



Guidance on setting up out of school provision



Produced by Services for Young Children

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Hampshire
County Council

www.hants.gov.uk

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Introduction

This guidance document has been formulated to support and provide information to anyone who is considering setting up out of school provision including schools.

This document includes guidance materials and provides a list of areas that need to be considered.

Out of school childcare can be defined as:

“a setting that is providing care for children, of early years education or statutory school age, whose parents are working or for other reasons require this facility”.

Provision normally opens before and after the school day and in some instances they may operate for a full day during the school holidays. Provision sometimes complements other programmes of school-run after-school activities.

Out of school childcare settings offer a vital service to working parents, supporting children to access provision which typically wraps around the school day. Although traditionally focussed on supporting school age children, providers can and do support the delivery of childcare in the early years too.

In Hampshire, all out of school provision must have regard to delivering high quality childcare and be identified as an approved provider to be added to the Family Information Directory where parent/carers can search for different types of childcare within their locality.

<https://fid.hants.gov.uk/>

The following information highlights some of the criteria that needs to be adhered to when setting up an out of school provision

Examples of approaches to delivery of out of school provision:

- **Third party delivery within community premises** – This would be where a private, voluntary or independent provider secures provision within a community building. They would normally have a formal lease agreement with the landlord of the building
- **Third party delivery on a school site** – This would be where a school will secure the services through a service agreement/contract with an external organisation. This organisation can be within the Private, Voluntary or Independent sector. This service could be delivered on the school site or within the premises of the community. Hampshire schools should take account of Hampshire County Council (HCC) regulations on standing orders, commissioning and procuring any third party services. This is explained further on in this guidance document
- **Direct delivery by a school** (LA Maintained Schools) – This is where the school governing body take on the responsibility of managing the whole

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service, including employing staff and managing the provision and wrap around care can be supported in house where at least 1 pupil attends

- **Academies** – Academies can directly run an out of school provision on site, from another site owned by the Academy, hire an independent provider or set a subsidiary company to run the childcare provision
- **Childminders/Childminder Agency** – In some areas of Hampshire existing childminders are able to work alongside schools and parents to provide the care before and after school.

Can parents demand out of school care at a school?

Right to Request Wrap Around Care – May 2016

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/525135/Rights_to_request_guidance.pdf

This publication provides guidance from the Department for Education. It has been produced to help maintained schools and academies (including free schools) understand how to respond to parents' requests that the school that their child attends considers establishing wraparound and / or holiday childcare, and childcare providers' requests to use school facilities for wraparound and / or holiday provision at times when the school is not using them.

This guidance aims to maintain school autonomy and avoid imposing unnecessary administration burdens on schools, whilst ensuring schools understand the basis on which they should be responding constructively to requests for wraparound childcare.

Initial issues to be considered by schools in considering Out of School childcare

- A school should carefully consider the business case and benefits of the proposal/s and seek support from where appropriate from governor representative staff, a Hampshire County Council Area Education Officer, and financial support
- Preparatory work needs to be undertaken to identify the demand for out of school provision in the area and gather evidence for this, including a consultation with local parents and wider stakeholders. A school must consider and check that other provision in the area will not be directly affected by such a development
- Finances, including the indicative financial costs and the financial implications to the school in terms of HCC pay scales and the effect this may have on viability and sustainability
- Resource implication if premises require refurbishment or modification together with management of the service either by direct supply or service contract arrangement
- Specification, monitoring and any contractual information to support third party providers
- If the school is using a third party provider off site, consider what arrangements will need to be in place to safeguard children at the beginning and end of the school day. How will transitions be made and responsibility for the children discharged and taken on by the other party?

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This could be included in a memorandum of understanding or service contract agreement

- Clarity of roles and responsibilities and any management and organisation requirements, for example, insurances and Ofsted registration. DBS checks must be sought for all employees - <https://www.gov.uk/disclosure-barring-service-check>
- Health & Safety legislation must be adhered to and relevant risk assessments carried out to support the welfare and well being all of users of the facility
- The requirement for staff supervision sessions are identified within The Early Years Foundation Stage (2017) which places an obligation on all providers to focus on the safety and welfare of children
- Where a school managed option is being considered, there should be consideration on indicative financial costs of the proposal and governance arrangements. This should cover any financial implications to the school in terms of Hampshire County Council pay scales and the effect this may have on viability and sustainability of the provision together with the time commitment of management by the governing body and head teacher.

