

# COMMISSIONING TOOLKIT

## CHILDREN'S CENTRES & EXTENDED SCHOOLS

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## Introduction:

This guidance refers to the commissioning /sub-contracting arrangements for children's centres. It is recommended that you follow the best practice guidelines contained within this guidance to ensure that you commission services that are both high quality and value for money.

A commissioning toolkit for schools (i.e. extended schools) has been developed and can be found at [www.thegrid.org.uk/info/office/commissioning](http://www.thegrid.org.uk/info/office/commissioning). The final toolkit should be available to all from April 2007.

Children's centres in Hertfordshire will ensure the integrated provision for all children aged 0-4 and their families. Services will vary from centre to centre and this is dependent on the area the centre is in and the needs of the local community. Lead agencies will be responsible for ensuring the delivery of core services, as defined in the 'Specification for the Lead Agency Role'. In addition, services and plans will be developed in the context of the needs of the local community.

Extended services through schools, for children aged 5-14 years, should also be delivered through sub contracting arrangements with the school. In setting up any extended opportunities, schools and their partner providers must ensure that they take account of all relevant legal requirements on, for example, staffing, premises, health and safety, Criminal Records Bureau (CRB) checks and insurance

Lead agencies and schools will not be able to deliver all the services themselves and they will need to develop partnerships with other agencies to make sure that integrated care and support and activities are available to the children's centre community.

Following consultation with your community and your needs analysis data being collated, lead agencies will create a business plan to outline the future developments for their centre. Services will be commissioned and partnerships strengthened to enable high quality services to be delivered to children and their families. These services will have a direct impact on the future outcomes for these users and lead agencies will be right at the heart of these exciting developments.

The guidance that follows is designed to aid lead agencies in sub-contracting services to external organisations and /or individuals. It is important that all lead agencies commission services in an effective way to ensure that they obtain the highest quality services for the right cost. Even if the lead agency is commissioning an external organisation to deliver a service and no money is being exchanged, it is still vital that the necessary policies and procedures are in place and that the necessary safeguarding checks have been carried out.



## Sub-contracting Arrangements

If you commission another organisation or individual to deliver a service through the children's centre, there are a number of factors that need to be taken into consideration to ensure that both parties are clear about their roles and responsibilities. The following criteria are detailed throughout this document:

- Insurance
- Safeguarding Children
- Contract Templates
- Specification writing
- Monitoring services
- Payment conditions
- Policies and Procedures
- Risk Assessment



## Insurance Requirements

Whenever a service is commissioned by a lead agency, it is vital to ensure that the organisation has the appropriate levels of insurance for the service they are providing. As a guide Hertfordshire County Council requires providers that are commissioned to have £5 million Public Liability Insurance and £10 million Employers Liability Insurance.

It is important that you check that insurance levels are in place to ensure that you are covered for all aspects of the service. If not, any compensation that arises may have to be covered by your organisation. You need to consider the risks involved in the service and then ensure the adequate cover is in place. (see final paragraph: Risk Assessment, for further guidance)

The different types of insurance and what they cover are detailed below.

### **Public Liability Insurance**

This insurance provides lead agencies with an indemnity against its legal liability to pay compensation to a third party for accidental bodily injury or damage to property.

**Recommended cover - £5 million per incident.**

### **Employers Liability Insurance**

This insurance protects the employer against his legal liability to pay compensation to any of his employees who may sustain bodily injury or contract a disease in the course of and arising out of their employment.

**Recommended cover - £10 million per incident.**

**For further guidance** please contact  
Hertfordshire County Council Insurance Team on 01992 555587



## Safeguarding Children

The lead agency will have responsibility for promoting the safeguarding of children throughout all services delivered within their children's centre. Every person who works in partnership with the lead agency is required to have an enhanced check through the Criminal Records Bureau (CRB) in place prior to the service commencing. This must be detailed in any agreement drawn up between the two parties and the lead agency must make sure that checks have been made and approved.

Further guidance on carrying out CRB checks is contained in Appendix 1.

It is also a requirement that all commissioned services have a child protection policy in place. Please refer to Hertfordshire's Local Safeguarding Board Policy on Herts Direct ([www.hertsdirect.org](http://www.hertsdirect.org)) for further guidance on what should be included in this policy.

