

New Childcare Providers Guide



Best Start in Life
Family Information Service (FIS)
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New Childcare Providers Guide

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Introduction

Welcome to the London Borough of Newham (LBN) and thank you for your interest in setting up a new childcare provision in one of the most exciting and diverse communities in London. Childcare is a rewarding and worthwhile career. A child's years between 0-5 are a crucial time in their learning and development. There is strong evidence which proves that high quality childcare has an ongoing and lasting positive impact on outcomes for children. Your business can contribute to this, by providing a rich and stimulating learning environment for children.

Aims

This document is an aid to prospective and new providers wishing to set up childcare provision in the London Borough of Newham, and will guide you through all the aspects you will need to consider and plan for in setting up your childcare business.

The pack covers in more detail your journey from:

- Understanding your legal responsibilities in setting up a childcare provision
- finding and converting premises,
- setting up as a business or constituted organisation
- becoming a fully registered provider with qualified, experienced staff.

It has been produced by the Best Start in Life Team; professionals in Newham who are here to help and guide you to provide a quality service for parents and children in Newham. One of the Local Authority's legal responsibilities, outlined in The Childcare Act 2006, is to ensure sufficient, high quality childcare; we would like to work in partnership with you in setting up your business to develop a sustainable and flexible service, which meets the needs of Newham families.

This pack details the resources and support available to you and we strongly recommend, if you decide to set up childcare in the borough, that you contact staff in the Best Start in Life team at an early stage.

Please email the Family Information Service fis@newham.gov.uk

Section 1

Getting started, what you need to know before deciding on childcare as a business

The Statutory Framework for the Early Years Foundation Stage

It will be your responsibility to ensure that your business complies with the statutory requirements for learning and development, safeguarding and welfare, as set out in the Statutory framework for the early years foundation stage (EYFS), a copy of which is included in this pack. Please familiarise yourself with this document.

Newham Childcare Market

Information regarding Newham's local childcare market and population profile can be found in the Newham childcare sufficiency assessment; this will be an important consideration in where to base your business. The childcare sufficiency assessment is available on the Newham website:

<https://www.newham.gov.uk/Pages/Category/Childcare.aspx>

1a Best Start in Life- supporting learning and achievement

The Best Start in Life Team provides support to potential providers who wish to set up childcare provision in Newham. Once premises are identified, you should make contact with us for the following support and advice:

- The suitability of premises and guidance of the number of children you may be able to provide care for
- equipment required
- the Ofsted application process,
- policies and procedures and any documentation required
- staffing such as numbers and qualifications required
- any other issues related to meeting Ofsted requirements.

Please also refer to the EYFS Statutory Framework (attached) for guidance on the above.

For further advice and to arrange appointments please email the family information service family.information@newham.gov.uk

1b Ofsted Registration

The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects providers to ensure that they achieve excellence in the care of children and young people, and in education and skills for learners of all ages. It also regulates safeguarding procedures within provision. You will need to register with Ofsted before you are able to provide childcare.

For early years and childcare there are two registers:

- The Early Years Register
- The Childcare Register

A prospective provider will need to apply to join one register or both, depending on:

- The ages of the children that will be cared for
- the premises where you will be providing care
- the type of care that you will be providing

Details of the registration process are available in the document Early Years and Childcare registration handbook, a copy of which is included in this pack

1c Disclosure Barring Service (DBS)

An enhanced DBS check will be needed for you and all members of staff on your premises. You can apply online at <http://Ofsteddbapplication.co.uk>

Section 2

Safety and Suitability of premises, environment and equipment

According to the EYFS-providers must ensure that their premises, including overall floor space and outdoor spaces, 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).

2a Premises and Planning Permission

If you wish to set up a childcare provision, you may require planning permission, particularly if you intend to:

- erect a new building
- change the use of a building to day nursery, crèche or playgroup
- undertake external building work including extending existing buildings
- carry out other works around the building, e.g. putting up a children's playground or portakabin
- make internal or external changes to a building that is listed as being of special architectural interest.

To operate a childcare provision, the premises must have a 'D1' educational use. If you acquire premises with a D1 use with pre-existing planning permission; please check the conditions of your consent with planning to ensure the use is lawful.

Childcare provision – Planning Guidance

This document details planning guidance for prospective providers of full day care, sessional care and out of school care.

