should seek assurance that the body has appropriate safeguarding procedures in place, and that there are arrangements to liaise with the school on such matters, where appropriate. There should be clear lines of accountability, including written agreements about responsibility for staff recruitment and vetting, insurance, health and safety, food hygiene, child/adult ratios, security, access to the premises and contingency arrangements. Schools should also consider information sharing agreements.
- The governing body will need to comply with its inclusion duties, including the equality duty as set out in the Equality Act 2010.

This legal guidance has been written in order to flag up the main issues involved in a school setting up its own provision. School staff or governors of schools subscribing to the Legal Services Package are encouraged to contact the Legal Services department at the County Council directly should they require any specific advice on their own circumstances.

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## **GUIDANCE FROM SAFEGUARDING**

### **Child Protection**

The childcare provider must comply with Derbyshire's Safeguarding Children's Board Policy and Procedures – a copy of these procedures can be accessed at <http://www.derbyshirescb.org.uk/procedures/>. The policies and procedures are about managing suspicions or allegations of abuse to children until they reach the age of eighteen.

Whilst all these procedures are relevant, the childcare provider should ensure that staff and volunteers are aware of Section 4, particularly 4.1:

**“Everybody has a duty to be alert to the welfare of children who they come across in the course of their work or in other situations, and to take action to protect and**

**safeguard them. Consequently referrals to Children's Social Care can come from many sources including families, concerned individuals or other agencies".**

And the subsequent paragraphs 4.2 to 4.7:

The provider must have procedures in place to identify children in need and take appropriate action.

Policies and practice must be consistent with the Council's guidelines on intimate care, such as limiting the number of staff providing intimate personal care to the minimum possible.

The policies and procedures must include safe recruitment practices.

Your Safeguarding Policy should, as a minimum, include the following:

- Date of policy
- Correct terminology ie Social Care rather than Social Services, Derbyshire Safeguarding Children Board (DSCB) replacing ACPC
- Contact details to be provided - Call Derbyshire (08456 058 058), DSCB (01629 532178).
- Clear referral pathways should be included (flow charts are helpful) and who to contact if queries arise about the safety or welfare of children
- Clear definitions of abuse including a sentence on children being abused or **at risk** of abuse/harm.
- Information Sharing Arrangements and working in partnership with parents/carers (Derbyshire's Information Sharing Protocol), including seeking consent to any referrals for additional services, Common Assessment Framework (CAF) etc
- Explicit reference to procedures for dealing with any allegations made about staff and/or volunteers
- Complaints procedure
- Whistle blowing procedure
- Staff/Volunteers code of conduct/behaviour.
- Safe recruitment practices including DBS checks, checking references and qualifications etc.
- The organisation should check each application with the applicant's National Insurance number and against a document with a photo such as a driving licence.
- Procedures should be in place to ensure regular updating of DBS checks
- Training of staff and volunteers
- Risk assessments should be undertaken for any activities planned off the school site e.g. trips, outings.
- There should be a clear anti-bullying policy in place and staff trained to keep children safe. There should be clear guidance regarding the safe use of any ICT equipment.
- The safeguarding policy should be reviewed every three years.

## **GUIDANCE FROM HUMAN RESOURCES**

If the governors/head teacher decides to secure the services of a partner to deliver the required childcare, the partner would have responsibility for the recruitment of staff. The governors/head teacher would, however, be expected to ensure that all staff are recruited

following safer recruitment policies and that all have up-to-date DBS checks, and be able to demonstrate this at inspection should they be required to do so.

If the governors/head teacher decides to deliver the childcare themselves and recruit staff as part of the school establishment, all the normal and usual conditions of service and contractual policies, procedures, and practices, will apply to jobs which provide or contribute to childcare arrangements. In employment terms it is no different to the arrangements for jobs which provide or support educational provision.

As the provision is likely to be new, head teachers or governors are advised to contact Children and Younger Adults Department Human Resource Services to discuss employment related issues they might have. These are likely to include:

### **Type of Job**

Schools may wish to establish new jobs to provide childcare exclusively, extend existing jobs, or a mixture of both options.