## Contract Templates

Written agreements need to be put in place with all third parties that deliver a service within the children's centre. These agreements should contain a number of sections, including Terms and Conditions of the agreement, the specification, which outlines the expectations of the commissioned provider and monitoring arrangements for the service.

### **Part A of Children's Centre lead agency agreement**

Lead agencies may attach 'Part A - Terms and Conditions' of their existing HCC Lead Agency Agreement, as an example.

It is very important that agreements are drawn up so that both parties roles and responsibilities are clear and understood. This is critical with regards to ensuring external providers have policies and procedures in place, including child protection policies, safe recruitment of staff, health and safety, etc. It also allows for checking that providers have the adequate insurance cover in place to indemnify the lead agency against any risks that may arise.

Lead agencies are advised to draw up a service specification (see over - Specification Writing) for the commissioned service and attach a copy of the Lead Agency Agreement, requesting that external providers adhere to the terms and conditions detailed in this document.

Guidance has been issued by the DfES around ensuring that, where appropriate, all childcare providers are registered with OfSTED and the necessary checks have been carried out.



## Specification Writing

An integral part of any agreements put in place with external partners is the service specification. It is important that lead agencies have in place detailed specifications to determine the responsibilities of partners who have been commissioned to carry out a service within the children's centre. The content of this specification should outline what the provider will deliver within the centre and this will include some or all of the following issues, depending on the value, complexity and duration of the service being provided: who the service is for, when and where it will take place, how people can access the service and, most importantly, what outcomes are expected for children and their families. This will make sure that the provider's responsibilities are clearly defined and understood.

An example specification is attached - Appendix 2.

Appendix 3 is a template for lead agencies to use when commissioning an external service. (Delete the guidance written in italics when filling in your own details)

## Monitoring Services

Lead agencies will be expected to provide monitoring information to the Local Authority against clearly defined performance indicators and have the capacity to work within the **Performance Management Framework** that has recently been outlined by the National Sure Start team. This framework will focus on the quality of practice as well as indicators that highlight the progress of children under five against the Every Child Matters outcomes. To ensure this criteria is met, lead agencies will need to monitor the services that are provided by external agencies.

Most importantly, lead agencies will need to know whether or not the service is being delivered as agreed and detailed in the service specification and that children and their families have access to high quality services that deliver good outcomes. Information on the number of service users, along with their ethnicity and details of any additional needs they may have, will give an outline of whether the service is reaching the target service users. This is especially important if the service being delivered is specialised for a specific community. Lead agencies also need to monitor service user feedback for the services being delivered within the children's centre and this information should be collated by the lead agency and any feedback considered and taken on board when looking at existing and future services.



## Payment Conditions

It is recommended, where funding is being given to an external agency, that payments are made in at least two instalments. It is never recommended to pay all the funding up front in case the provider is subsequently unable to deliver the service as specified, but the money has been spent.

Another recommendation is to link the payments to monitoring of the service. For example, lead agencies could pay half of the money at the start of the service and pay the second instalment once satisfactory monitoring has been received. It is important to keep audited accounts of how the money is being spent to ensure that a clear financial trail can be followed.

## Policies and Procedures

It is vital that lead agencies check that any external providers have the necessary policies and procedures in place to carry out the services within a children's centre. Model policies can be found on [www.hertsdirect.org](http://www.hertsdirect.org) and should help make lead agencies aware of the issues that the policies and procedures should cover.

These include:

- Health and Safety
- Child Protection and Safeguarding
- Equalities
- Complaints

Other policies that are specific to children's centres may need to be developed by the lead agency in conjunction with key partners.

The lead agency will need to ensure that all services delivered work within the relevant legislation, including the Children Act 2004, the Childcare Act 2006, the Disability Discrimination Act 2005 (DDA 2005) and the Race Relations (Amendment) Act 2000.



## Risk Assessment

Lead agencies will need to consider any risks that may arise in both the delivery of children's centre services and arrangements with external organisations. Risk assessment should be viewed in a positive way to minimising any potential hazards.