You will not need to apply for planning permission if:

- The childcare provision is for six or less children
- The main use of the property remains as a dwelling house
- You have no employees/assistants
- You do not erect advertisements outside the property

Definition of childcare provision

There is no specific definition given in planning legislation for the term 'crèche', 'Nursery' or 'pre-school playgroup' however the following is a broad description which would cover the uses:

“A place where a number of children are brought together for part or all of a working day regularly and where provision is made for their care, recreation and in some cases meals”

In planning law the type of activities allowed in a building are grouped together in 'use classes'. Day nurseries and crèches fall within a use class

group called D1 - 'Non-residential institutions'. Other premises in this D1 group include medical or health centres, day centres, museum/art galleries, public libraries and places of religious worship.

Do I need planning permission for my childcare facility?

If you are using your home (dwelling house) for childcare provision: London Borough of Newham.

You will not need to apply for planning permission if:

- The childcare provision is for six or less children
- The main use of the property remains as a dwelling house
- You have no employees/assistants
- You do not erect advertisements outside the property

You will need to apply for planning permission if:

- The childcare provision is for more than six children
- You are using most of the rooms within your dwelling house for childcare provision, so that the main use is no longer as your home
- You have employees/assistants working for you
- You erect advertisements outside the property

If you are using a commercial property for childcare provision:

You will not need to apply for planning permission if:

- The current use is lawfully within the D1 use class, or unrestricted D1 use is either permitted by planning permission, a certificate of lawful development or has historically (since before 1947) been in use as a D1 use

You will need to apply for planning permission if:

- The current use is not lawfully with the D1 use class

How do I go about gaining planning permission?

In all circumstances, the council would recommend engaging with a private planning professional who can offer guidance on the planning process. The RTPI offer a directory of planning consultants. If planning permission is required, the prospective provider will need to submit a planning application. Information on how to apply can be found at:

www.planningportal.co.uk

Please note that all planning applications will be judged on their individual merits. Even if a property and prospective operator is considered acceptable to the Early Years and Childcare Service and/or Ofsted, it does not mean that planning permission will be granted.

Certificate of Lawfulness

Providers may wish to ask the Council if a proposed or existing use for childcare provision is lawful. This can be done by way of a Certificate of Lawfulness application. This application is beneficial if a provider wants

confirmation that their operation would not require planning permission. A Certificate of Lawfulness may be required by your mortgage lender or insurer to provide confirmation that the use of a property for childcare provision is lawful.

Further advice

For further information and advice:

Duty Planning Officer

Monday – Friday

9:00am – 12:00noon

Tel: 020 3373 8300

Email: duty.officer@newham.gov.uk

www.newham.gov.uk/Pages/Services/Planningadvice-and-guidance.aspx

Each Planning Application is different but the council will look at the following areas:

Parking

You may be required to provide space for staff and visitor off-street car parking, and to consider secure motorcycle and bicycle storage. You will also need to think about the drop off and collection arrangements for parents and their young children, and about how non-drivers will reach your premises. It is vital that you build into your plan ways to segregate vehicle and pedestrian movements. A travel plan may be appropriate depending on the scale of your proposal.

Amenity

You may be required to take measures to minimise disturbance to neighbours in areas where noise is a particular issue. The Council will resist over-intensive uses, particularly within residential areas.

Traffic

Congestion should not be significantly worsened by the new provision.

Loss of Residential Use

The council has planning policies that seek to protect residential accommodation and to minimise its loss. Large family housing is particularly protected in parts of Forest Gate where changes of use from single family dwelling to other uses may no longer be permitted. It is also important to seek advice from planning officers before submitting a planning application.

Design

The council have a set of standards to which you will be required to adhere, particularly for listed buildings and in conservation areas.

Access into the Building

Nurseries and other childcare facilities should be fully accessible in accordance with the Building Regulations and the Disability Discrimination Act. Accessibility is also

Discrimination Act. Accessibility is also required under the London Plan 2004, the Newham Unitary Development Plan (UDP) June 2001 and the council's the council's Supplementary Planning Guidance Notes on "Access for All".

Distribution / Concentration

Childcare buildings, like other community facilities are required by the London Plan and council planning policies to be situated in easily accessible locations for all users, and where there is identified need. Provision has to be accessible by walking, cycling or by use of public transport. Duplication of local facilities should be avoided.

Workplaces

The council encourages nursery development within or close to their premises and in other places with easy access by public transport.

Outside Play Areas

A safe outside area for play is now a requirement and a number of regulations and standards are in place.

Conditions

These are normally attached to all planning permissions, and may include:

- No further change of use
- a limit on the number of children
- a limit on the hours of use.

