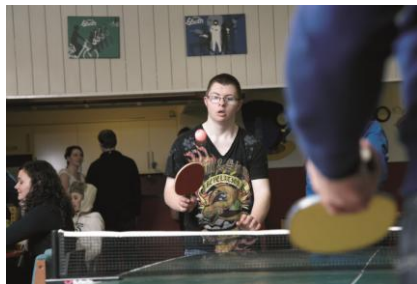


Guidance on Managing Childcare Provision Under Extended Schools Legislation



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GUIDANCE ON MANAGING CHILDCARE PROVISION **UNDER EXTENDED SCHOOLS LEGISLATION**

Purpose

1. This document provides for the basic concept of running childcare under Extended Schools legislation, where all other options have been explored. However, this is not an exhaustive document and additional information can be obtained from the Childcare Strategy and Business Management Service. In light of this statement it is recommended that the senior leadership team of the school and the school governing body access training opportunities to understand and ask questions about delivery of childcare on individual school sites. They should also keep in close and regular contact with the authority in the event of issues arising that staff in the local authority such as legal services, could advise on.

Context

2. The Childcare Strategy and Business Management Service are committed to working in partnership with the voluntary, independent, and private sectors, to offer childcare provision across the city for children aged 0-11 years. In the first instance we should always look to these sectors to offer this provision, as they often have the expertise and knowledge to deliver quality childcare on a school's behalf.
3. There is a strong tradition of delivering childcare through private and voluntary provision in York and this can offer greater diversity and choice for parents. The Early Years and Childcare workforce within these sectors have huge experience in meeting the statutory Welfare Standards to ensure a quality childcare experience for all children. Out of School Clubs have existed as a sector since 1982, and have grown significantly between 1999 and 2004 with the previous government's Childcare Strategy.
4. The Local Authority provides access to training opportunities as part of a strategy to raise the quality of provision. It also provides other support and challenge to providers to ensure high quality; however, this can only be an influencing role in the form of recommendations as providers are accountable to Ofsted for delivery. The Local Authority and York CVS support trustees or committee members of childcare to help ensure they work in a way that limits their personal liabilities.
5. It is recognised that in some instances there is a lack of private or voluntary providers willing to come forward to meet the demand for childcare places. It is in these circumstances, and only as a 'last resort', that the School Governing Body should consider establishing their own childcare provision. Before deciding to manage their own childcare

provision, school governors should consider this guidance to support them in their decision-making.

6. After consideration of the recommendations in this guidance, if schools nevertheless wish to pursue running their own childcare provision then they should consult the Director of Adults, Children and Education. The reason for this is because such a decision will have implications for the Local Authority as the employer, and the Director will need some assurance that the business plan is sound. Please note that TUPE may also apply to sites where there has previously been provision supplied by the voluntary or independent sectors.
7. A route map is attached at Annex 1 which sets out the steps to securing childcare provision. Guidance on tendering procedures can be sought from the Childcare Strategy and Business Management Service.

Extended Services legislation

8. The Education Act 2002 gave governing bodies the power to run community services (sections 27-28). Schools are able to provide integrated services such as health services, childcare, or adult education, by working in partnership with other providers as a resource for the whole community.
9. This legislation is continually reviewed and updated and we recommend that should schools make a decision to run their own childcare provision, they should seek advice from the Childcare Strategy and Business Management Service to ensure there is compliance with all relevant legislation. It is important that schools take this advice as the Extended Schools legislation differs significantly from the framework for schools.

Early Years Foundation Stage (EYFS)

10. The Early Years Foundation Stage (EYFS) is a framework that provides assurance that provision for young children helps them to thrive and keeps them safe. It is based on the assumption that what happens in a child's early years has a major impact on that child's future life chances.
11. Effective practice in the EYFS is built on four guiding themes. They provide a context for the requirements and describe how practitioners should support the development, learning and care of young children. The themes are each broken down into four commitments describing how the principles can be put into practice.
 - A Unique Child
 - Positive Relationships
 - Enabling Environments
 - Learning and Development

12. EYFS is set out in two sections; the Learning and Development Requirements and the Legal Requirements relating to welfare.
13. There are six areas covered by the early learning goals and educational programmes:
 - Personal, Social and Emotional Development;
 - Communication, Language and Literacy;
 - Problem Solving, Reasoning and Numeracy;
 - Knowledge and Understanding of the World;
 - Physical Development;
 - Creative Development.
14. The EYFS statutory framework states that none of the six areas of learning can be delivered in isolation from the others. All depend upon each other to support a rounded approach to development. All must be delivered through planned purposeful play with a balance of child initiated and adult lead activities.
15. **The Welfare requirements have the force of regulation and must be met by all providers.**
 - They are based on the principle that children learn best (or play best) when they are healthy, safe and secure, when their individual needs are being met and when they have positive relationships with adults and others.
 - They are designed to support providers in creating places that are welcoming, safe and stimulating and where children are able to enjoy learning through play, to grow in confidence and to fulfil their potential.
 - The General legal requirements are expanded upon with more detailed Specific legal requirements.
 - There is also statutory guidance within the EYFS pack that is to be used when seeking to fulfil the legal requirements.
16. Safeguarding and promoting children's welfare

The provider must take necessary steps to safeguard and promote the welfare of children.