Below are a number of questions that can be used as prompts for lead agencies to consider for both their own and externally commissioned services. Lead agencies will be most familiar with their settings and therefore should tailor the assessment according to their own arrangements:

- Childcare related questions – ratios, supervision, intimate care needs, etc
- Relationships with providers – arrangements in place, policies and procedures in place, CRB checks carried out, etc
- Governor and management profile of the service – any reputation risks, etc.

### **For Further help / details:**

Further advice and guidance is available from the Head of Health, Safety and Risk Management, HCC Telephone: 01992 555532.



# APPENDICES

**1** ■ Lead Agency Guidance Notes on Criminal Records Bureau Disclosure Criteria

**2** ■ Example - Service Specification

**3** ■ Blank template



# 1

## Lead Agency Guidance Notes on Criminal Records Bureau (CRB) Disclosure Criteria

The following guidance is to help Lead Agencies ensure that all staff and volunteers within the children's centre who either work directly with children or with access to information regarding services users, have satisfactory Enhanced CRB checks and references **prior to** appointment. This should apply to all external organisations commissioned by the Lead Agency.

### Enhanced Disclosure

An Enhanced CRB check is a Hertfordshire County Council (HCC) requirement. This is the highest level of check available to anyone involved in regularly caring for, training, supervising or being in sole charge of children or vulnerable adults. Enhanced Disclosures contain the following checks:

- Protection of Children Act (POCA) List
- Protection of Vulnerable Adults (POVA) List
- Information that is held under Section 142 of the Education Act 2002 (formerly known as List 99)
- Relevant and proportionate information held by the local police forces

### Examples of types of convictions and what you should do;

If your organisation's CRB checks are processed by an umbrella organisation other than HCC, you must use the same criteria as HCC when deciding whether the outcome of CRB checks is satisfactory and that the individual concerned is suitable to work with children and young people:

- Sexual offences against a child – offer of employment should not be made.
- Other sexual offences - the circumstances, age of the conviction, the type of job they are to be doing and the specific duties and the client group they are working with. If in any doubt, an offer of employment should not be made.
- Recent serious violent crimes and supply of drugs, or a pattern of possession which is recent would usually result in an offer of employment not being made.
- One off possession of cannabis, especially if some years ago - offer of employment would usually be made.
- Any convictions for theft, fraud, criminal damage etc are taken more seriously if the person has access to money, equipment or property or works in people's homes. An offer of employment would depend on the circumstances and the age of the conviction.
- Drink driving offences – this would be an issue where the applicant will be driving children as part of their duties, or there is a pattern. A one off drink driving offence where the appointing officer is happy there is no longer an issue, an offer of employment would be made.
- One off minor violence which can be explained, employment is usually offered but will depend on what the job is and the person's attitude towards the offence.



- Speeding tickets and parking fines do not appear on Disclosures.  
If a disclosure comes back with criminal information declared, then a thorough risk assessment needs to be undertaken. You as the potential employer must look at both the job and the person and weigh up whether there is a risk to the service user(s) against possible safeguards and precautions. Remember our foremost duty is the safety of our children and young people.

The set of questions below from 'NACRO' (National Association for the Care and Resettlement of Offenders) can be used as an aid when entering discussion with an applicant and when making a decision of employment:

- How does the offence impact on the role that the person has applied for?
- The nature of the crime?
- Is the offence a one off or are there a number of offences?
- How long ago it occurred?
- Is it a juvenile or adult offence?
- The circumstances involved?
- Is the behaviour behind the crime a concern?
- Is the context behind the crime a concern?
- Has the situation leading to the crime changed?
- What evidence is there of change?
- What is the person's attitude to the crime?
- Job requirements?
- Safeguards against offending at work - is the role supervised or does it involve unsupervised work?

### Spent & Unspent Convictions

If an offender stays on the right side of the law for the specified time after their conviction, it becomes 'spent', hence the convicted person does not have to reveal it or admit its existence in most circumstances. However, there are some exceptions relating to employment and these are listed in the Exceptions order to the Rehabilitation of Offenders Act 1974. The two main exceptions relate to working with children or working with vulnerable adults, where CRB checks will reveal both spent and unspent convictions.