Planning fee

Your planning application is likely to be subject to a fee. You can calculate the fee yourself by using the Planning Portal's online fee calculator, full details of which can be found at:

https://www.planningportal.co.uk/info/200126/applications/59/how_to_apply

2b The Building Act 1984 and its Regulations

The purpose of the Building Act 1984 is to ensure that buildings are constructed properly and are in accordance with current standards and regulations by

safeguarding the health and safety of people in and around buildings, conserving energy and providing access and facilities for people with disabilities.

The Building Act 1984 provides the legal framework for:

- The Building Regulations 2010
- The Building (Approved inspectors etc.) Regulations 2010
- The Building (Local Authority Charges) Regulations 2010

The Building Regulations contain various sections dealing with definitions, procedures, and what is expected in terms of the technical performance of building work. For example, they define what types of building, plumbing, and heating projects amount to 'Building Work' and make these subject to control under the Building Regulations.

Building Work

Building work could be defined as any one of the following projects:

- The erection or extension of a building
- the installation or extension of a service or fitting which is controlled under the regulations
- an alteration project involving work which will be relevant to the continuing compliance of the building, service or fitting with the requirements relating to structure, fire or access and facilities for disabled people
- an alteration to the external thermal element of the building
- the insertion of insulation into a cavity wall and
- the underpinning of the foundations of a building.

Please visit:

www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation for further information.

What you need to do

Anyone wanting to carry out building work is subject to the Building Regulations and should therefore contact: Newham Local Authority Building Control Inspectors London Borough of Newham Building Control Newham Dockside 1000 Dockside Road London E16 2QU

For further information and advice:

Monday - Friday, 9:00am -10.30am
020 3373 8200
reception.bco@newham.gov.uk

2c Health and Safety

Guidance on health and safety aspects of setting up a childcare provision can be found in EYFS Guidance – Welfare Requirements (see below).

As a childcare provider you are responsible for all health and safety matters relating to premises, staff and children. You must:

- Undertake risk assessments of the premises and practices within the provision, and must minimise risk on a regular basis and ensure where there are significant hazards to reduce and control risk
- have clear policies and procedures to cover all aspects of the EYFS safeguarding and welfare requirements
- include health and safety issues in staff job descriptions, induction and training, staff manual and meetings
- ensure that correct levels of supervision are maintained at all times and ratios are met

- ensure that children and parents are involved in understanding and minimising risk at your setting.

Environmental Health

In respect to Ofsted related premises, the Food Safety Team will carry out a full proactive/programmed inspection in all establishments that provides food. The Health & Safety Team will carry out proactive inspection if category A (high risk) rated. For all premises we can do an advisory visit where requested or invited by the premises owner/operator. Topic inspections may be carried out focussing on specific safety concerns identified either nationally or through local intelligence as well as reactive visits where an incident/ accident or matter of concern.

Ofsted inspect and regulate services that care for children and young people. Care quality commission (CQC) monitor, inspect and regulate a number of services including care Homes, both residential and nursing. Health and safety enforcement for residential care homes is split between the local authority and the CQC.

The enforcing authority for nursing homes is the Health & Safety Executive (HSE).

Contact details:

Food, Health & Safety Team

Enforcement & Safety, Operations Directorate
London Borough of Newham
East Ham Town Hall Annexe
1st Floor, 330-354 Barking Road
London E6 2RT

For further information and advice:

Kathy Rayney – 020 3373 7709 or kathy.rayney@newham.gov.uk

2d Fire Safety Regulation

The guidance document EYFS:

Prior to your Ofsted inspection you may contact your local fire brigade fire safety inspecting officer. The Fire Brigade can send you guidance notes to inform you of your obligations as a workplace to comply with the Fire Safety Legislation, the Regulatory Reform Fire Safety Order 2005. In shared premises you will need to co-ordinate your planning with other users of the building.

Ofsted produce a Guidance document Childminding Guidance to National Standards of which Standard 6 covers safety including fire safety.

Ofsted and/or the fire safety inspecting officer will discuss with you your 'Fire Risk Assessment' and 'Emergency Plan'. Information on how to develop these can be obtained from your Fire Safety Inspecting Officer or from the LFB website <https://www.london-fire.gov.uk/safety/the-workplace/>.

These documents will include information about:

- location
- layout
- means of escape
- early detection and warning of fire
- emergency plan and evacuation strategy
- staff training
- fire safety procedures and notices

You should contact the fire brigade when your fire risk assessment is completed and any necessary fire safety arrangements are in place. It is not the role of the fire authority to provide a consultation service.

