

**Director: Ms Lesley Hurst**

## **Chichester Diocesan Board of Education Nursery and Wrap Around Care Policy**

### **1. Introduction**

This policy sets out the Diocesan Board of Education's position regarding the establishment of nursery provision in Church of England schools, and the processes and procedures to be followed by any relevant school wishing to establish nursery or wrap around care provision (see section 8). This includes on and off-site provision and requests for change of age range.

### **2. Background**

2.1 As schools begin to explore the possible establishment of nursery provision on and off the school premises, the DBE is aware that there are many complex issues that need to be considered to ensure that this is a wise step. This should include a thorough enquiry of local need, risk analysis and relevant due diligence.

2.2 There are various models that can be considered for nursery provision and as such Local Authority advice should be sought to consider the most appropriate model for your context.

2.3 Where schools are planning to provide on-site nursery provision, there should be additional consideration of lowering the age range of the school, associated statutory consultation and the suitability of premises.

### **3. Initial Consultation**

3.1 Whilst the Local Authority (LA) has statutory responsibility for providing Early Years provision for children of two years until school age, the Board is concerned that schools have undertaken due diligence before consulting on any changes, as there are significant risks which need to be carefully considered.

3.2 The Board requests that they are consulted prior to any school going out to wider consultation on any changes.

3.3 The school should provide a report to the DBE which comprises the following information:

3.3.1 The evidence of need for the provision in the area

3.3.2 The impact on existing local provision and how this may affect relationships

3.3.3 Length of the nursery day (school session times or wrap around care)

3.3.4 Financial viability (the nursery provision must not impact on existing revenue budgets)

3.3.5 Pupil place planning for both the nursery and the school

3.3.6 Suitability of premises, whether on or off-site

3.3.7 Evidence of consultation with and approval of the LA to the proposal

3.3.8 Ofsted regulation

3.3.9 Insurance liability and changes to policy

3.3.10 Staffing

3.3.11 Will the nursery be school run or by a private provider?

3.3.12 Legal advice on any agreement- this will be in the form of a lease/licence/Transfer Of Control Agreement (TOCA) if run by a private provider

#### **4. The Role of the DBE**

4.1 The role of the DBE is, in most cases, an advisory one. However, where the nursery is to be on existing school premises and the proposal will mean a lowering of the age range to include two and three-year olds, the Board will need to give formal approval in line with the functions set out in the section 8(4) of the Diocesan Boards of Education Measure 2021

4.2 Formal approval must always be given in the following circumstances:

- If a change to the current age range of the school is planned statutory requirement under The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013
- If the nursery is to be held on school premises, and under what terms, (Lease/Licence/TOCA)
- The site trustees for your school will either be the Diocesan Board of Finance or Vicar and Churchwardens, this is directed by the deeds to the site<sup>i</sup>. As the landowners, the trustees will need to give their permission, in addition to DBE permission, for the nursery to be established. Trustees will also require legal advice to be sought in relation to the proposal and the agreement covering this. All legal fees incurred should be paid for by the school wishing to establish the nursery.

#### **5. Process for Consultation**

5.1 A report should be submitted to the Board in good time to allow for this to be given initial approval. Meetings of the DBE are held three times a year, normally in September, February and May, (please contact the office for the dates).

5.2 Once the Board has reviewed the plans, a response will be sent to the school to advise or give initial approval on going out to formal consultation

5.3 If any alterations to the premises/site are required the board and site trustees will need to be informed and agreement obtained where applicable.

5.4 Once initial approval has been given, the school must ensure that any caveats given are upheld, such as the approval being subject to LA consent and a TOCA being put into place.

#### **6. Controlling Occupation**

6.1 In most cases it is the preference of the Board that a Transfer of Control Agreement (TOCA) is used between the governing body of the school and the nursery operator.

6.2 A TOCA is not a disposition therefore Secretary of State permission is not required, and the site trustee does not need to be party to the agreement. A TOCA is usually quicker and easier to enter into than a lease.

6.3 The use of a standard hire agreement can have the effect of creating a license. Unintentionally creating a license may make it difficult to remove the tenant.

6.4 A lease could be used, however this may be problematic as the landowner (site trustee) would be expected to be party to it. In addition to this, a lease is seen as a 'disposal' of site therefore Secretary of State permission may be required.

#### **7. Academisation**


7.1 Upon academisation the receiving Multi Academy Trust will review the nursery provision as part of the due diligence process.

#### **8. Wrap Around Care**

8.1 Whilst wrap around care provision will not require a change in age range, the DBE and site trustees will need to give permission for this to be established. The Local Authority should also be consulted and in agreement.

8.2 In most cases it is the preference of the Board that a Transfer of Control Agreement (TOCA) is used between the governing body of the school and the wrap around care provider, where this is not run in house by the school itself.

Policy agreed by the Chichester Diocesan Board of Education December 2024.  
To be reviewed December 2025.

Signed: 

Date: 03 December 2024

Chair of Diocese of Chichester Board of Education

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<sup>i</sup> In rare instances, the site trustees may be another organisation, this will be stipulated in your individual school trust deed