### Further Guidance

Rachel Batchelor / Penny Constantinou - Senior Human Resource Officers, Children, Schools and Families 01992 556147

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

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

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

[www.everychildmatters.gov.uk/vettingandbarring](http://www.everychildmatters.gov.uk/vettingandbarring)



## PART B: SERVICE SPECIFICATION

### SERVICE:

- Service to be provided

The provision of a crèche facility for the children aged 0 to 7 years old of parents recovering from addictions, for 2 days a week.

- Aims of the service

The aim of the service is to ensure children are cared for in a safe, stimulating environment, whilst their parents are recovering from addictions.

Thematic structured play will enable child development, combined with free play, which is intended to encourage children's confidence and their self-esteem. Children will have individually tailored plans which are for their development.

Children will address their developmental barriers and progress in the following areas:

1. Personal, social and emotional wellbeing
2. Communication and language skills
3. Literacy and mathematics
4. Creative development.

- Use of funding

Funding will be used to partly finance staff salaries, staff training, toys and equipment, and administration and support costs.

- Events and Publications

A series of open days and fundraising events to be held to promote the organisation. Quarterly newsletter, leaflets and posters will be developed and to advertise the organisations services.

- Charges for the Service

The crèche is provided to service users free of charge



### **Target service user group**

- Target Group

The service will be targeted at parents who are recovering from addictions in the Stevenage district of Hertfordshire.

- Volume of service

A minimum of 35 children will attend the crèche.

### **Referrals**

- How Children and Young People are referred

Referrals are made from the following organisations/agencies:

1. Probation service
2. Mental health team
3. Social services
4. General practitioner's
5. Self referral

### **Staffing**

The organisation is operated by a crèche manager, a deputy crèche manager and two crèche assistants.



<b>ECM OUTCOMES</b>	Be Healthy; Stay Safe; Enjoying and Achieving
<b>ECM AIMS</b>	<p><b><u>Primary</u></b>  <b>Be Healthy</b>          Physically healthy          Mentally and emotionally healthy</p> <p><b><u>Secondary</u></b>  <b>Stay safe</b>          Safe from crime and anti-social behaviour in and out of school  <b>Enjoying and Achieving</b>          Ready for school</p>
<b>ECM Judgements</b>	<p><b><u>Primary</u></b>  <b>Be Healthy</b>          BH5 – Children and young people’s physical health is supported          BH6 – Children and young people’s mental health is supported</p> <p><b><u>Secondary</u></b>  <b>Stay Safe</b>          SS2 – Steps are taken to provide children and young people with a safe environment  <b>Enjoying and Achieving</b>          Parents and carers are supported in helping children and young people to enjoy and achieve</p>
<b>Children and Young People’s Plan Aims</b>	<p><b><u>Primary</u></b>  <b>Be Healthy</b>          H1 – Have fewer preventable health problems by living healthy lifestyles in a healthy living environment</p> <p><b><u>Secondary</u></b>  <b>Stay Safe</b>          S1 – Are safe, and feel safe, in the environments in which they live, work, travel or receive services  <b>Enjoying and Achieving</b>          EA4 – Have fun and enjoyable things to do and good places to go to that support their personal and emotional development</p>



### OUTCOMES:

- Children will feel they have been encouraged to develop and have higher confidence and self-esteem
- There will be an improvement in the children's communication, literacy and mathematical skills.
- Children will feel they have been supported whilst their parents deal with their addictions.

### OUTPUTS:

- At least 35 children will attend the crèche facility.

### PARTNERSHIPS:

- Links with CSF and other agencies / organisations

The organisation will work closely with CSF throughout the duration of the contract and beyond. It will also strengthen links with community development officers, health visitors and area SENCO workers.

### QUALITY ASSURANCE:

The provider will achieve and monitor quality by:

- Ensuring that a robust monitoring and evaluation process is in place, as detailed in Part C.
- Encouraging parents and their children to complete evaluation forms.

The provider will ensure that appropriate complaints procedures are in place and inform the Contract Manager of any complaints made.

Parents and their children will be able to feed back into the service by:

- Completing evaluation forms before and after delivery of service in order to measure the extent of the change that has taken place.

We require feedback on how the provider is ensuring outcomes are being met, including relevant examples.