A guide to your obligations as a workplace is available from The Stationery Office:

020 7242 6393

www.hmsso.gov.uk

For further information and advice:

Each borough in London has a team responsible for ensuring that buildings comply with Fire Safety Legislation (Regulatory Reform Fire Safety Order 2005).

Newham Fire Safety Regulation: North East Area 2

169 Union Street

London SE1 0LL

020 8555 1200 x89170

E: fsr-adminsupport@london-fire.gov.uk

Section 3 Creating a sustainable business

3a Legal Structure of a Business

There are three main types of legal structure available when starting up a business. They are:

- Sole Trader (owns the business and has financial responsibility for its management and development)
- Partnership (two or more self-employed people own a business together)
- Limited Company (registered with Companies House and having at least one shareholder and one director)

Social enterprises may take a variety of forms including companies limited by guarantee, companies limited by shares and industrial and provident societies, but they all have primarily social objectives, with profits reinvested in the business or the community.

Each type of business has its advantages and disadvantages. To choose which route to follow you will need to think about the following:

- Personal risk – some models require a greater personal liability for any company debts than others
- tax implications – tax and national insurance levels vary from model to model
- administration – some models require more than others to administer
- image – some models may be seen as more prestigious or credible than others, some as more socially conscious
- legal requirements – some models involve less legal and tax paperwork than others
- financial issues – more funding is available to some types of business than to others.

Useful contacts:

Companies House
21 Bloomsbury Street
London WC1 3XD
Telephone: 0870 333 3636
Fax: 0292 0380 900
www.inlandrevenue.gov.uk
www.gov.uk/business

3b Business Briefing

For new settings starting to offer funded early education and childcare in Newham the Council now offers a half day briefing each term. All providers new to delivering funded early education will be expected to attend. The briefing will include an assessment of the market for childcare in Newham,

information on the funding rates and administration of funded places and access to templates and resource to help with business planning and financial management. To book your place at the next available session e mail EarlyChildhoodServices.ChildcareTraining@newham.gov.uk

3c Business Planning

A business plan is a key tool for a successful business. It does not need to be very long, the most important thing is that you actively use it to manage the development of your business. This will sit alongside your setting improvement/Ofsted action plan. There is no fixed format for a business plan but you should ensure that your plan covers all the key elements involved in managing your business.

An example checklist for a business plan is shown below:

- **Overview of the business** – basic information about the business, the management team and contact details.
- **Aims and objectives of the organisation.** Detail your business goals together with a description of the services you wish to develop. The description may include for example information about the age range for services, hours, number of places, location, quality standards and expectations.
- **Management and staffing structure.** Describe the legal structure of your business. Detail who is involved in the management of the organisation, their roles and skills. It may be helpful to include a diagram, which depicts the management and planned staffing structure, all roles and required qualifications and experience.
- **Market research & marketing.** This section will include information about your surrounding area and who your customers and competitors are. A good starting point for you to develop your market research will be Newham's Childcare Sufficiency Assessment, but you also need to conduct your own local research specific to the service you intend to provide. You could also include any information about links to partner organisations such as schools. Any market research that you have done should be summarised with the key analysis included in this section.

Your marketing and sales plans and ideas should also be included here. This should include consideration of who your customers are, how you are going to attract them, what your selling points will be and how you will keep them happy once they take up your service.

Operational information. Including information about your premises, policies and procedures, and processes for administration such as late payment or late collection. You may also want to list the schemes you

setting will be engaging with in relation to early education and childcare funding.

- **Financial Management.** You should include your annual budget and cash flow forecast here as well as explaining the underlying assumptions that have helped you to reach your figures, such as your likely occupancy levels and staff requirements. You may also want to include information about your break-even point and pricing structure and policies here.
- **Quality.** This should link to your setting improvement/Ofsted action plan. Details of any quality awards held and information about your recent Ofsted inspections should be included here together with any plans for improvement and development.
- **Action plan.** You may want to include an overall action plan for the business start up process, particularly if you decide that there are lots of changes that you want to make or things that you want to develop. Examples of things that might need to be included in an action plan for a start up provider include:
 - securing premises
 - gaining planning permission
 - liaising with Ofsted and the local authority regarding registration
 - raising finance
 - developing a sustainable financial plan
 - carrying out building works
 - registering with the Local Authority to deliver funded places
 - recruiting staff
 - recruiting families to access services
 - development of policies and procedures
- It might be useful to undertake a SWOT analysis early on in your business planning process, as this could help you to identify particular areas for work.