Issues to be considered when third parties providers use school premises

Where a third party is intending to use part of the school premises to operate the out of school provision, it is important that a written agreement is put in place to protect the legal rights of both parties and Hampshire County Council, and to ensure that each party understands their responsibilities. Hampshire schools are required to follow the guidance note 13.6. Funding agreements with third parties (community)

www.hants.gov.uk/scheme_for_financial_management_of_schools-2.pdf

A lease or licence will usually be required, and Property Services will need to be involved in this matter if it is a Hampshire County Council owned site. Initial enquiries should be addressed to the school's Strategic Planning Officer in Children's Services who will instruct Property Services to agree all details.

Property Services have an agreed model lease and licence agreements with Services for Young Children for out of school providers. This includes a preferred uniform rental fee which is designed to be affordable for the out of school provider whilst ensuring an income for schools to cover costs incurred, and to provide a consistent and fair approach throughout the county.

www.hants.gov.uk/guide_to_leasing_premises.doc

Where a school is an academy or not local authority maintained the premises arrangements for any out of school activity should be confirmed and appropriate tenancy arrangements put in place.

Procurement information for schools

Hampshire County Council Schools need to follow the Council's contract standing orders procedure when they procure services and enter into service contracts. These can be found at <http://www.hants.gov.uk/procurement.htm>

What type of Registration is required?

Ofsted

All childcare provision for children aged eight or under needs to be registered with Ofsted, the regulatory body. There are two main types of register Early Years Register and Childcare Register which has two parts. All relevant details regarding regulation and inspection can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551134/EY_and_childcare_reg_handbook.pdf.

Ofsted produce a wide range of guidance and factsheets for all childcare settings that are essential reading:

Registering school-based provision – February 2017

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

Inspection information is included within this document. The document also outlines clearly with examples of provision on school sites on pages 7, 8 and 9.

Become a registered early years or childcare provider in England – July 2016

Guidance for the registration/inspection of early years and childcare provision in England, under the Childcare Act 2006, and its associated regulations <https://www.gov.uk/government/publications/early-years-inspection-handbook-from-september-2015>

This fact sheet sets out when a maintained or independent school must register its early years or childcare provision with Ofsted, where this provision is made directly by the school and managed by the governing body.

This guidance provides you with information about registration on the Childcare Register. It will help you decide whether to apply and explains what processes your application will go through before Ofsted can decide whether you are suitable to be registered on the Childcare Register. It sets out who must apply to join the Childcare Register, who can choose to do so and how Ofsted register those applying. It also gives information on continued registration and inspection.

Ofsted Register

Below is a short description of the types of Ofsted registration:

- **Early Years Register** - All childcare providers, such as childminders, day nurseries, pre-schools and private nursery schools that provide childcare for children from birth to the 31 August following their fifth birthday (known as the 'early years' age group) must register with Ofsted on the Early Years Register and deliver the Early Years Foundation Stage (EYFS)
- **Childcare Register** - The Childcare Register has two parts, a compulsory part and a voluntary part. Registration on the Childcare Register relies on the applicant making a declaration to confirm that they will meet the

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requirements of registration. All applicants must complete a Disclosure and Barring Service (DBS) check online at www.gov.uk/dbs-update-service.

1. **Compulsory part** - A childcare provider must register on the compulsory part of the Childcare Register if they care for children from the 1st September following their fifth birthday up to the age of eight. This is usually six and seven year olds, but could include some five year olds.
2. **Voluntary part** - Some childcare providers can choose to register with Ofsted if they want to provide care that does not need to be registered. This includes:
 - Home-based care in the home of the child (nanny)
 - Activity-based settings such as sports coaching or tuition
 - Short-term care such as crèches
 - Care that is only for children aged eight to their eighteenth birthday

Inspections by Ofsted

Depending on the registration of your setting, as a third party or as part of a school, you may be inspected independently or as part of the school.

<https://www.gov.uk/government/publications/conducting-childcare-register-inspections>

Where a school seeks to use a third party to deliver the out of school childcare the school should seek the organisation to undertake:

- Preparatory to identify the demand for out of school provision in the area and gather evidence for this, including a consultation with local parents. You will need to be aware of existing provision in the area. See the Childcare Market and Childcare Sufficiency Assessment for your area: <http://www.hants.gov.uk/childrens-services/childcare/providers/childcare-market.htm>
- Finances, including the setting up, staffing, resources and running costs to the provider and the effect this may have on viability and sustainability. See: <http://www.hants.gov.uk/childrens-services/childcare/providers/business-support/cash-flow.htm>
- Clarity of roles and responsibilities and any management and organisation requirements, for example, insurances and Ofsted registration
- Monitoring of contractual obligations as stated by the landlord.

