**New Childcare Provider Guidance**

Early Years Quality Improvement Team

V.1 Jan 2020

 

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**Introduction**

This guidance has been produced by Tameside Metropolitan council’s Early Years Quality Improvement team, in consultation with Tameside Planning Department, Environmental Health and the Early Years Finance team.

It is an aid to prospective early year’s providers whom are considering establishing a childcare group provision on non-domestic premises for children aged 0-5 years, within Tameside. In accordance with section 6 of the Childcare Act the Local Authority has a statutory duty to secure sufficient childcare, which is available, accessible, affordable and delivered flexibly in a range of high quality settings.

The Guidance is designed to assist enquirers thinking of setting up an early year’s provision by highlighting key aspects that will need to be considered, including:

**Understanding your legal responsibilities in setting up a childcare provision

**Registering with Ofsted

**Information regarding premises and planning

**Support, useful contacts and supporting bodies

Please note however this is not an exhaustive list as each business is unique the process and requirements will therefore differ somewhat.

**The Early Years Quality Improvement Team**

The Early Years Quality Improvement Team provides support, advice and guidance to all early years’ practitioners who are required to deliver the EYFS Statutory Framework, (Early Years foundation Stage). Within the Early Years Quality Improvement Team there are 8 Early Years Quality Officers who offer specialist support to private, voluntary, independent settings, schools, Childminders and Children Centre’s.

We strongly recommend that if you do decide to set up a childcare provision within Tameside that you contact the Early Years Quality Improvement Team at an early stage

so that they can support on your journey.

 

**Ofsted**

Early Years provision and childcare is regulated by Ofsted who are the Office for Standards in Education, Children's services and skills. It is Ofsted’s responsibility to ensure that only those who are suitable and ready to provide childcare are registered, and to inspect childcare providers regularly thereafter to ensure good outcomes for children. You will therefore need to register with Ofsted before you are able to provide childcare. (Ofsted aim to complete a registration visits to non-domestic settings within 25 weeks of an application being submitted.)

**Registers**

For early years and childcare there are two registers depending on the age of the children you wish to care for :

**The Early years register (0-5 years)

**The childcare register compulsory (5-7 years) and voluntary (8 years and above)

**Types of provider**

You will need to decide which type of childcare you would like your business to offer. The following are various types of group providers sometimes referred to as Private, voluntary and independent or PVI:

**Day nurseries (Open all year round)

**Independent schools

**Preschools/ playgroup (sessional care open term time only)

**How to Apply**

As a prospective provider you will need to apply to join either one or both registers depending on the age of the children you wish to care for and the type of care you will be providing. (Fees are applicable.)

For more information please refer to www.ofsted.gov.uk where you will be prompted to open a gateway account. You must then complete an EY0 application form and a EY2 suitability declaration and consent to checks form.

If as the applicant you intend to manage the setting or work directly with children you will also need to complete a health declaration form.

**Disclosure Barring Service (DBS)**

As part of your application an enhanced DBS check will be required for you and all members of staff on the premises. You can apply online at http://ofsteddbsapplication.co.uk

You may also want to sign up to the online update service for convenience.

 

**The statutory Framework for the Early Years Foundation Stage, (EYFS)**

This is the framework for the delivery of quality integrated care and education for children from birth to 31st August following their fifth birthday, and is a statutory document that all providers caring for children 0-5 must adhere to. As the provider (Registered person) it will be your legal responsibility to ensure that the business complies with the statutory requirements for learning and development, safeguarding and welfare. It is therefore imperative that you have regards to the above document and familiarise yourself with it. If the registered person does not have the necessary skills or experience in childcare you must appoint a suitably qualified manger. A copy of the EYFS is available to download from: [www.foundationyears.org.uk](http://www.foundationyears.org.uk)

Staffing requirements and ratios

Providers must ensure that staff have sufficient understanding and use of English to ensure the wellbeing of children in their care. In group settings the manager must hold at least a full and relevant level 3 qualification and have at least two years’ experience of working in an early years setting or have at least two years other suitable experience. In addition at least half of remaining staff must have a relevant level 2 qualification in childcare. Two members of staff, with the appropriate qualifications should be on duty at all times.

Staff recruitment

Providers must ensure that people looking after children are suitable to fulfil the requirements of their role. Therefore effective safer recruitment practices should be in place. This includes completing DBS checks on all staff working directly with the children or those whom live or work on the premises. In addition, records/ information must be kept regarding staff qualifications, identify checks completed, self-declaration form signed and an in depth induction process undertaken with each new member of staff. Effective staff supervisions should also be in place.

The NSPCC offers a free online safeguarding checklist for providers to self asses their practice, this includes: protecting children, safer recruitment, bullying, sharing information, safer activities and recording information.