The Authority has access to a range of job descriptions and person specifications which have already been evaluated and are in use elsewhere for jobs in childcare provision. These may be useful to schools to avoid duplication and avoid equal pay issues.

It is important to consider the purpose of different jobs and the range of knowledge, skills, experience, and qualifications, required to fulfil that purpose.

There may also be national minimum standards for some jobs.

### **Employment Checks**

All the usual employment checks such as references, medical clearance and, in particular, enhanced DBS, will be required.

### **Contractual Arrangements**

The type of contract of employment will depend on individual school's circumstances and arrangements for childcare provision. Temporary, part time, permanent and full time jobs are all available as options. Each combination will have its benefits and implications. Schools will need to consider these to ensure the most appropriate arrangements for their circumstances.

### **Management and Cover Arrangements**

Schools will need to consider appropriate line management and supervision arrangements for jobs providing and or supporting childcare. Also, what cover and relief arrangements for absences due to ill health and other unforeseen circumstances, can be put in place quickly when needed.

As the Authority's Human Resources Service is a traded service any changes to the charging for the employment of childcare staff will be included in the document titled: Human Resources: Services for Derbyshire Schools.

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**Telephone:** 01629 585734

## **GUIDANCE FROM FINANCIAL SERVICES**

### **Financial Guidance for Extended Services**

Recent documentation from the Secretary of State sets out directed revisions for community facilities and extended services, which states:

For staff employed under the community facilities power, the default position is that any costs must be met by the governing body, and can be funded from the school's delegated budget if the governing body is satisfied that this will not interfere to a significant extent with the performance of any duties imposed on them by the Education Acts, including the requirement to conduct the school with a view to promoting high standards of educational achievement. Section 37 now states:

- (7) Where a local education authority incur costs
  - (a) in respect of any premature retirement of any member of the staff of a maintained school who is employed for community purposes, or
  - (b) in respect of the dismissal, or for the purpose of securing the resignation, of any member of the staff of a maintained school who is employed for those purposes, they shall recover those costs from the governing body except in so far as the authority agree with the governing body in writing (whether before or after the retirement, dismissal or resignation occurs) that they shall not be so recoverable.
- (7A) Any amount payable by virtue of subsection (7) by the governing body of a maintained school in England to the local authority may be met by the governing body out of the school's budget share for any funding period if and to the extent that the condition in subsection (7B) is met.
- (7B) The condition is that the governing body are satisfied that meeting the amount out of the school's budget share will not to a significant extent interfere with the performance of any duty imposed on them by section 21(2) or by any other provision of the Education Acts.
- (9) Where a person is employed partly for community purposes and partly for other purposes, any payment or costs in respect of that person is to be apportioned between the two purposes; and the preceding provisions of this section shall apply separately to each part of the payment or costs.

The local authority has various codes, set out below, which assist schools in having internal controls for their extended service activities. It is strongly advised that all these provisions are identifiable for your accountability, audit checking and are shown within Derbyshire's Financial System. Therefore all payroll records, related income and expenditure, are shown separately within the schools Financial System.

Your procedures and internal arrangements should be clearly shown within your Financial Procedures and Regulations; these will be reviewed and agreed by the Governing Body each year.

The recommended general ledger codes are:

<b>Description</b>	<b>General Ledger Code</b>
Income is banked promptly in its entirety	231080
Resources	146150
Staffing costs should be separate and identifiable within your system.	111500 – 515

We recommend due to the volatile nature of extended services that until this provision is proving financially sustainable, that wherever possible staff are employed on a relief basis or a minimum contractual basis. Where existing school employees perform extended services roles then a new employee number should be created. For one off additional hours, event number STHFBEZ should be used.

Any extended services staffing costs incurred elsewhere in the budget should be transferred in school to codes 111500 – 515 to ensure internal controls.

With any extended service provision, the school should do it's best to at least break even. When a loss does occur this should not have any negative detriment on the educational provision the school delivers.

Any loss within the extended services provision should be reported to the Governing Body, and minuted that it is been "topped up" by the school budget and discussions to see if it is sustainable.

## **GUIDANCE FROM INSURANCE SERVICES**

### **Insurance for Childcare Arrangements**

By following this insurance guidance you will ensure that the Childcare arrangements taking place on your premises are properly insured. The Risk and Insurance Section will answer any further queries you may have and the contact details are set out below.