If the third party operates in premises that are not school they will need to consider the tenancy arrangement and should be advised as follows:

- If a setting is considering a private tenancy agreement then they need to ensure the premises are safe and suitable and that the environment/resources are fit for purpose and age appropriate. There must be adequate toilets/hand basins for the amount of children

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accessing the service etc. If supporting young children and following the EYFS then an outdoor space must be provided daily for out door play

- They will need to check if there is any need for planning permission to change the usage of the building:
https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use/2
- They should take their own legal and professional advice in the setting up of any contractual/tenancy agreements.

Opening a New Childcare operation

A useful Hampshire document which you can refer to as a new provider and use as a checklist is on the following Services for Young Children webpage:
<https://www.hants.gov.uk/socialcareandhealth/childrenandfamilies/childcare/workinchildcare/newchildcarebusiness>

Staffing

Practitioners in an out of school setting are generally called playworkers, although early years practitioners, learning support assistants or other staff could be considered, providing they have the appropriate qualification. The effective recruitment and selection of staff is essential to safeguard children. Recruitment, selection and pre-employment checks undertaken as part of this process, are an organisations first chance to make efforts to prevent unsuitable individuals from gaining employment working with children.

http://www.hants.gov.uk/childrens-services/childcare/providers/business-support/childcare-recruitment/childrens-services-childcare-safer_recruitment.htm

The playworker's response to children and young people playing is based on a sound, up to date knowledge of the play process and reflective practice. These are outlined as **Playwork Principles** and are described below (if you are not familiar with the principles please refer to the Skills Active website at <http://www.playengland.org.uk/playwork-2/playwork-principles/>)

All children and young people need to play. The impulse to play is innate. Play is a biological, psychological and social necessity, and is fundamental to the healthy development and well being of individuals and communities.

1. Play is a process that is freely chosen, personally directed and intrinsically motivated. That is, children and young people determine and control the content and intent of their play, by following their own instincts, ideas and interests, in their own way for their own reasons
2. The prime focus and essence of playwork is to support and facilitate the play process and this should inform the development of play policy, strategy, training and education
3. For playworkers, the play process takes precedence and playworkers act as advocates for play when engaging with adult-led agendas
4. The role of the playworker is to support all children and young people in the creation of a space in which they can play

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5. The playworker's response to children and young people playing is based on a sound up to date knowledge of the play process, and reflective practice
6. Playworkers recognise their own impact on the play space and also the impact of children and young people's play on the playworker
7. Playworkers choose an intervention style that enables children and young people to extend their play. All playworker intervention must balance risk with the developmental benefit and well being of children.

Amongst your staff you must have identified roles:

- SENCO – Special Educational Needs Co-ordinator (Training dates in the Services for Young Children provider blog bulletin)
- A Fire Safety Officer is not a statutory requirement but it is good practice to have a named person taking responsibility for fire drills and record keeping
- Staff should hold certificates in first aid, food hygiene and safeguarding/child protection. A manager should hold a minimum of a Level 3 in a relevant qualification, and 50% of the rest of the staff should hold a minimum of a Level 2 in a relevant qualification. However, if they are on the Ofsted Voluntary Childcare Register then the requirement is one person with a minimum of Level 2 in a relevant area of work or one person with training in the common core of skills and knowledge.

Ratios

The staff to child ratio's need to be adhered to at all times as part of your Ofsted registration – indoors and outdoors/outings. It will depend on the age of the children. Three to eight year olds should have a 1 to 8 ratio. For children aged 9 years and older the ratio differs but a 1 to 10 is recommended where possible. Two members of staff must be present at all times. For younger children please refer to the ratios stated within the EYFS.

Policies

All childcare providers are expected to have written copies of their policies and procedures and Ofsted inspectors may ask to see copies when they inspect an out of school club. Some key policies and procedures are:

- Admissions policy
- Safeguarding children policy/procedure
- A policy for ensuring equality of opportunities and for supporting children with special educational needs and/ or disabilities
- A policy for administering medicines including effective management systems to support individual children with medical needs
- Behaviour management policy
- A procedure for dealing with concerns and complaints from parents
- A procedure to be followed in the event of a parent failing to collect a child at the appointed time
- A procedure to be followed in the event of a child going missing
- A procedure for the emergency evacuation of the premises
- Fire safety policy

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- A policy for visits and outings/risk assessment
- A policy/procedure for food hygiene
- EYFS policy (if registered to take younger children)
- H&S policy – risk assessments
- Staff induction policy/procedure
- Staff behaviour policy
- Equalities policy
- IT policy
- Visitor policy
- Accident/Incident policy and procedure
- No smoking policy
- Communication policy
- Data protection and data sharing.