<https://learning.nspcc.org.uk/safeguarding-checklist/>

Essential training requirements

**Pediatric first aid certificate (12 hours)

**Safeguarding including Prevent Duty 2015

**SENCO training

**Food Hygiene Certificate

**Baby training (half of all staff must have received training that specifically addresses

**care of babies)

Further training opportunities are available through the early years provider development team website:

[www.tameside.gov.uk/earlyyears/training](http://www.tameside.gov.uk/earlyyears/training)



**Market Research**

In order to establish a successful business it is important to have a clear vision of what you aim to achieve and good understanding of the market and demand within the locality you are considering setting up your business. The most effective way of gathering this information is to complete market research, starting with the Local Authorities childcare sufficiency audit. This is completed annually and provides a comprehensive analysis of need and availability within the borough. This can be accessed by visiting the LA website [www.tameside.gov.uk/childcare](http://www.tameside.gov.uk/childcare) . (Please be aware that the sufficiency audit is a snap shot in time and details the childcare needs and availability at the time of writing.)

It is also advisable to contact Tameside’s Family Information Service on 0161 342 4260, as they will be able to advise of registered childcare providers offering services within the

locality.

You will however also need to conduct your own research, which should be specific and cover all areas of your proposal including ages of children cared for, opening hours, fees, activities offered and additional services, location, competitors, and local schools.

Acquiring this information will enable you to identify who you customers are, how you are going to attract them and what your unique selling point will be, in order to effectively market your business and to prepare a detailed business plan.

**Funded Childcare Places**

Providers (graded ‘Good’ or ‘Outstanding’) who are registered with the Local Authority, in addition to meeting the prescribed conditions of Ofsted, can deliver government funded early

education and childcare places to eligible 2, 3, and 4 year olds; the offer must be free at the point of delivery for parents and carers.

For additional information and how your setting can offer these places please contact the Early Education Funding team 0161 342 2930 or at [earlyeducationfunding@tameside.gov.uk](mailto:earlyeducationfunding@tameside.gov.uk)

Please note it is advised that if you are considering offering funded places that you contact the Early Education Funding team in a timely manner to commence the process as this takes a term to finalise arrangements.

**Business Support**

The National Day Nurseries association supported by the Department for Education has produced a free online toolkit to help Early Years businesses. The Early Years Business Zone is an initiative that provides a dedicated, free to access, online resource that is tailored to the specific needs of early years businesses, including business appraisal tool, staffing cost calculator and financial management. In order to access this free resource providers will need to register at [www.earlyyearsbusinesszone.org.uk](http://www.earlyyearsbusinesszone.org.uk). Other advice is available at [www.gov.uk/set-up-business](http://www.gov.uk/set-up-business)

 **Premises**

Whenacquiring premises in which to run your business from, regards should be given to ensure that the property is suitable for the purpose, and whether planning permission will be required/ granted. This should be determined before purchasing.

The EYFS Welfare requirements states, ‘Providers must ensure that their premises, including overall floor space and outdoor space, are fit for purpose and suitable for the age of children cared for and the activities provided on the premises. Providers must comply with requirements of *Health and Safety legislation* (including fire safety and hygiene requirements.)’

Where the premises does not have its own outdoor area, providers must ensure that outdoor activities are planned for and undertaken on a daily basis. (Unless circumstance make this inappropriate).

The required individual space per child is:

**Under 2 years 3.5 Sq. Meters per Child.

**2 years 2.5 Sq. Meters per Child.

**3-7 years 2.3 Sq. Meters per Child.

Consideration should also be given to:

**Access to the premises for adults and children in line with the *Disability Discrimination act*

*2005* and *SEND code of Practice 2014.*

 Adequate safe heating, natural light and ventilation.

**Appropriate public liability insurance, public employers liability insurance building and

**contents insurance.

**All entrance and exists should be secure, special consideration should be given to

**doors that lead directly out on to roads or car parks.

**There is adequate facilities for food preparation and storage.

Providers must ensure that they take all reasonable steps to ensure staff and children are not exposed to risks and must be able to demonstrate how they are managing risk. Providers must determine where it is helpful to make some written risk assessments in relation to specific issues.

 **Planning Permission**

Please note that all planning applications will be judged on an individual basis, however certain commonalities will need to be considered, these as set out below;

‘D1’ To operate a childcare provision on a non-domestic site, the premises must have a ’D1’. If you acquire premises with a D1 use with pre-existing planning permission it is imperative you still check with the planning department to ensure it is lawful.

You can contact the Local authority planning department duty officer and book a consultation by ringing 0161 342 8355 and selecting option 4 or submit a planning application through www.planningportal.co.uk, further guidance and information is available from [www.tameside.gov.uk/planningandbuildingcontrol](http://www.tameside.gov.uk/planningandbuildingcontrol)

Please note fees are applicable.