The Council's blanket policies only provide cover for DCC maintained schools and settings. Academies and settings not maintained by DCC should refer to their own insurance advisers for advice concerning their insurance cover.

### **School Run Arrangements**

**Covered automatically** by the Council's blanket policy: Governor run schemes; schemes that are Governor approved and managed by the Headteacher, or other Council personnel; other Council approved and run schemes including Council/School owned and operated companies.

It is essential that schools take advice from the authority regarding employment of staff, specific training requirements, financing the operation and health and safety (including risk assessment). Schools will also need to take legal advice if they are considering setting up a company to run the scheme. Where schools follow the advice offered by the authority, they will be insured under their normal school insurance policies, details of which can be found in the Finance/Risk and Insurance section on the CAYA extranet. The cover includes all legal liability and property insurance, including your Balance of Risks cover for school contents.

### **Externally Provided Arrangements**



Other schemes **need their own insurance** e.g. those provided by Voluntary Management Committees or Private sector providers. The types of insurance and the levels of cover required will be set out in the draft contract wordings.

It is recommended that the appointment of an external provider is formalised by using a TOCA. The County Council's Legal Services Section will provide advice on how to do this and they have a draft TOCA wording that can be adapted for individual school's needs.

Under the draft agreement, the provider agrees to indemnify the Council (the school and the governors) in respect of claims arising out of the provision of the service. They are also required to arrange employers and public liability insurance and provide evidence that they have done so to the school. If you need assistance, the Council's Risk and Insurance Section, County Hall will check the insurance details for you when you have received them from the provider.

Whilst the provider's insurance arrangements will be the "first line" cover, you will be protected by the normal insurance arrangements should a claim fall back on the school.

**Risk and Insurance Section contact details:**  
**General advice and Claims: 01629 538888**

## **GUIDANCE FROM HEALTH AND SAFETY**

Schools choosing to provide before and after school childcare will need to ensure that they have considered the health and safety implications of what they propose to do.

It is impossible in this document to cover in detail specific guidance on each activity carried out as these are likely to vary significantly from setting to setting. In many cases, however, the existing guidance and risk assessments issued by the Local Authority Children and Younger Adults Department should be able to be adapted to suit what you are doing.

The following outline key issues likely to require addressing in each setting and, as above, guidance on many of these is available via the Extranet.

### **Risk Assessments**

Schools will need to ensure that they concentrate on addressing real risks and do not focus on the trivial. The hazards from the activities being carried out should be considered and those presenting a risk should be subject to a risk assessment in line with Local Authority training and guidance, for example access to kettles and toasters etc.

If existing risk assessments are to be utilised then consideration will need to be given to the ages of those using the club as these may be different to those children in school who were considered on the original assessment. Risk assessments should be carried out by competent persons, if necessary staff should attend risk assessment training.

### **Supervision/Staff**

Schools must ensure that the before/after school club has suitable supervision ratios for the numbers, ages and activities being catered for and that these staff are competent to supervise these activities. There should be a nominated person responsible for managing the club and a named deputy.

If schools are using partner organisations (or any other external providers) to deliver activities on their behalf, then schools must ensure that they have ascertained the competence of the partners/external providers' staff to deliver the activities they are delivering. As well as checking that the partner organisations have in place the necessary insurance and safeguarding procedures, the school should also ensure that these organisations are managing safety effectively.

### **First Aid**

There should always be an appropriately trained first aider available.

### **Food Hygiene**

If food or snacks are being produced or served then this must be done in line with good food hygiene and assured safe catering standards. At least one member of staff involved must hold an appropriate food hygiene certificate.

### **Fire**

The fire risk assessment for the school must take into account the before/after school activities and the staff need to be made aware of its findings. There will need to be a separate fire evaluation procedure relevant to the location, staffing, layout and numbers at the club and regular fire drills will need to be carried out and recorded. The fire alarm should be suitable, fully operational, and be capable of being heard whilst the club is in operation. Suitable fire fighting equipment must be provided. Consideration will need to be given to the operating hours and there may be a need for emergency lighting or some method of ensuring safe evacuation routes in the hours of darkness. It is essential that attendance registers for out of school activities are kept.