The provider must promote the good health of the children, take necessary steps to prevent the spread of infection, and take appropriate action when they are ill.

Children's behaviour must be managed effectively and in a manner appropriate for their stage of development and particular individual needs.
17. Suitable people

Providers must ensure that adults looking after children, or having unsupervised access to them, are suitable to do so.

Adults looking after children must have appropriate qualifications, training, skills and knowledge.

Staffing arrangements must be organised to ensure safety and to meet the needs of the children.

18. Suitable premises, environment and equipment
Outdoor and indoor spaces, furniture, equipment and toys must be safe and suitable for their purpose.
19. Organisation
Providers must plan and organise their systems to ensure that every child receives an enjoyable and challenging learning and development experience that is tailored to meet their individual needs.
20. Documentation
Providers must maintain records, policies and procedures required for the safe and efficient management of the settings and to meet the needs of the children.

The EYFS Profile and Observations

21. The EYFS Profile is a way of summing up each child's development and learning at the end of the EYFS. It is based on observation and assessment of the child's achievements, interests and learning styles. It is completed by the child's primary care setting, (usually the School or Nursery) – however, Out of School settings should feed in their observations about the child, where appropriate.
22. Observations by the primary setting are matched to the expectations of early learning goals and are also used to identify learning priorities and to plan relevant and motivating experiences. Out of School settings must make ongoing observations on children in the early years group. Observations should not be intrusive, and recordings of these need not be time consuming.

Section 5 Ofsted Inspection

23. Annex 2 sets out details of the Section 5 Inspection. Private, voluntary and independent providers need to work to ensure they are meeting Ofsted requirements. Although the inspection process is different for schools running their own childcare, the Early Years Foundation Stage is still monitored through the Section 5 Inspection.

Schools Working in Partnership with Existing Childcare Provision

24. This is the preferred option for delivering childcare and values the expertise and knowledge of these providers. It is also evident that schools who encourage providers onto the school site, make an appropriate space available, are supportive of the childcare staff and management group, and facilitate close working relationships can have a positive impact on the quality of provision.
25. The Partnership element of current school Ofsted inspections considers the quality of relationships, and the school's role and influence on the quality provided by an external partner, and vice versa.
26. Good collaborative working relationships offer opportunities for the school to support the childcare, and on other occasions for the childcare to support the school, for example, by the exchange of staff which also contributes to the smooth transition of children moving between settings. Good working relationships are important as parents/carers often perceive the school to have responsibility for childcare delivered on the school site.
27. Where childcare is delivered by a provider on a school site, Ofsted will inspect this provision at the same time as the school as part of the current 'Parallel Inspection'. The school is not responsible for the quality of care provided by other organisations. However, if provision on the school site is deemed inadequate, Ofsted would:
 - consider the nature of the school's responsibility in this situation; and,
 - consider whether the school's management of its relationship with the provider has implications for the judgements on the school.

School Governing Body

28. Good collaborative arrangements could extend to offering school governors to become part of a voluntary committee, if the group agrees this would strengthen management arrangements. Where there is a skills gap on a voluntary management committee, i.e. operating in a commercial arena, some school governors may be able to bring their own personal experience.
29. It is essential that there are regular and frequent opportunities for childcare groups to be invited to contribute to governors meetings, in order to ensure that there is a shared common purpose, vision and aspirations evolving around meeting the childcare needs and improving outcomes for children. A perfect opportunity to do this is through Shared Foundation Partnerships, to draw on existing relationships and value the contribution that each partner can bring.

30. The arrangement above would also be strengthened by active involvement of a relevant and appropriate nominated school governor to champion the childcare provision.

Service Level Agreements/Operational Protocols

31. Where childcare provision is on a school site and run by an external provider, it is strongly recommended that an Operational User Group is established with Service Level Agreements (SLA) and Operation Protocols put in place. These kinds of protocols give a clear understanding to the provider about expectations in terms of site use and quality of delivery. The SLA should have two appropriately named contacts, one for the school and one for the provider, to ensure that there is accountability of the expectations being met in full. (The Business Support Officer, Education Resources, would advise on the appropriate mechanisms to achieve this).