Location

Numerous locations may, in principle, be suitable for a childcare business including town centres, industrial sites, residential and rural areas, (subject to policies).

Road access

Access by road should be safe and direct and should allow for uninterrupted passage of cars and service vehicles.

Congestion should not be significantly worsened by the new provision. Access via narrow or unmade roads, roads obstructed by parked cars, or residential cul-de-sac will not be acceptable. It should be possible for children to be dropped off and collected safely close to the door of the nursery.

Public transportation should also be accessible for those without cars.

Car Parking

There should be adequate car parking on site at a ratio of 1 space for every fulltime teacher and 1 space for every three part time and ancillary staff, consideration should also be given to visitors cars. In reusing town centre buildings it may be possible to relax these standards to take into account nearby public car parks and public transportation.

Where car parking is limited, the council may impose conditions limiting the maximum number of children on the premises to ensure that car parking on adjoining streets does not prove problematic.

 

Environmental issues

In developed areas such as town centres or industrial locations a childcare provision is unlikely to cause any environmental issues for example noise pollution. However it is important to consider the impact the location may have on the setting such as noise or air quality for the children accessing the provision and the detrimental impact that this may have.

In residential areas a childcare provision could create problems arising from traffic or noise from children playing. The conversion of a large detached house with a substantial garden, on a through road may be acceptable; where as a conversion of a terraced house without a garden in a cul-de-sac is most unlikely to be accepted.

Where neighbours are in close proximity to a proposed setting, considerable care will be needed to ensure that the impact to neighbours is acceptable and conditions will be imposed to secure soundproofing of party walls and floors.

In residential areas conditions are likely to be imposed to limit the hours of operation to the working day, i.e. 8am-6pm Monday to Friday in order to minimise noise disturbance and the impact of traffic.

Access into the building

Childcare facilities should be fully accessible in accordance with the Building Regulations and the Disability Discrimination act.

Design

The Local Authority has a set of standards to which you will be required to adhere to particularly for listed buildings and those in conservation area.

It is imperative that you seek advise from the planning department before purchasing premises for your business.

 **Building Control**

The purpose of Building control is to ensure health and safety standards apply to building work,( both new buildings, extensions and existing building altercations) energy saving provisions are attained and premises fully accessible for use through the application of National Building Regulations. This includes but is not confined to fire safety, structural work, ventilation, hygiene, drainage and waste disposal and electrical safety.

Please note an application has to be made to the Council for all building work, other than exempt works, refer to the '[Frequently Asked Questions](https://www.tameside.gov.uk/planning/faqs)' or complete the online, ["Do I need Building Regulations?" form](https://public.tameside.gov.uk/forms/f1033permitteddevelopment787.asp) at [www.tameside.gov.uk/buildingcontrol](http://www.tameside.gov.uk/buildingcontrol) to determine the exemption or required Building Control application.

To submit an application or for further information you can visit the website above. Please note fees are applicable.

**Health and Safety Legislation**

This Act places a legal duty on employers to ensure, so far as reasonably practicable, the health, safety, and welfare of employees, and to ensure that employees and others are kept safe.Providers will also need to have regards to the EYFS Guidance- Welfare Requirements to ensure they are compliant with the statutory requirements. Further information regarding the health and safety act can be found at [www.hse.gov.uk/legislation/hswa.htm](http://www.hse.gov.uk/legislation/hswa.htm)

**Environmental Health**

If as part of your business you intend to sell, cook, store, handle, prepare or distribute food you will be required by law to register you premises with the local authority 28 days before you commence trading.

You can complete an application online at [www.tameside.gov.uk/licensing/foodpremises](http://www.tameside.gov.uk/licensing/foodpremises). There is no charge for this service and registration cannot be refused.

All food traders are required to hold a valid Food Hygiene Certificate (Minimum Level 2) and may be required to have their food premises inspected/ visited for certification to trade.

Food hygiene courses are also available through the Council.(Fees are applicable)

Once you commence trading you will then be subject to regular food safety inspections where Officers will seek reassurance that potential food safety risks have been identified by the business, and that there are adequate controls in place to prevent any problems.

They will also look at the training of managers and food handlers to ensure that it is suitable, and they will check that the condition of the premises and equipment is satisfactory.

For more information please email:

[environmentalhealth@tameside.gov.uk](mailto:environmentalhealth@tameside.gov.uk) or [bev.hursthouse@tameide.gov.uk](mailto:bev.hursthouse@tameide.gov.uk) regarding training opportunities.

