

Synod Policy Statement

TITLE: Out of School Care – Welsh Assembly Government Standards

The Welsh Assembly Government has established legal regulations that govern circumstances and standards of care that must be applied when children are engaged in certain activities. The regulations apply to Church activities in set circumstances and in providing such care and activities **all churches must comply** with the legislation.

The regulations outline the minimum standards for providing day care, before or after school or during the school holidays and includes summer schemes, holiday play schemes, breakfast and / or after school clubs:

- For children over 3 and under 8
- Before or after school or during the school holidays
- For more than 2 hours in any day
- For more than five days in the year.

The key is that it has to be for 2 hours or more per day and that it happens for more than five days in the year. The act does not define ‘a year’ and this could be the ‘Methodist year’ of September to August.

At that point the work has to be registered with the local authority and meet the minimum requirement laid down by the Welsh Assembly Government (WAG) and supervised by Care and Social Service Inspectorate Wales (CCISW).

The process of registration is detailed and **MUST be adhered to if you provide care for 3-8 year olds for 2 or more hours per day on more than five days a year.** There are no cost implications in registering.

This seems quite straightforward, but there can be some grey areas. The following outlines some of the possible queries:

Example 1:

Q. If a church offers a breakfast club followed by Sunday school and a church service, how are the hours per session calculated?

A. If there is one provider CSSIW take the total period of care in seeing whether it exceeds 2 hours. If there are separate providers CSSIW only need to consider further

if one of them is providing more than 2 hours care, as the periods provided by separate providers would not be aggregated. So if the breakfast club and Sunday School are operated by one provider (i.e. the church), the children are under the age of 8, and they are on the premises for more than 2 hours, then the provision must be registered with CSSIW.

Example 2:

Q. Children attending a holiday club on two different church premises in the same locality, with the same staff and the same activities provided, with 4 days on one site and 1 day on the other site. As this is under 5 days in one of the premises does this provision need registering?

A. Schedule 9a of the children Act 1989 at Para 3(1) states as follows:

‘Where day care is provided on particular premises on less than six days in any year, that provision shall be disregarded for the purposes of part XA if the person making it has notified the registration authority in writing before the first occasion on which the premises concerned are so used in that year.’

So each of the premises are considered separately for the purpose of the exemption – indeed if they went over 5 days in a year they would need to be separately registered. The year starts on the day of the first day of care being given. Provided that each place is only used for 5 days in a year and **CSSIW is notified in writing** you do not need to register. However, if either of the premises is also used by the same provider for day care which does need to be registered this holiday provision will be part of that registration.

Example 3:

Q. If we run two morning sessions of 2 or more hours can this count as 1 day rather than 2 days.

A. NO!

If you do run sessions for 3-8 year olds for 2 or more hours on 5 or more days a year you need to:

Register with CCISW prior to undertaking the work and be open to their regular inspection. They will help guide you through the process involved and outline the necessary standards with which you must comply.

Ensure that you have consulted and abided by the standards outlined in the document **National Minimum Standards for Out of School Care** issued by the **Welsh Assembly Government in November 2003**. A short outline of its contents is included at the end of this document – you must however ensure that you have read the whole document. These are based on the Child Minding and Day Care (Wales) Regulations 2002 which are also applicable. The Registration of Social Care and

Independent Health Care (Wales) Regulations 2002 (Schedule 7 and 8) must also be consulted with regard to planning requirements of the proposed building.

There are new provisions regarding the **qualifications** deemed essential for those operating the sessions and it is essential that you study these and implement them. This is an important change and must be implemented.

The usual safeguarding checks need to be in place and the Church must give thoughtful consideration as to who will become registered, i.e. as a private provider or as a limited company by guarantee or body corporate. The church must identify what status it holds legally in this respect.

Please note that there will also be changes in these requirements as from the autumn of 2009, when the system will come under the Independent Safeguarding Authority (ISA). The onus will be on the church to ensure that both paid staff and volunteers who work with children or vulnerable adults are registered and failure to comply will be an offence.

Please ensure you have available the Methodist Safeguarding book (2003)

If you run sessions for 3-8 year olds which do not run over 2 hours a day on more than 5 days a year:

You do not need to register with CCISW. It is however good practice to advise CCISW when you are running any sessions for 3-7 year olds which are 2 plus hours a day, even if they do not run to 5 or more days per year.

