Extended Services and Safeguarding – Guidance

Agreements

Schools can encourage and establish extended services and community use by a number of routes: through achieving specialist school status in one or more subjects, transfer of control and joint use agreements, leases and licences, exercising the Governors’ Community Facilities Powers to provide services, partnership arrangements, shared use of premises by other Council services and hire. In all cases there is a need to ensure that safeguarding measures are in place.

A Transfer of Control Agreement (TOCA) is the way in which the Governors can permit a third party to use part of school premises by transferring control of that area to the third party for a given period of time. Where they wish to transfer the control of school accommodation during school hours the Authority’s consent is required. In addition Oxfordshire County Council requires all transfer of control agreements during school hours – typically leases, licences and joint use agreements - to be prepared by Property and Legal Services (Community Schools) or by the School Trustees (Voluntary Controlled Schools), to which the Council as well as the Governing Body are party. This is to protect the Council’s interests in the School and to safeguard the Governing Body. At Voluntary Aided Schools the Governing Body would prepare the agreement. Foundation and Trust Schools and Academies are responsible for their own agreements.

For use outside school hours – e.g. before and after school clubs, activities, study support, services, holiday schemes etc – Governors can use a number of routes.
If the activity or service is organised and run by the School (school staff or governors operate and supervise the activity) or if Governors use their Governors Community Facilities Powers to provide a service then no licence, lease or hire agreement is required. There is no transfer of control.

If the service or activity is organised and run by another body/individual, governors are advised to enter into a formal hire agreement or to enter into a transfer of control agreements. In most instances schools are advised to treat these as hire arrangements. A hire agreement should not be longer than a term at a time and must include full conditions and a signed hire form even if no charge is made. There is no transfer of control over any part of the premises which stays in the control of the Governors. With a hire the Governors are allowing use of part of the premises within conditions set by the Governors.

If the use/service is longer term then Governors will need to enter into a TOCA. The Governing Body does not need to use its Community Facilities Powers to enter into a TOCA. A model agreement is attached for use in these circumstances. The model covers the items which need to be included in the agreement. It can be added to but not reduced.
Advice on which type of agreement to use, in which circumstances, is available to schools subscribing to the School Organisation & Planning (Property & Assets) QuEST package.

Safeguarding

All new licences, leases and joint use agreements drawn up by the Council will contain safeguarding provision. We are working on how to include this into existing agreements completed since January 2007.

The model TOCA includes safeguarding elements – paragraph 8 and Appendix 1. These need to be reproduced as written.

For Hire arrangements where the hirer provides activities for children or young people or has access to pupils, the Governors must include the following declaration (taken from Appendix 1) as part of the hire document conditions signed by the user:

Safeguarding / Child Protection Declaration

The User undertakes to ensure that all staff or volunteers providing a service on behalf of the User will be made aware of the Local Safeguarding Children’s Board child protection procedures and the DCSF guidance (2007) Safeguarding Children and Safer Recruitment in Education.

Specifically the User will take responsibility for ensuring that all required recruitment checks are undertaken on any adult using [insert name of school] premises. (This should include enhanced CRB checks on all those likely to have unsupervised contact with children and young people and a requirement that any allegation about inappropriate behaviour from any adult, employed or volunteering for the User is referred to the Local Authority Designated Officer for investigation).

[Insert name of user representative] on behalf of [insert name of User organisation] accept the responsibilities to safeguard and promote the welfare of all the children or young people for whom we provide a service. I accept the requirement to follow the guidance and procedures outlined above.

I/we agree to provide a copy of our child protection policy on request of the governing body of [insert name of the school].

I/we confirm that all adults either employed or being used on a voluntary basis to provide services on behalf of [insert name of user organisation] have been through the appropriate recruitment checks (identified in Safeguarding Children and Safe Recruitment Guidance DCSF publication 2007) and have received and will continue to receive on a three yearly cycle basic child protection training.

[Insert name of the ‘user’ representative] of [insert name of the
organisation] make this declaration to confirm that we agree to and accept the expectations of this agreement outlined above and at paragraph 8 of the transfer of control agreement.

Signed ---------------------------------------(on behalf of user organisation)

Date ------------------

(Please attach a copy of your organisation’s Child Protection Policy with this declaration).

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