In order to ensure that you comply with Food standards is it strongly advised that you have regards to [www.food.gov.uk](http://www.food.gov.uk) site and pay particular attention to *allergens* and the *safer food better business* section for *caterers.*

* *

**Other Aspects to Consider**

**Data Protection**

If you handle personal information about individuals, you have a number of legal obligations to protect that information under the Data protection law 2018 and GDPR 2018. This applies to all Early Years settings including Private day nurseries, preschools, childminders and schools.

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>

In addition the GDPR requires every organisation or sole trader who processes personal information (including photographs) to pay a data protection fee to the ICO (Information Commissioners Office), unless they are exempt. This can be completed online at <https://ico.org.uk/for-organisations/data-protection-fee/> For further information please go to ico.org.uk

**Other Legal Duties:**

* Employment Laws: Providers need to be aware of and be governed by employment laws and terms and conditions of employment. Further information is available at <https://www.gov.uk/browse/employing-people> and [www.acas.org.co.uk](http://www.acas.org.co.uk)
* Anti-discrimination law: Everyone working and living within the UK it protected by the Equality Act 2010 It is against the law to discriminate against anyone because of:
* gender reassignment
* being married or in a civil partnership
* being [pregnant](https://www.gov.uk/working-when-pregnant-your-rights) or on maternity leave
* [disability](https://www.gov.uk/definition-of-disability-under-equality-act-2010)
* race including colour, nationality, ethnic or national origin
* religion or belief
* sex
* sexual orientation

As an employer you will need to ensure you are complaint with the Equality act 2010. More information can be found at [www.gov.uk/discrimination-your-rights/discrimination-at-work](http://www.gov.uk/discrimination-your-rights/discrimination-at-work)

* *

* SEND Code of Practice 2014: All providers must have regards to the Special Educational Needs and Disabilities Code of Practice 2014, and should pay particular attention to the Early Year Providers Section in regards to processes and their responsibilities and duty as a setting. [www.gov.uk/government/publications/send-code-of-practice-0-to-25](http://www.gov.uk/government/publications/send-code-of-practice-0-to-25)
* Working together to safeguard Children 2018: This Statutory guidance on inter-agency working to safeguard and promote the welfare of children, sets out the roles and responsibilities of each agency in effectively safeguarding children.

[www.gov.uk/government/publications/working-together-to-safeguard-children--2](http://www.gov.uk/government/publications/working-together-to-safeguard-children--2)

**Footnote**

Setting up an early years provision can be an exciting yet daunting time, with so many things to consider. Firstly it is important to contemplate the amount of time and effort you are able to commit, plus the financial and legal implications. Establishing a business will require sustained effort and enthusiasm if it is to become successful and should not be entered into lightly. Therefore it is important to complete in depth research and put together a detailed business action plan which sets out your vision and trajectory for your new venture.

 

**Useful contacts and supporting Bodies**

The Early Years Quality Improvement Team: 0161 342 5430

Family Information Service /FIS :0161 342 4260

Early Education Funding Team : 0161 342 2930/ [earlyeducationfunding@tameside.gov.uk](mailto:earlyeducationfunding@tameside.gov.uk)

Local Authority Planning Department: 0161 342 8355 (Option 4) [www.tameside.gov.uk/planningandbuildingcontrol](http://www.tameside.gov.uk/planningandbuildingcontrol)

Environmental Health: [environmentalhealth@tameisde.gov.uk](mailto:environmentalhealth@tameisde.gov.uk)

[www.tameside.gov.uk](http://www.tameside.gov.uk)

[www.ofsted.gov.uk](http://www.ofsted.gov.uk) 0300 123 1231

[www.ofsteddbsapplication.co.uk](http://www.ofsteddbsapplication.co.uk)

[www.planningportal.co.uk](http://www.planningportal.co.uk)

[www.food.gov.uk](http://www.food.gov.uk)

ico.org.uk

[www.acas.org.uk](http://www.acas.org.uk)

[www.tameside.gov.uk/Education/Tameside-Local-Offer](http://www.tameside.gov.uk/Education/Tameside-Local-Offer)

[www.tamesidesafeguardingchildren.org.uk](http://www.tamesidesafeguardingchildren.org.uk)

 

[www.nspc.org.uk](http://www.nspc.org.uk)

[www.nurseryworld.co.uk](http://www.nurseryworld.co.uk)

[www.foundationyears.org.uk](http://www.foundationyears.org.uk)

[www.eyalliance.org.uk](http://www.eyalliance.org.uk)

[www.ndna.org.uk](http://www.ndna.org.uk)

[www.teachearlyyears.com](http://www.teachearlyyears.com)

[www.earlyyearsbusinesszone.org.uk](http://www.earlyyearsbusinesszone.org.uk)

[www.gov.uk/set-up-business](http://www.gov.uk/set-up-business)

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