Day to Day Transition Information Sharing

32. Where there is a clear and legitimate purpose for sharing information between the school and the provider, this should be encouraged when children are moving between school and other childcare settings. This will ensure that the provider can adequately prepare and meet the needs of individual children so that they receive tailored support where necessary, and therefore a quality experience.
33. Ofsted places a requirement on providers to share information in relation to a child's Early Years Foundation Stage Profile and therefore there are opportunities to request and share information together.

Schools Delivering their own Childcare Provision

34. The Childcare Strategy and Business Management Service recommend that if schools decide to deliver their own childcare provision then this should only be as a very 'last resort'. Delivery of childcare run by the school is not a decision that should be taken lightly and there must be careful consideration by the Headteacher and School Governors of important implications for both the school and the Local Authority.
35. The Director of Adults, Children and Education should be consulted prior to any decision being made and this should come from the Headteacher and School Governors. It would also be helpful to receive details of the following:
 - Three year business plan showing sustainability
 - Contingency to meet any potential budget deficit that cannot be met by reasonable fee increases or fundraising activities
 - Evidence of Demand that minimises impact on nearby providers
 - Demonstrating use of the school funds in the most efficient and effective way to support the childcare provision
 - Collaboration with other schools in the locality who may wish to benefit from the service
 - Links to the local Shared Foundation Partnership where appropriate
36. Following consultation with the Authority, the Director may ask the Governing Body to take into account additional considerations before any decision is finalised. In particular, the authority will need to be reassured that the Governing Body is fully aware of the potential HR and budgetary consequences in both the short and the long term, and that it will take all reasonable steps to limit the impact of business failure.
37. If the Director is agreeable to the request then representatives of the Childcare Strategy and Business Management Service and Early Years, Learning and Welfare Service are able to provide advice, support and challenge in the setting up and delivery of the childcare provision. The school must inform Ofsted and register the provision as appropriate.

Roles and Responsibilities

38. If a school is running its own childcare under Extended Schools legislation then roles and responsibilities are essential for their smooth running. A childcare management sub-group of the full Governing Body should be the responsible structure for the accountability of the delivery of provision. This is to embed the childcare provision within the wider responsibility of the school and the corporate responsibilities of the Local Authority. The sub-group and/or the childcare manager must report back at regular intervals on the quality of the provision.
39. The individuals on the childcare management sub-group should have the capacity to provide half-termly attendance at their meetings and have at

least four hours termly to carry out any tasks as deemed necessary. The management sub-group individuals should also have both relevant experience or knowledge of childcare and most importantly time to support the provision. The time involved should not be underestimated.

40. The potential impact on the capacity of the Headteacher and Manager to deal with any issues arising in the provision where the relevant management body cannot be reached is also important.
41. A summary of roles and responsibilities is set out in Annex 3.

Ofsted Inspections

42. Where the childcare is the direct responsibility of school governors, it is vital that the Childcare Strategy and Business Management Service can work with schools to ensure they understand the implications for their Section 5 Inspection. It is important the Headteachers and School Governors understand these implications so as not to impact negatively on inspection judgements for their school and thus the reputation of the school.
43. The childcare provision would be inspected with any other Early Years Foundation Stage provision and it is detailed in the relevant section of the School Inspection Report. If the quality of the childcare provision does not meet the requirements then this may impact on the overall judgement for the school. For example in cases where there are issues of safeguarding, Ofsted will consider whether to place the school in a category of concern.

Policies and Procedures

44. It is good practice for the childcare provision to have its **own** clear set of policies and procedures. It is not enough to expect that school policies can easily cover the childcare provision, and each one should be looked at individually to ensure it is in line with the statutory Welfare Standards. Sample policies are available from the Extended Services Unit.
45. By the childcare provision having its own policies and procedures, then this also makes it clear to Ofsted **who** is taking responsibility for the provision when it is in operation. This is also important for Early Years children, as in practice it is better to have separate policies to ensure that all staff within the setting are clear about their roles and responsibilities.

46. Legal

The Head Teacher and Governing Body should use Legal Services for advice in relation to negotiations around running childcare and the setting up of contracts. Legal Services will also advise on the most effective way to limit liabilities on the School Governing Body.

