Appendix A

Guidance procedure for School Governing Bodies planning to manage childcare provision

The term "Childcare" means any form of care for a child including education and any other supervised activity outside of normal school hours. It does not include education or any other supervised activity provided by a school during school hours for a registered pupil who is not a young child. (See Childcare Act Part 1 Interpretation 18)

Preliminary research and discussion

Operating high quality childcare is a great responsibility that takes a substantial amount of time, commitment, knowledge and skill. In the first instance Governing Bodies are advised to work in partnership with existing local childcare providers to develop an integrated approach towards meeting the childcare needs in their community (see Childcare Options section of this document). If, following thorough research and consultation, a Governing Body considers that they are the most appropriate organisation to create new childcare places or to take over the management of existing childcare places they should seek advice and guidance from Cumbria Children’s Services – please email Vanessa Connor, Resource Projects Team Leader with a brief description of your proposed provision. vanessa.connor@cumbriacc.gov.uk

Guidance and information can also be obtained through the DCSF Extended School Guidance available on www.teachernet.gov.uk however as a brief guide the following points should be considered:

- **The Cumbria Childcare Sufficiency Assessment** e.g. the impact of creating childcare for 3 year olds on provision for 2 year olds locally, if this is currently for mixed 2 and 3 year olds. It may make the mixed childcare unsustainable and lead to losing childcare provision for 2 year olds.
- **Recent, good quality market research** - this should be carried out to identify need for childcare within the community as parents and children’s needs change rapidly over time (This would form part of the business plan).
- **The cost of childcare** - All childcare is charged for except free Nursery provision entitlement sessions. Rates are dependant on individual business plan costs, local market rates and competition
- **Long term sustainability** of childcare
- **Working Tax Credit** - Some families may be able to access up to 80% of childcare cost through the childcare element of the Working Tax Credit scheme
- **Cumbria Children’s Services Childcare Programme**’s out of school funding is available to support the creation of new childcare in areas of identified need.

Advice and guidance on all these elements can be sought from Children’s Services by contacting Vanessa Connor, as above.

**Governing Body involvement – recommended procedure**

- The proposal to manage childcare provision should be discussed at a full Governing Body meeting.
- Formal approval from the Governing Body should be obtained and recorded in the minutes that the Governing Body agrees to act as the legal body.
- The Governing Body formally minute that they delegate daily responsibility to the Head Teacher or other nominated person.
- A Governor or committee is nominated to have monitoring responsibility.
- The Full Governing Body should receive regular reports from the Head Teacher, Governor or sub-committee Chair regarding progress, financial information and any relevant management or operational issues.
- Legal responsibility rests with the Full Governing Body. If the childcare does incur a third party claim, the ultimate responsibility rests with the local authority provided the Governing Body has not been negligent or acted fraudulently.
- A business plan should be prepared prior to beginning the operation of childcare that clearly shows future viability and includes as a minimum the following sections:
  - market research which demonstrate substantial demand
  - consultation with parents, pupils, staff, local authority and the community including other childcare providers
  - SWOT analysis
  - operational management – staffing, fees, times, premises, insurance
  - governance
  - development plan, including timescales
  - marketing and promotion
  - financial management
  - financial forecasts

**Funding and Financial considerations**

**Use of delegated budgets**

“A school’s delegated budget, or ‘budget share’, is the funding that schools receive from the local authority for the ‘purposes of the school’. Although the meaning of this term is not spelt out fully in legislation, it covers all the teaching and learning activities that schools are required to deliver for their pupils, or for pupils registered at other maintained schools (where, for example, they are working collaboratively). Legislation does set out certain activities that are not ‘purposes of the school’, and which schools therefore cannot fund from their delegated budget, and these include the provision of community facilities. (At present the only exception is for maintained nursery schools, where schools may fund community facilities, including childcare, from their delegated budget.)” If a school has an age range of 4 – 11 it cannot operate a nursery using funding from extended services provision as the children benefiting would not be pupils of the school. ¹

**Costs**

‘The governing body will need to agree a reasonable apportionment of costs between childcare and school activities to cover additional expense including heat and light, water, equipment and materials, refreshments, staff, cleaning, maintenance, wear-and-tear, programme management and administrative support.’²

Schools may be able to access the extended services allocation through their ‘School Standards Grant’.