You do need to ensure that the usual safeguarding checks are in place. Please note that there will also be changes in these requirements as from the autumn of 2009, when the system will come under the Independent Safeguarding Authority (ISA).

The onus will be on the church to ensure that both paid staff and volunteers who work with children or vulnerable adults are registered and failure to comply will be an offence.

It is still important to ensure that you have met essential medical, safety, recording, staffing and care standards and to this end it is recommended that you use the WAG document mentioned for suggestions as to best practice.

Please ensure you have available Methodist Safeguarding book (2003)

Appendix

Please note that the requirements in Wales differ from those in England

Standard 1: Information

There is a requirement that parents/carers have access to full information about the care provided (see Sec 1.1 & 1.2 of the guidance)

Standard 2: Contract

Parents have a written contract they have agreed with the registered person. The details are spelt out in Sec 2.1 & 2.2

Standard 3: Special needs

This sets out the provision for those with special needs and the information about this to be provided to parents/carers (Sec 3.1 to 3.7)

Standard 4: Working in partnership with parents

Section which lays out the requirements of keeping parents fully informed of children's activities and developments (Sec 4.1 to 4.8)

Standard 5: Records

Keeping of records by the registered person. The details are laid out in Sec 5.1 to 5.7

Standard 6: Opportunities for play and learning

There is a requirement that ranges of activities are offered which meet the full range of needs which children have. Again these are laid out in Sec 6.1 to 6.6

Standard 7: Behaviour

Managing children's behaviour in such a way as to promote their welfare and development (Sec 7.1 to 7.7.) This highlights inadmissibility of using any physical punishment or intervention, no shouting or shaming; it also includes ensuring a policy on bullying in place.

Standard 8: Health care

Children's health needs to be identified and addressed as appropriate – this includes food handling, first aid training, medical permission of parent to act in emergency etc. Details laid out in Sec 8.1 to 8.8

Standard 9: Medication

Policies and practices regarding medication outlined in Sec 9.1 to 9.5

Standard 10: Food and drink

Lists essential requirements regarding providing food and drink from Sec 10.1 to 10.6

Standard 11: Staffing

Outlines the need to ensure suitability of all adults who care for the children; the need for appropriate checks and the need to ensure from **April 1st 2008 that all registered**

persons and at least half the staff have appropriate qualifications. These are detailed requirements and it is essential to study Sec 11.1 to 11.12

Standard 12: Organisation

Requires well-organised and planned day care service provision. Sec 12.1 to 12.4

Standard 13: Staffing ratios

More details in Sec 13.1 to 13.9. There must always be a minimum of two staff on duty. The minimum-staffing ratio is 1 adult to 8 children between 3 and 7 years of age; this ratio includes any children of staff and volunteers. At least one of any two members of staff must hold an appropriate qualification. Must be a system for registering children and staff attendance showing times of arrival and departure.

Standard 14: Equal opportunities

All children are treated with equal concern and respect – see Sec 14.1 to 14.4

Standard 15: Financial procedures

Sound financial procedures must be in place. Sec 15.1 to 15.3

Standard 16: Complaints

There must be a clear complaints procedure. Sec 16.1 to 16.6

Standard 17: Child Protection

All reasonable steps must be taken to protect the child from harm. This means a child protection policy must be drawn up and known by all members of staff; all staff understand their reporting responsibilities; one member of staff is designated to be a designated member of staff for this area and be trained in it. More details in Sec 17.1 to 17.5

Standard 18: Premises

Premises must be safe, secure and suitable for purpose. This laid out in Sec 18.1 to 18.15 and includes access to telephone, toilet facilities, heating, space per child, storage, outside areas.

Standard 19: Equipment

All equipments to be safe, secure and suitable for needs. Laid out in Sec 19.1 to 19.5

Standard 20: Safety

Children must have needs met in a safe environment. Lays out the need for risk assessments, annual audits, and safety reviews of gas and electricity and so on. Set out in Sec 20.1 to 20.15

There is a special section about **overnight care.**

CSSIW CONTACTS

CSSIW will guide you through the process of registration where this is required and will also assist in relation to any specific queries.

Contacts are listed below:

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