Finance

47. The childcare provision should be set up showing long term financial viability over a minimum period of no less than three years. It should be clear that the school is not able to contribute to any shortfalls so the provision must be sustainable. There are additional burdens on the Local Authority pay bill for redundancy if the provision is no longer sustainable. The School Business Support Team can offer advice and guidance on sustainable business planning.
48. It should be emphasised that childcare competes against commercial organisations who are clear about 'childcare business planning' which is significantly different to 'school business planning'.
49. Fee levels should be reviewed on an annual basis taking into consideration costs of delivery, but also taking into account the need for affordable childcare particularly in areas of disadvantage.
50. There could be higher staffing costs because of Local Authority terms and conditions. This therefore may make the provision less cost-effective, and in turn it may become more expensive for parents to afford the childcare fees. In some circumstances schools will be running their own childcare where other providers no longer have the capacity, and as a result of this TUPE may apply. Advice should be sought from HR.
51. Any business plans should be regularly monitored and evaluated by the management sub-group.

Staffing

52. Suitably qualified staff must be employed as set out under the Children's Workforce Development Council (CWDC) Framework, and in relation to the childcare ratios also set out in legislation.
53. Where there are children of an 'Early Years' age attending the provision, the statutory Welfare Requirements in relation to qualifications apply and must be adhered to. In such provision the manager working with the children must hold a full and relevant Level 3 qualification as defined by the CWDC. Fifty percent of the remaining staff must hold a full and relevant Level 2 qualification.
54. Interviews for senior staff should be carried out by a panel from the Childcare Management sub-group and the procedures recorded should be in accordance with HR guidance. Subsequent interviews for more junior staff should be carried out by the manager of the provision and at least one other sub-group member. The appraisal for the manager should be carried out by the Chair of the management sub-group and a professional from the Childcare Strategy and Business Management Service. This is to ensure that there is sufficient professional expertise to

carry out the appraisal where it is possible that the individual requires support or training to maintain their professional childcare expertise.

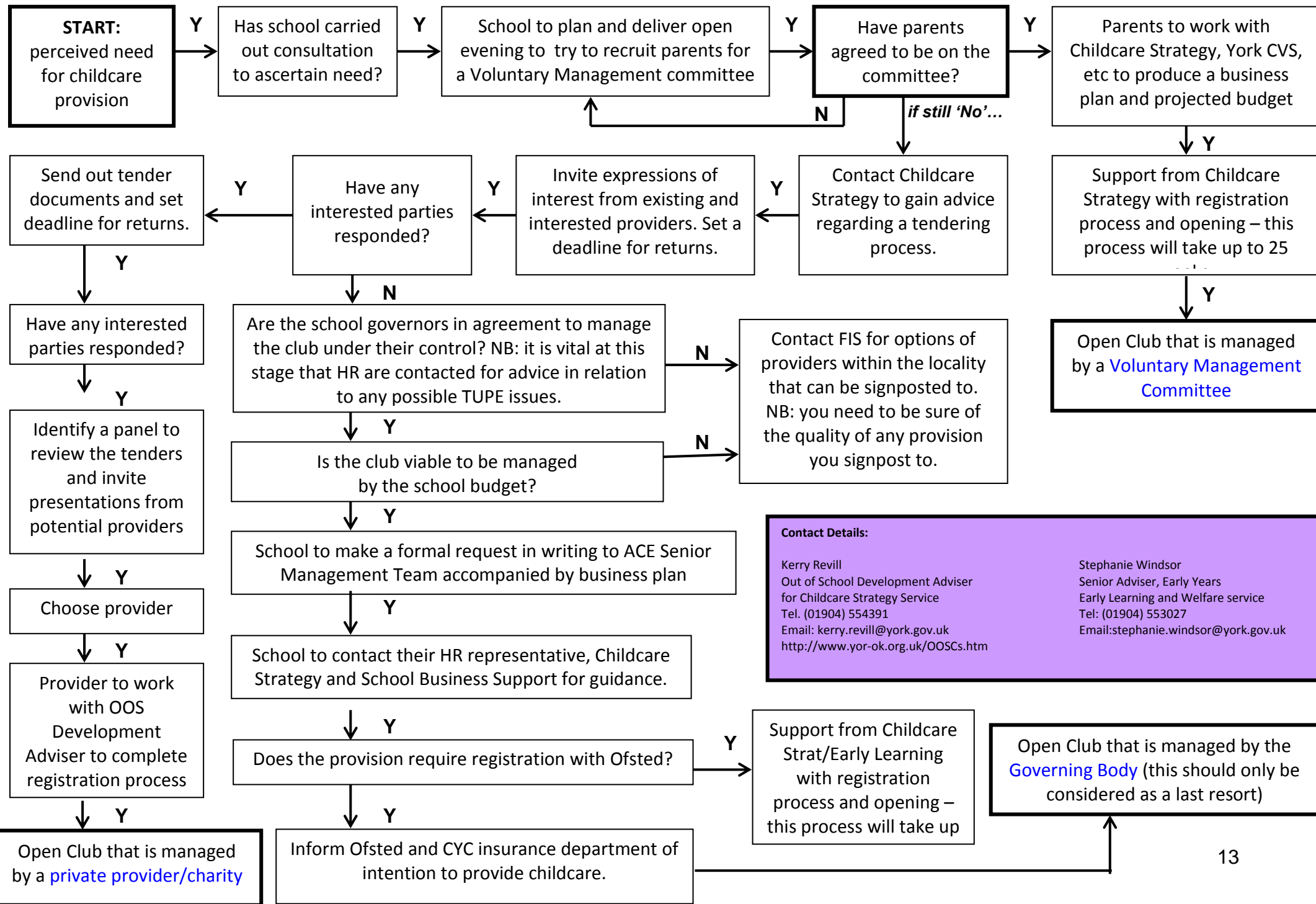
55. Please contact HR for advice on Job Descriptions.
56. All HR policies and procedures relating to the recruitment and retention of staff apply, and these include appraisals, regular supervision, training, etc.