The school should set up separate budget/accounts for the childcare to enable effective monitoring of the childcare provisions financial sustainability.
Appendix A

Staff employment issues/considerations

- Cumbria County Council terms and condition would apply
- Job descriptions and person specifications are available through the school portal link.
- Staff who are already employed by the school in a different capacity do not necessarily have to be paid on the same rate of pay and conditions when working in childcare; this would be a separate post with its own terms and conditions attached. i.e. a separate contract
- Schools should seek advice from their Human Resource provider

Consultation with the Local Authority

Approval in writing must be obtained from the Local Authority before the commencement of childcare and/or the recruitment of childcare staff by taking the following steps:
- Discuss proposal and develop business plan with Cumbria Children’s Services Officer(s)
- Submit completed business plan to Cumbria Children Services Resource Projects Team who will then evaluate the business plan and submit to the Childcare in Schools Panel
- The Childcare in Schools Panel will meet to discuss the proposals and will either approve or reject the project.
- The Local Authority has the power to withdraw delegation if there is a financial difficulty

Childcare options

Childminders

There may be local childminders in your area that are providing before/after school and holiday care for school aged children. Schools can signpost parents to the Children and Families Information Service (CFIS) Tel 08457 125 737 for details of these childcare providers.

Private or voluntary providers of full day care, before/after school care, holiday clubs and play schemes

Schools could work in partnership with private day nurseries or before and after school clubs which are currently operating in the area to provide childcare for families in the school. Details of providers in your area can be obtained from the CFIS.

Childcare in the school, run by voluntary management committee

A voluntary management committee which would include parents and local community representatives can be set up as a separate legal entity. The voluntary management committee would manage a childcare provision on the school site and register with Ofsted. This type of provision once registered with Ofsted and operating as a childcare provision can also separately apply to be registered with the Local Authority to provide free nursery education for children aged 3-5 years, therefore able to access funding for this.
Appendix A

Childcare in the school, run by external private provider

The school would enter into a service level agreement with the childcare provider who would register with Ofsted to deliver the childcare. The school would then work in partnership with the private childcare provider. This type of provision once registered with Ofsted and operating as a childcare provision can also separately apply to be registered to provide free education for children aged 3-5 years.

Childcare within school, run by governors

Under Section 27 of the Education Act 2002 governors are able to provide community activities and services. This would mean the governors would set up the childcare provision, register with Ofsted (if required see below) as the accountable body, and manage the staff and provision. Therefore parents using this type of provision will have to pay for childcare services.

Childcare operated directly by the Governors for children 3 years and over (including breakfast, after school, holiday and wraparound care) do not need to register with Ofsted separately, provided at least one child using the provision is a pupil of the school. They still need to comply with relevant regulations e.g. EYFS welfare requirements. This childcare will be inspected as part of the school Ofsted inspection.

Please note that this type of provision will not be able to claim funding to provide free nursery education. Schools are only funded for nursery provision when they have 3-11 status, when funding is provided within the school's budget.

Childcare operated by the Governors for children 2 years and under will have to be registered with Ofsted separately.

Links to childcare in other schools

In order for childcare provision to be sustainable, schools could consider that one school provides childcare for a number of schools in the area and suitable transfer arrangements are made. The schools not providing the childcare would signpost parents to this.

Change of age range to admit 3 year olds

Where a school wishes to explore the option of changing its age range to allow 3 year old pupils to be admitted it should first discuss the issue with a member of the School Organisation Projects Team (01228 226038). To change the age range of a school involves a long (mainly legal) process that takes around a year to complete and there are no guarantees that it will be successful (see attached flow chart). As it is virtually impossible to reverse once the process has been completed Governing Bodies should think very carefully before embarking on it and examine all the other childcare options.
Appendix A

Changing the age range of a school should in no way be seen as an option to maintain a school’s financial viability as the cost of providing nursery education for small nursery pupil numbers could, in some circumstances, require the school’s budget to subsidise the provision to the detriment of other areas. As well as looking carefully at the budgetary implications the Governing Body should also be aware that three year olds can apply to be admitted to the school each term (from the start of the term following their third birthday). This results in different numbers and funding each term and requires careful management.