A short synopsis detailing the feedback from service users and parents, both written and verbally communicated is also a requirement of the monitoring feedback.



## PART C CONTRACT MONITORING

### Monitoring arrangements will be co-ordinated by the Contracts Manager

- Two six monthly monitoring returns to be provided:

Monitoring Return 1 for the period *(date)* to be returned to *(name)* by *(date)*.

If the first six months monitoring is satisfactory the second six monthly payment will be made to the provider by the end of *(date)*.

Monitoring Return 2 for the period *(date)* to be returned to *(name)* by *(date)*.

For 2006/07 CSF is piloting e-monitoring.

Further details of how to complete your monitoring online will be provided before the first submission is required.

- Monitoring meetings shall take place if the Provider or the Contract Manager feels that it would be appropriate.

Contract monitoring and feedback will be through:

- Evaluation of feedback forms from children/parents
- Keeping a record of the number of service users and their developments
- Regular self assessment and self appraisal meetings
- Completion of monitoring form
- Feedback on how outcomes are being achieved

The attached monitoring returns will also ask you to provide the following information:

- A service user's profile to include data on age, gender, ethnicity, town/postcode and disability for children and young people helped by the service.
- Whether or not any complaints have been made and how they have been dealt with.
- Feedback to the Council on its service to the Provider.

The Provider will ensure that appropriate complaints procedures are in place and inform the Contract Manager of any complaints made.



**PART B: SERVICE SPECIFICATION**

**SERVICE:** (Delete italics when completing your own form)

*What service will be provided?*

*Where will the service be provided/take place?*

*When will the service be?*

*What will the funding be spent on?*

*How are children and young people involved in the planning and running of the service?*

**WHO WILL BE PROVIDED WITH A SERVICE:**

*Who is the target audience?*

*How are they targeted?*

*What volume of audience is there?*

*Why this specific audience?*



<b>Every Child Matters (ECM) Outcomes &amp; Aims</b>	<u>Primary ECM Outcome (s) and Aims</u>  <i>What is/are the Primary ECM outcome(s)</i>  <u>Secondary ECM Outcome (s) and Aims</u>  <i>What is/are the Secondary ECM outcome(s)</i>
<b>Every Child Matters (ECM) Inspection Judgements</b>	<u>Primary ECM Inspection Judgements</u>  <i>What is/are the Inspection Judgement(s)</i>  <u>Secondary ECM Inspection Judgements</u>  <i>What is/are the Inspection Judgement(s)</i>
<b>Children and Young Peoples Plan (CYPP) Outcomes</b>	<u>Primary CYPP outcomes</u>  <i>What is/are the CYPP outcome(s)</i>  <u>Secondary CYPP outcomes</u>  <i>What is/are the CYPP outcome(s)</i>

## OUTCOMES

*What outcomes will be achieved for children and young people attending? What is the end benefit to these service users? Think in relation to the ECM 5 outcomes.*

## OUTPUTS

*Numbers and activities.*

*The actual outputs of this service i.e. when it will run, where it will run, how many service users etc.*



## **PARTNERSHIPS**

*Who does the provider work in partnership with?  
Who should they be working with?*

## **Forward Development Plan**

*How are they going to continue if this funding is cut, what plan do they have. Exit strategies*



<b>PART C:</b>	<b>MONITORING ARRANGEMENTS</b>
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*Monitoring Arrangements will include:*

1. *A face to face meeting between the Contract Manager and a representative of the provider.*
2. *Written report: -  
A detailed written report to be produced at the end of the contract with details of outcomes as listed in Part B, and will be submitted at least 2 weeks in advance of the meeting in (1) above. It will include:*
  - *Numbers of young people involved, including breakdown by age and ethnicity*
  - *Numbers of young people involved as junior coaches*
  - *Number of young people referred to coaching courses*
  - *Number of young people that use the service on a regular basis*
  - *Information about the quality of the services delivery (e.g. information from quality assurance systems / user and carer feedback / complaints, etc.).*
  - *Individual learning and project evaluation.*
3. *Annual income and expenditure accounts, with evidence of how the funding has been used.*
4. *How the Provider measures the desired outcomes of young people as described in Part B.*