Additional Notes

57. A summary of the advantages and disadvantages of schools planning their own childcare is set out in Annex 6.

Steps to Providing Childcare

ANNEX 1



Inspecting childcare managed by the governing body

Guidance for section 5 inspectors

The purpose of this document is to support inspectors in judging the provision for childcare as part of the school's inspection. It should be read in conjunction with *Inspecting the Early Years Foundation Stage – supplementary guidance for inspectors*.

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Inspecting childcare on the school site managed by the governing body

All provision on a school site that is **managed by the governing body** will be inspected in a **'single inspection'** under the section 5 framework.

Where provision includes care for children under three years, or where no child attending is a pupil of the school, the provision is also registered by Ofsted. In these cases the tariff for the inspection will be increased according to the size and complexity of the additional provision. Early years and/or childcare provision for children within the Early Years Foundation Stage will be reported in the Early Years Foundation Stage paragraph. Childcare for older pupils, not part of the Early Years Foundation Stage, will be inspected proportionately as part of the school's inspection and reported as appropriate. This is summarised in the table below.

Age of children	Registered	Inspected	Reported
Under-threes	Yes, on the Early Years Register. Provision must meet the requirements of Early Years Foundation Stage	As part of section 5 inspection of Early Years Foundation Stage	In the paragraph on Early Years Foundation Stage
3–5	No (assuming that at least one is a pupil at the school) but provision must meet the requirements of Early Years Foundation Stage	As part of section 5 inspection of Early Years Foundation Stage	Early Years Foundation Stage paragraph
5–17 (children may be five but no longer in Early Years Foundation Stage)	No (assuming that at least one is a pupil at the school) but provision must have regard to the requirements of the Childcare Register	Proportionately as part of section 5	As appropriate, for example care, guidance and support, leadership and management

An overview of the process

Getting started: before the inspection

- As always, the self-evaluation form (SEF) is the starting point.
- Look for information about additional provision in the SEF. Section B sub-section B1 contains information about the numbers in childcare if it is provided.
- Check section C of the SEF to ensure that the school evaluates that it meets the requirements of the Early Years Foundation Stage and/or ensures that, where required, childcare is registered and complies with necessary registration requirements.
- Ensure that the information is correct in discussion with the headteacher before the inspection starts.
- Be clear about what the school provides and who **manages the childcare** on the school site. Is it registered or not?
- Find out if the provision was previously registered and, if so, has it been inspected. Follow up any issues raised at that inspection.
- Ensure the inspection team has the correct resources/expertise to carry out the inspection. Additional resources will be provided where the numbers in the childcare are sufficient to warrant it.
- Include any queries as part of an inspection trail in the pre-inspection briefing, if appropriate.

During the inspection

- Registered childcare (for children under three) should be inspected by an inspector that has received specific training on the inspection of provision for children aged birth to three. Provision must meet the requirements of the Early Years Foundation Stage.
- Childcare, for example before and after school clubs, that **provides for any child from the Early Years Foundation Stage** should be inspected as part of Early Years Foundation Stage provision. It is subject to the **same Early Years Foundation Stage requirements**. In this case, focus on partnerships, liaison with Early Years Foundation Stage teachers, and the appropriateness of the activities for young children. There is not an expectation that the kind of activities provided during the normal school day should be continued or that such a club will deliver all six areas of learning. Children's needs will be different after school, and activities should reflect this. Many clubs will offer freely chosen play for children and this is an acceptable way to deliver the Early Years Foundation Stage for children before and after school. Ensure that where the age range is wide, provision meets their social and emotional needs. Take account of this provision in judgements on care, guidance and

support, and leadership and management as well as on the Early Years Foundation Stage.