Admissions as a three year old to the nursery are subject to a separate policy. Admission to the nursery does NOT guarantee a place in the reception group of a school. Community and Voluntary Controlled schools follow the county LA nursery admission policy. Voluntary Aided and Foundation School’s are required to write/develop their own nursery admission policy.

Provision for young children needs careful consideration to ensure that their needs are met without having a negative impact on the education of the existing pupils. It is generally not appropriate for nursery children to be included in classrooms with Key Stage 1 pupils. Adequate changing areas and rest areas will need to be provided and nursery children will need free flow access to a suitable outdoor area.

1. Planning and funding extended schools: A guide for schools, local authorities and their partner organisations. Page 43-43 www.teachernet.gov.uk

2. Childcare in Extended Schools providing opportunities and services for all. Page 22 & 23
Flowchart for developing early years or childcare provision

Need for Early Years and/or Childcare researched and identified

Contact Resource Projects Team Leader (Vanessa Connor) vanessa.connor@cumbriacc.gov.uk

School is put in touch with Early Years and Childcare team for support and advice

Identify options

<table>
<thead>
<tr>
<th>Existing registered childcare</th>
<th>Links to childcare in other schools</th>
<th>Childcare in the school, run by external private provider</th>
<th>Childcare in schools, run by voluntary management committee (VMC)</th>
<th>Childcare within school, run by governors</th>
<th>Change of age range to include maintained nursery class</th>
</tr>
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</table>

Signpost

Signpost and/or work in partnership with other schools

- Conduct market research
- Consult with local childcare providers, staff, Governors and local authority

Ensure lease and/or service level agreement in place

VMC to establish itself as separate legal entity - Early Years and Childcare team can help with this

Governors agree to accept legal responsibility for the operation and management of childcare

Governors agree to accept legal responsibility for the operation and management of nursery

Develop business plan

Develop business plan

Develop business plan

Source start-up/revenue funding if required

Source start-up/revenue funding if required

Source start-up/revenue funding if required

VMC operate and manage childcare

Seek CCC approval for project

Seek CCC approval to proceed to formal consultation

Governors operate and manage childcare

Formal consultation process (see separate chart)
Appendix A

Change of Age Range - School Organisation Process Flow – Overview

**Application**

School makes a formal application to the Nursery Panel to be considered for a change of age range. A range of stakeholders and others are contacted while the application is assessed. This may include the local member, any local providers, nearby schools and if appropriate the Church Diocese.

Nursery Panel determines whether or not a change of age range is the appropriate way forward. If so the appropriate ASOG looks at possibility. *School will be notified of panel decision within 5 Working days.*

**Cabinet 1**

Cabinet (or Children’s Services Spokesperson) decides whether to agree to go to full consultation

**Consultation**

Full consultation on proposed age range change with parents, governors, partners etc. Required consultation, defined (non-statutory) process guidelines. *This generally is for no less than 6 weeks most of which will take place during school term.*

Cabinet Member presents results of consultation to Cabinet, with officers’ to provide guidance where appropriate. *ASAP after end of consultation period, usually within 6 weeks.*

**Cabinet 2**

Cabinet considers results of consultation and decides whether to publish statutory proposals for each change

**Representations**

Formal public consultation on statutory proposals. Defined statutory process - legal notices, representation period. *The representation (objections) period is 6 weeks from date of publication. That date is usually 13 working days after the Cabinet meeting.*

Proposal sent to Cabinet who make decision on whether or not to implement the statutory proposals.

**Cabinet 3**

Cabinet reach decision (or pass to Adjudicator if decision not reached) *This must be within 2 months of the end of the representation period*

Cabinet decision acted on. *This usually takes place at the start of an academic year.*

*The whole process usually takes a minimum of 12 months from panel meeting until implementation.*