The fire fighting equipment and alarm system must be tested and maintained in accordance with Local Authority guidance.

### **Emergency**

The club must have ready access to a telephone or other suitable means of raising the alarm for emergency situations.

### **Security**

Consideration will need to be given to the location and opening hours of the club and the potential security issues this may present either for the club or the school. For example, staff may have previously worked alone in the school with the building locked. They may become more vulnerable if parts of the building are not secure during the opening hours of the before or after school provision.

### **Registration**

There must be a suitable and robust registration process to ensure that the club staff are aware who is/isn't in the club at any time. This will allow suitable roll calls to be taken in

emergency situations. It should also be used to ensure attendees are collected from the club in accordance with agreed procedures and by the correct person(s).

## **Equipment**

All equipment used in the club must be regularly inspected and a procedure put in place to ensure, that if this is no longer fit for use, it is removed and either repaired or disposed of.

**Contact:** your Area Health and Safety Adviser  
**Email:** [HealthandSafetyCAYA@derbyshire.gov.uk](mailto:HealthandSafetyCAYA@derbyshire.gov.uk)  
**Tel:** 01629 536525

Once your club is set up and running there is support from the local authority in terms of advice and guidance. In addition you may wish to take out a service level agreement with the school meals service in order to use the facilities of the kitchen.

## **GUIDANCE FROM SCHOOLS MEALS SERVICE**

### **Use of Kitchens**

Schools who have a Service Level Agreement with the Catering Service and wish to use the kitchen out of hours should contact the relevant Operational Catering Manager for advice. The use of the kitchen will be under the Catering Service Letting Procedure. Schools without a Service Level Agreement will make their own arrangements as now.

The general guidance for use of kitchens is that only adults may use the kitchen and must be suitably trained to use the equipment safely prior to the letting taking place. Alternatively a member of the catering staff could be asked to act as a custodian. A charge is levied for the use of the kitchen and to pay the custodian. The kitchen must be left clean and safe. The catering staff will sanitize surfaces prior to normal production resuming after the letting.

### **Free School Meals for Children aged Three and Four Years**

Eligible children, who attend for the funded nursery education on a full day basis, i.e. 9.00 am to 3.00 pm, qualify for a free school meal. This does not apply, however, if a child attends for a morning session of nursery education and the parent pays for additional hours of childcare in the afternoon.

## **GUIDANCE FROM FAMILIES INFORMATION SERVICE (FIS)**

### **Duty to provide information, advice and assistance**

Section 12 of The Childcare Act 2006 states that local authorities must provide to parents or prospective parents information about:

- Childcare; and
- other services, facilities or publications which may be of benefit to parents, prospective parents, children or young people.

Local authorities' Families Information Services (FISs) play a vital part in informing parents of the support available in their area. They gather and maintain information about local

services and activities which is then published in the Family Information Directory which can be accessed on the county council website [www.derbyshire.gov.uk/fis](http://www.derbyshire.gov.uk/fis)

In Derbyshire parents can also access information via the local authority contact centre Call Derbyshire on 08456 058 058 or 01629 533190.

### **Marketing and promotion**

It is recommended that when developing a business plan one of the key sections should be - Marketing and Promotion.

FISs are an important source of **free advertising** for schools as they provide families with details of childcare and other support services in the area. Schools should make sure that the FIS knows about all its extended services, particularly activities available during the school holidays – and keeps it updated.

To take advantage of this **free advertising service** schools should contact Derbyshire FIS.

**Email:** [info.fis@derbyshire.gov.uk](mailto:info.fis@derbyshire.gov.uk)  
**Telephone:** 01629 535793

### **Assessing the sufficiency of childcare**

Schools may choose not to advertise their services to parents through the FIDy, FIS or Call Derbyshire but it is still important that they inform the FIS of any childcare they offer.

The reason for this is that although FIS is automatically notified by Ofsted of any registered childcare it also needs information about school run childcare to have a complete picture of all the childcare available in Derbyshire. This enables the Local Authority to identify gaps and inform the development of new provision.