- Childcare for pupils older than five and up to the age of 17 is **also part of the section 5 inspection if managed by the governors**. This provision must have regard for the requirements of the childcare register. You do **not** need to check every part. Take a proportionate approach to inspecting this childcare in the way that section 5 has always considered whether additional provision (such as before and after school clubs) has any wider impact on outcomes. Follow up any comments from parents or pupils. Visit the provision briefly to check in particular the health and safety requirements of the Childcare Register.
- Some schools offer a wide range of enrichment activities through extended services. There is no need for inspectors to visit clubs unless an issue has been raised, for example through the parents' questionnaire or in discussion with pupils. You should find out what takes place and discuss with appropriate staff how they ensure that requirements – especially safety ones – are being met. If any serious concerns (such as safeguarding) are raised about an after school club that you cannot observe, then ring the regional duty desk to discuss the problem.
- Take account of your findings as appropriate in coming to judgements on provision, care, guidance and support, and leadership and management as well as any outcomes.

Gathering evidence on how well schools 'have regard to' the requirements of the Childcare Register

A summary of the requirements of the Childcare Register is provided below. As with the welfare requirements for the Early Years Foundation Stage, there is **no** requirement to use this as a tick list. Much of this is already part of section 5 inspection practice. See also Annex C in *Inspecting the Early Years Foundation Stage – supplementary guidance for inspectors*. By visiting the childcare provision, observing the children, examining paperwork, following up any issues from the previous inspection or issues raised in the parents' questionnaire you will form a view as to whether there is any likely disregard of the requirements. If this seems possible, then you will need to tailor your inspection activity in proportion to the issues that the situation presents. Effectively, you will be making a risk assessment and then making a proportionate response.

Section C of the SEF asks schools to evaluate the extent to which:

- the governing body ensures that childcare is registered, where this is required by the Childcare Act 2006, and complies with all necessary registration requirements.

The school will indicate, in the usual way, whether each is 'fully in place', 'partly in place' or 'not in place'. Depending on the school's response, any indicated areas should form an initial focus for inspection activity and for discussions with the headteacher/manager of the provision. On arrival at the school, investigate the issues and make sure you record robust evidence. You will need to form a view of the significance of this failure to 'have regard to' the requirements of the Childcare Register. The most important consideration will be whether there is any risk to children's **health, safety and well-being**.

The childcare managed by the governing body should:

- ensure that all adults are 'suitable' – that is they all hold an enhanced Criminal Records Bureau disclosure
- have an appropriate level of supervision
 - for the voluntary part of the Childcare Register (children aged eight years and over) there are at least two people over the age of 18, regardless of the number of children attending
 - for the compulsory part of the Childcare Register (children aged five to eight), there are at least two people who have attained the age of 18 and a ratio of 1:8
- have appropriately qualified adults
 - for the voluntary part of the Childcare Register (children aged eight and over) at least one person should have either a relevant Level 2 qualification or training in the common core skills
 - for the compulsory part of the Childcare Register (children aged five to eight) at least half of all staff should have an appropriate Level 2 qualification and the manager should have an appropriate Level 3 qualification
- have a qualified first aider
- have safe premises, for example children are not able to leave unnoticed, no-one can enter the provision unnoticed and children are not able to leave the premises unsupervised (unless parents have given written permission for the compulsory part of the Childcare Register or it is offering open access provision on the voluntary part of the Childcare Register)
- have a policy, procedures and training in child protection
- have annual risk assessments
- have appropriate systems for managing behaviour

- make appropriate provision for children of a wide age range and ensure that the care of older children does not have a negative impact on younger children
- ensure equality of opportunity so that children are not treated less favourably by reason of race, home language, family background, gender, religion or disability
- have records of attendance, accidents, and medicines administered
- have a complaints procedure and records of complaints
- have information for parents about the activities children will undertake
- have appropriate insurance
- ensure that corporal punishment is not used.

Writing the report

- Report registered provision and childcare for children aged three to five as part of the Early Years Foundation Stage paragraph. Make reference to the provision in other sections as appropriate.
- Report your findings on the provision for older pupils in provision, care, guidance and support, outcomes, and/or leadership and management as appropriate. For example, a breakfast club for targeted pupils might have had a positive impact on raising attendance figures.
- Ensure any concerns are given appropriate attention as an area for development. Any **actions** raised for the registered Early Years Foundation Stage provision to meet statutory requirements should be included under 'what the school needs to improve' in the section 5 report. Inspectors should use the appropriate italicised wording as follows.
 - Where provision is good or satisfactory, actions to meet statutory requirements are rare but may be raised for non-compliance that is minor in its impact. In these instances, inspectors should use the following italicised wording: *To fully meet the specific requirements of the Early Years Foundation Stage, the registered person must...*
 - Where provision is inadequate (category 1) inspectors should use the following wording: *To comply with the requirements of the Early Years Foundation Stage the registered person must take the following action (by a specified date).....*
 - Where provision is inadequate (category 2) inspectors should use the following wording: *Ofsted will take enforcement measures to ensure children's safety and compliance with the*

welfare, learning and development requirements or will cancel registration.