This is a minimum list of policies. However, it is good practice for all out of school provision to have a comprehensive set of policies. All staff must read and sign each policy to demonstrate that they have done so. An annual review of all policies is regarded as good practice.

You will also be required to keep children's records and registration information on site which must be held in a secure and confidential manner. Retention of records must be kept for a period of time, until the child reaches 21 years old.

Permission/consent must be sought by parent/carers re Data Protection/ Photographs. Daily registers of children's attendance must be kept and signed by staff/parent/carers.

Risk assessments will be required to be undertaken and implemented as appropriate. They will need to be revised regularly. It is advisable to undertake risk assessment for any outside activities/trips or new equipment or services offered.

Further information on policies for out of school can be found on <http://www.outofschoolalliance.co.uk/index.php>

Training

Staff do not always need formal qualifications to start working or training as a playworker but anyone who works or volunteers with children and young people must have an enhanced [Disclosure and Barring Service check \(DBS\)](#).

Once staff start working, as an employer you may seek to encourage staff to take qualifications.

Playwork qualifications:

Playwork qualifications are available as an Award, Certificate or Diploma at Level 2 and Level 3. The Level 2 Award is suitable for individuals who are considering playwork as a career and don't want to commit to a full qualification initially, or it is suitable for temporary holiday play scheme staff. There are limited opportunities in Hampshire to achieve playwork qualifications. Independent training providers are often able to deliver them through a distance

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learning/work based route as required. Information on playwork qualifications at Level 2 and Level 3 on the following links:

- www.cache.org.uk/Qualifications/Playwork/Pages/Home.aspx
- www.cityandguilds.com
- www.skillsactive.com/standards-quals/playwork
- www.playengland.org.uk/

Hampshire Services for Young Children also offer a number of generic short term EYFS courses through the annual training subscription scheme programme. For further information please see:

<http://www.hants.gov.uk/childcare/providers/childcaretraining>

Apprenticeships

The government is introducing further support for training through apprenticeships.

An employer with a pay bill over £3 million each year must pay the apprenticeship levy from 6 April 2017. Read guidance on [how to pay the apprenticeship levy.](#)

Non-levy paying employers will share the cost of training and assessing their apprentices with government - this is called 'co-investment'. From May 2017, you will pay 10% towards to the cost of apprenticeship training and government will pay the rest (90%), up to the [funding band maximum](#).

<https://www.gov.uk/government/publications/apprenticeship-levy-how-it-will-work/apprenticeship-levy-how-it-will-work>

Childrens and Young Peoples workforce apprenticeships

<https://www.gov.uk/guidance/children-and-young-peoples-workforce-apprenticeships#types-of-apprenticeships>

Services for Young Children (SfYC) Professional Options:

This training can be purchased via the following link:

<http://www.hants.gov.uk/sfycprofessionaloptions-new.htm>

Funding support for parents

There is a range of support for parents to meet the costs of childcare fees.

Tax-Free Childcare - for working parents who meet eligibility criteria they can receive up to 20% government funding to support their childcare fees. This can be used in conjunction with free early years entitlements.

Providers and schools wishing to accept Tax-Free Childcare payments must register with HMRC to do so. <https://childcare-support.tax.service.gov.uk/>

Maintained Schools that directly provide childcare can accept Tax-Free Childcare payments but need to set this up with the council's Integrated Business Centre (IBC).

[Tax Free Childcare Income Guidance for Hampshire Maintained Schools](#)

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Parents can use Childcare Choices to find out what other funding support may be available to them or for their child. www.childcarechoices.gov.uk

Free Early Years Entitlements

Out Of School Provision can complement the free entitlements offered through the free early years education offers for three and four year olds, particularly “extended” free entitlement aka (30 hours free childcare). There are limits to the number of free hours per child and how many providers per day. Providers must be approved by the local authority and parents can choose where to use free entitlements up to the maximum hours for any one child. If as an Out of School provider you are seeking to be able to offer free funded hours to parents you will be required to comply with the full Early Years Foundation Stage.

More information regarding the free early years offers are included at the end of this document. Delivery of 30 hours childcare for EYE funded 3 and 4 Year Old’s of eligible working parents, and 2 Year Old EYE funded children whose parents are eligible see Appendix A.

Services for Young Children Blog

To keep up to date with matters in the childcare and early years sector we suggest you read our monthly blogs.

