

HAMPSHIRE COUNTY COUNCIL

Executive Decision Record

Decision Maker:	Executive Lead Member for Children's Services and Deputy Leader
Date:	21 January 2015
Title:	Future management of Park Nursery and Trospacc Nursery
Reference:	6287
Report From:	Director of Children's Services

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1. The decision:

- a) That the management of the Park Nursery and Trospacc Nursery is outsourced through a competitive process.
- b) That the tenancy arrangements for both Park Nursery and Trospacc Nursery are secured with the successful organisation/s through a premises lease of 10 years, with break clauses at years five and eight.
- c) That staff employed in Park Nursery and Trospacc Nursery are transferred through TUPE processes and are able to continue to access the Local Government Pension Scheme through pension pass-through arrangements, subject to final pension actuary assessment.

2. Reason(s) for the decision:

2.1. Commissioning the management of the nurseries ensures that the Local Authority complies with the Childcare Act 2006 which states "An English authority may not provide childcare for a particular child or group of children unless the local authority are satisfied (a) that no other person is willing to provide the childcare (b) if another person is willing to do so that in the circumstances it is appropriate for the local authority to provide the childcare". At this time, the nurseries have not been market tested. With both nurseries located on school sites and adjacent to children's centres, it is anticipated that there will be good interest in both provision as they have excellent links with their children's centre and primary school services.

3. Other options considered and rejected:

- 3.1. The nursery managers have been involved in discussions regarding the future of the nurseries. This has included the managers considering delivering the services through a non-Hampshire County Council Company Limited by Guarantee or other social enterprise. However, the nursery managers did not wish to pursue this option
- 3.2. The nurseries could continue to be managed by Hampshire County Council, however the Childrens Act 2006 requires the council to only provide childcare directly when there is no other organisation or person able to do so. The market testing exercise and if successful the award of the outsourced opportunity will confirm this.

4. Conflicts of interest:

4.1. Conflicts of interest declared by the decision-maker: none

4.2. Conflicts of interest declared by other Executive Members consulted: none

5. Dispensation granted by the Conduct Advisory Panel: none.

6. Reason(s) for the matter being dealt with if urgent: not applicable.

7. Statement from the Decision Maker:

Approved by:

Date:

21 January 2015

**Executive Lead Member for Children's Services and
Deputy Leader
Councillor Keith Mans**