Judging and reporting inadequate childcare

Inadequate registered provision that is part of the Early Years Foundation Stage

Where the **registered** childcare for children under three is inadequate inspectors should do the following.

- Ensure that the inspector for the registered provision contacts the national compliance, investigation and enforcement team to discuss the extent and nature of the inadequacies and to take advice on the possible outcomes. Take account of this in making your overall judgement on the school. For example, if safeguarding is inadequate and this is putting the young learners at risk, then this has serious implications for the school's wider leadership. If there are some failings in learning and development requirements, then it may have only more limited implications for the wider grades. However, it is very unlikely that judgements for care, guidance and support and leadership and management could be good or outstanding if childcare is inadequate. In very serious cases that involve the health, safety and well being of children, you may need to consider a category.
- Phone the helpdesk (0300 123 1231) for further discussion and to log your concerns, especially if you are likely to place the school in a category.
- Ensure the inspector follows all prescribed procedures. The inspector must inform the registered provider of the outcome and explain what will happen next. Refer to Annex E in *Inspecting the Early Years Foundation Stage – supplementary guidance for inspectors* for information on how inadequate registered provision will be monitored.
- Clearly state in the text of the report that the registered provision for under-threes has been judged to be inadequate, state the general reasons why this is so and the impact on children's welfare and learning. Make clear any differences between the provision for under-threes and over-threes.
- Report the inadequacies in the Early Years Foundation Stage section of the report and include the appropriate form of words – see guidance above.
- Follow section 5 procedures for making the school subject to a category of concern if that is the judgement.

Inadequate childcare provision that is not registered but part of the Early Years Foundation Stage

Childcare provision that is **not registered** but provides for children aged from three to five years must meet the Early Years Foundation Stage requirements. Where such provision is deemed inadequate inspectors should:

- assess the level of risk to children and comment appropriately in the Early Years Foundation Stage section of the report
- take account of any such inadequacies when making judgements on the quality of provision in the Early Years Foundation Stage
- ensure that any issues are dealt with as an area for improvement
- in all cases where there are issues of safeguarding, consider whether to place the school in a category of concern. In such a case the usual monitoring procedures will be followed.

Inadequate childcare provision that is not part of the Early Years Foundation Stage

Where childcare provision for older pupils (that are not in Early Years Foundation Stage) that should have regard to the requirements of the Childcare Register is deemed to be inadequate inspectors should:

- assess the level of risk to children and comment appropriately in the report
- take account of any such inadequacies when making judgements on care, guidance and support and on leadership and management
- ensure that any issues are dealt with as an area for improvement
- in cases where there are issues of safeguarding, consider whether to place the school in a category of concern. In such a case the usual monitoring procedures will be followed.

Childcare on the school site provided by other bodies

With the implementation of the Childcare Act 2006 from September 2008, childcare on a school site is inspected at the same time as the school, where possible. 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 separate. Inspectors should not share any information about the two separate inspections unless there is cause for concern about the health, safety and wellbeing of the children – see below. The provision will be inspected under the Childcare Act 2006 using *The Early Years Evaluation Schedule*. Guidance for inspectors on carrying out these inspections can be found in the document entitled *Using the Early Years evaluation schedule*. The judgements on the quality of provision are reported separately using a different template (called the inspection record or toolkit).

The governors should have a **transfer of control agreement** so that other bodies are responsible during the times specified. Governors should seek assurance that these other bodies have appropriate policies in place to safeguard children.

Inspectors may find that the childcare is being provided under contract on behalf of the school and so is effectively managed by the governing body. In these cases the inspector should seek advice from the helpdesk (0300 123 1231) on whether the childcare continues to require registration. If the childcare is managed by the governing body, whether or not registration is required, it should be part of a single inspection of the school.

Inadequate childcare on the school site provided by other bodies

The school is not responsible for the quality of care provided by these other organisations. However, if during the course of the inspection you come across evidence indicating that this provision may be inadequate, or putting children at risk, you should:

- 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
- consider whether the school's management of its relationship with this partner organisation has implications for your judgements on the school itself, for example in its leadership and management
- report your concerns to the compliance, investigation and enforcement team at the first opportunity, if the other provision is not being inspected but you have concerns about young people's safety and welfare.