<http://www.hants.gov.uk/childrens-services/childcare/providers.htm>

New Provider Checklist

<https://www.hants.gov.uk/socialcareandhealth/childrenandfamilies/childcare/worinchildcare/newchildcarebusiness>

Other useful registration websites:

Depending on the type of organisation you may need to register with Companies House and/or the Charities Commission.

<https://www.gov.uk/government/organisations/companies-house>

<https://www.gov.uk/government/organisations/charity-commission>

Business support

There is a range of information available on the website, which can be accessed from:

<http://www.hants.gov.uk/childrens-services/childcare/providers/business-support.htm>.

The link provides support on:

- Cash flow forecasting
- Sure Start resources
- Employing staff
- Premises protocol

Services for Young Children local office teams

If you require contact details for specific Services for Young Children staff please access this link: <http://www.hants.gov.uk/childcare/useful-contacts.htm>

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Appendix A

Out of Schools childcare can complement and support the government's extended entitlement known as 30 hours free childcare.

Childcare Works is the Department for Education's funded support programme for 30 hours and has a range of resources. Childcare works has produced a briefing note no 5 – "[Delivering 30 hours in out of schools childcare](#)" (scroll through the pdf list to find the document)

What is the 30 hours entitlement? – Eligibility for free childcare for three and four year olds of working parents

For childcare provision that are registered with Ofsted on the Early Years Register for 3 and 4 year olds and are approved by Hampshire County Council for Early Years Education (EYE) funding. All 3 and 4 year olds are eligible for the 'universal' entitlement of 570 hours of free early years education, children aged 3 and 4 may also be able to benefit from an additional ('extended') 570 hours from 1 September 2017. Eligible working parents of 3-and 4-year olds are able to apply to HMRC for up to a further 15 hours (extended entitlement) of early years education or childcare per week for 38 weeks. The entitlement can be "stretched" over more weeks but the maximum for any child "universal" plus "extended" is 1140 hours.

More information can be found on the council's [30 hours](#) website.

Department for Education – Early Years Entitlements: Operational Guidance for local authorities and providers

<https://www.gov.uk/government/publications/30-hours-free-childcare-la-and-early-years-provider-guide>

Information on parental eligibility for all free [early years entitlements](#) can be found on the council's website.

Schools Setting Up a Nursery Provision

Schools may consider delivering early years provision themselves and can do so:

- **As a community or charitable service** (either Section 27 of the Education Act 2002, community powers or charitable objectives in Grant Funding Agreement). These powers allow schools to provide any facilities or services whose provision furthers any charitable purpose for the benefit of families of pupils at the school, or their families or people who live or work in the locality in which the school is situated. Children attending this provision are not usually registered as pupils
- **As extension to their pupil range** – schools can register the children as pupils, providing they are within the published age range of the school. Schools will need to have regard to "making prescribed alteration guidance". <https://www.gov.uk/government/publications/school-organisation-maintained-schools>
- **Working in partnership with other providers** (please see the section on partnership working earlier in the chapter) including:
 - Childminders registered with Ofsted or a CMA on the Early Years Register
 - Private or voluntary providers, either on or off-site
 - An out-of-school club registered on the Ofsted Early Years Register

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The Council has a statutory duty to ensure sufficient childcare places and a requirement to ensure that basic need of school places is fulfilled. **Any school considering use of space for nursery or other childcare delivery should discuss their plans with Hampshire County Council Services for Young Children or Schools Organisation Team.** There may be local issues or processes that may influence a governing body's decision.

Registering for Early Years Education (EYE) funding with the Hampshire County Council

<http://www.hants.gov.uk/childrens-services/childcare/providers/eye-eyeff/eye-scheme.htm>

https://www.hants.gov.uk/socialcareandhealth/childrenandfamilies/childcare/payin_gforchildcare/freechildcare/eyefunding

Hampshire County Council Early Years Education Funding Payment terms and conditions

<http://www.hants.gov.uk/childrens-services/childcare/providers/eye-eyeff/eye-funding.htm>

The following link to Childcare Works – See Briefing 5: **Delivering 30 hours in Out of School settings and Getting Ready for 30 hours presentation**

<http://www.childcareworks.co.uk/resources>

Early Years Foundation Stage (EYFS) guidance

If you are providing care for children from birth to 31 August following their fifth birthday you must adhere to the statutory EYFS guidance.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596629/EYFS_STATUTORY_FRAMEWORK_2017.pdf

Within the EYFS there are various sections linked to before/after school care and holiday provision, however as a childcare provider you must adhere to the standards as stated for children aged birth-five years.