For more information:

<https://www.gov.uk/government/publications/supporting-early-years-providers-to-run-sustainable-businesses>

Useful books:

- Building Your Early Years Business, Jacqui Burke (2017) JKP
- Business Plans FINCH, B (2013) Kogan Page

Section 4

Learning and development : Best practice in the Early Years Foundation Stage (EYFS)

4a Staffing requirements

Staffing responsibility

It is your responsibility as a childcare provider to ensure that all adults in your employ are suitable, and well qualified in order to meet the EYFS statutory requirements.

Staff recruitment

It is recommended that you undertake safer recruitment training, which is available on-line on the portal once you have registered. Please refer to appendix Safer Recruitment before recruiting your staff. By ensuring you follow safer recruitment procedures you will be safeguarding your business, as well as the children that will be cared for on your premises.

All staff must have appropriate induction training in their first week, and regular supervisions and performance management reviews.

(Link to online training.)

Training and Qualifications

In order to meet the EYFS welfare, learning and development requirements the registered person must have a suitably qualified Manager in charge qualified to National Qualifications Framework (NQF) Level 3 standard. This person must also have at least 2 years' experience in childcare. The manager, or a suitably qualified deputy, must be on the premises at all times. At least half of all other staff must have an appropriate level 2 qualification. They must also have appropriate experience, skills and ability for their job.

Childminders

Childminders must undertake training to ensure that they fully understand the EYFS requirements. The BSiL team run a comprehensive induction programme

Contact details – see below

Continued professional development

Good quality provision is dependent on a skilled workforce. A CPD budget should be allocated each year. A training programme detailing short courses is available through Newham BSiL training team.

You can obtain a copy of our training programme:

Please email eschildcaretraining@newham.gov.uk

You can also access training via the safeguarding board at

<http://newhamlscb.org.uk>

e mail lscb@newham.gov.uk

All courses are available to those employed in Newham Ofsted Registered childcare settings.

Nominated Practitioners-Training

All Ofsted registered providers who provide care in Newham, must ensure they have in place the minimum two nominated practitioners, who must attend training in the following areas:

- Senco
- Paediatric first Aid
- Food Hygiene
- Health and Safety
- Level 1 Safeguarding (online)
- Embedding Child Protection Principles and Practice in the Early Years Setting - Training The Trainer which is a two day course for managers.
- Designated Safeguard & Prevention Duty Officer - Level 2
- In addition, all newly qualified staff must undertake paediatric first aid

First Aid at Work

Training is available from the council (see section on training for details). A Health and Safety Executive document “Five steps to risk assessment” is available from:

HSE Publications Section,
Room 313 Daniel House,
Trinity Road, Bootle
Merseyside L20 3TW
hsebooks@hse.gsi.gov.uk
www.hsebooks.com/books

4b Best Practice in the Early Years Foundation Stage – support and advice to new Providers

The BSiL team offers an induction programme for all new providers which includes:

- Training on leadership and management,
- support in developing evaluative practice through our quality improvement scheme- Pathway to quality
- support and advice on best practice to all new providers according to the EYFS, including setting visits

There is also universal support programme offered to all providers, giving you the opportunity to network with colleagues. This includes:

- A Managers Forum – for National and local updates
- A CPD programme with core training offered

In addition, we have a commissioned service, led by the maintained nursery schools in Newham who:

- facilitate termly network meetings that support setting and school managers to develop partnerships between providers.
- organise transition events for colleagues

- offer a CPD programme for developing the quality of learning and development

Advice, Support and Best Practice

You will have a designated Early Years advisory teacher who will offer advice and support on the EYFS statutory requirements. However, as a provider of an Early Years setting it is your Statutory responsibility to ensure you understand and implement the following:

- a stimulating, challenging and appropriate learning environment, both indoors and out
- policies and procedures which are embedded in practice
- systems for monitoring and evaluating provision
- quality improvement and quality assurance through a QI scheme (Pathway to Quality) through self-evaluation, improvement plans and preparation for Ofsted inspections
- post Ofsted action planning.
- systems for observation, assessment, planning and record keeping
- an effective key person system
- systems for involving parents in their children's learning

For further information and advice:

Contact the BSiL team on: fis@newham.gov.uk

Disclaimer

This document is for general information purposes only. Whilst every reasonable effort has been made to ensure its accuracy, Newham Best Start in Life Team cannot accept any responsibility for inaccuracies and/or omissions, nor any liability for reliance placed upon said information. It is advised that in-depth independent business, financial and legal advice be sought in respect of any business venture. You should always check details with providers to ensure their service meets your requirements

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