**ROLES AND RESPONSIBILITIES OF SCHOOLS
RUNNING THEIR OWN CHILDCARE PROVISION**

- Establish a Childcare Management sub-group that would line-manage the staff within the provision.
- The Childcare Management sub-group should be made up of existing governors, and co-opt a wider group of individuals including parents.
- Clearly define various job roles, for example, chairperson, treasurer.
- The manager of the Out of School Club or Early Years provision should be a member of the School Leadership Meetings or report to this group and receive information from it.
- Devise a monitoring framework for the meeting of the Welfare Standards and Quality Improvement.
- Ensure there are clear considerations about who is accountable for making decisions and whom they may be accountable to.
- Expect that the Local Authority Advisers from Childcare Strategy and Business Management and Early Learning and Welfare will make unannounced visits to the provision and formally agree recommendations for improvement when necessary.
- Involve the School's governance service.
- Involve HR and the School's Bursary Service.
- Involve the Council's Legal Service
- Create a clear vision that reflects the ethos and values of the school with clear achievable aims, in order to support staff to deliver a high quality service.
- Create policies that are in accordance with recommendations provided by Local Authority Childcare Strategy and Business Management and Early Learning and Welfare. Schools will not be required to have separate policies for the Early Years Foundation Stage provided that the requirements are met through their policies that cover children of statutory school age.

ADVANTAGES AND DISADVANTAGES OF SCHOOLS RUNNING THEIR OWN CHILDCARE

Advantages

- Can meet demand if there are no other childcare providers
- Can be set up quickly if necessary
- May be easier to influence quality
- Can provide evidence for School's SEF if high quality

Disadvantages

These should not be underestimated as each can have an impact on Ofsted judgements, school budgets and the quality experience for children.

- Requires school funding to establish the provision
- If it becomes unsustainable there could be financial burdens on the school and authority in terms of redundancy, etc.
- It can be an added burden on the School Leadership Team in terms of monitoring and evaluating the standard and quality of the provision
- It can be an added burden on any management sub-group
- Little scope to access external grants in the way that a charitable organisation would be able to

**ADVANTAGES AND DISADVANTAGES OF SCHOOLS
WORKING IN PARTNERSHIP WITH EXISTING PROVIDERS**

Advantages

- The school is not legally responsible for the running of the club nor the staffing arrangements.
- The organisation may be able to access additional funding opportunities to develop the provision further.
- The fees charged to parents are likely to be lower, as the overall costs of running the provision will be lower than if managed by the school.
- The provider may have had previous success managing similar provision.
- The provision will be separately registered by Ofsted and subject to its own inspections.
- A service level agreement can be set up between the provision and the school governors, which outlines an expectation in terms of quality.

Disadvantages

- Unless a service level agreement is in place, schools would have very little influence over the quality of the provision.
- TUPE is likely to apply if the school has to run the childcare service themselves.
- The provision could have a negative impact on the school's inspection should Ofsted find any serious concerns with the provision, particularly in relation to safeguarding.
- If the provision is not sustainable the provider may pull out with little or no notice.

**CONTACTS FOR SUPPORT
AND GLOSSARY**

There is help available for any school wishing to proceed with setting up its own childcare. This help can be obtained through the Childcare Strategy and Business Management, Early Learning and Welfare or York Family Information Service, and includes the following:

- Relevant data on the ward that may assist in assessing demand for childcare – Family Information Service (Niall McVicar, 01904 554440)
- Information on the cost of local childcare places – Family Information Service (Paula Barton, 01904 554628)
- Help with creating a sustainable business plan – School Business Support Manager (Paul Shepherd, 01904 554572)
- Help and advice with the Ofsted registration process including the welfare requirements for over 5's – Childcare Strategy and Business Management (Kerry Revill, 01904 554629)
- Help and advice on tendering processes – Childcare Strategy and Business Management (Kerry Revill, 01904 554629)
- Help with aspects of SEN and Inclusion and local agencies where support may be accessed – Childcare Strategy and Business Management (Debbie Adair, 01904 554629)
- Information on local recruitment, retention and rates of pay – Family Information Service (Karen Darley, 01904 554444)
- Information on training – Workforce Development Unit (Ann Spetch, 01904 554592)
- Information on three and four year old funding – Policy & Planning (Nicola Sawyer, 01904 554621)
- Information on setting up of contract, legalities and limiting liabilities – Legal Services for Commercial, Employment and Education (Peter Cairns, 01904 551095)