

Sure Start Children's Centres

Statutory guidance

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Introduction

Sure Start Children's Centres are part of the local system of universal children's services, providing easy access to a range of community health services, parenting and family support, integrated early education and childcare, and links to training and employment opportunities for families with children under the age of five. Children's centres are a key mechanism for improving outcomes for young children while reducing inequalities between the poorest children and their peers, as well as helping bring an end to child poverty.

The Government has demonstrated its commitment to children's centres by legislating to give them a statutory basis. The Childcare Act 2006 imposed duties on local authorities to improve the well-being of young children in their area and reduce inequalities between them, and to make arrangements to secure that early childhood services are provided in an integrated way in order to improve access and maximise the benefits of those services to young children and their parents. It also placed duties on Primary Care Trusts, Strategic Health Authorities, and Jobcentre Plus (as statutory 'relevant partners' as defined in the Childcare Act) to work together with local authorities in their arrangements for securing integrated early childhood services.

The Apprenticeships, Skills, Children and Learning Act 2009 goes further. It inserted new provisions into the Childcare Act 2006 so that the Act now defines Sure Start Children's Centres in law. It places duties on local authorities in relation to establishing and running children's centres. It also places duties on Primary Care Trusts and Jobcentre Plus to consider regularly whether the early childhood services they provide should be delivered through children's centres in the area. This links with their duties as partners within the Children's Trust Board to plan and review the Children and Young People's Plan.

References in this document to 'the Childcare Act' mean the Childcare Act 2006, as amended by the Apprenticeships, Skills, Children and Learning Act 2009 (the ASCL Act) unless specified otherwise.

This guidance is made under the Childcare Act. Whilst relevant to children's centres and others, it is primarily intended to help local authorities and their partners understand the legislation and to give guidance on how the duties should be complied with. This guidance:

- explains the legislation and the action local authorities, Primary Care Trusts and Jobcentre Plus should take to comply with their new statutory duties. As part of this, it offers a plain language interpretation of the legal terminology where this may be of assistance. This interpretation of the law does not override the legislation itself and is only intended to be a helpful guide for local authorities and others;
- contains statutory guidance on how to exercise some of the duties and powers in the legislation where the Government has a particularly strong view on how a certain function should be exercised. This is to encourage consistency as far as possible

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around practices which have been shown to be effective. Where guidance is 'statutory', this means that the local authority and, where appropriate, Primary Care Trusts and Jobcentre Plus, must have regard to it when exercising their functions under the Childcare Act. Having regard to the guidance means that they must take it into account, and should not depart from it unless they have good local justification for acting differently. This guidance clearly sets out what parts of it are statutory in nature, and who is required to have regard to it;

- includes good practice material which describes actions the Government considers local authorities and their partners could take to meet their duties most effectively. This is based on practice which has been developed over time. Local authorities and their partners are not required by law to have regard to this good practice material, but it can help them fulfil their role effectively.

This guidance should be read alongside existing Department for Children, Schools and Families planning guidance for children's centres and the Sure Start Children's Centres Practice Guidance which provides more information and best practice on many of the issues covered by this guidance.

In guiding the provision of the health elements of early childhood services, this guidance is intended for Primary Care Trusts, although Strategic Health Authorities may also wish to be aware. The Strategic Health Authority (SHA) is a statutory 'relevant partner' in the Children's Trust because it provides strategic leadership to local health systems, develops National Health Service organisations, is responsible for workforce development including education training and workforce planning and ensures local health systems operate effectively and deliver improved performance. SHAs operate at regional level and hold all local NHS organisations, (with the exception of Foundation Trusts) to account for performance. They are not required to be represented on each Children's Trust Board – but this does not preclude their involvement voluntarily and they must be consulted on each Children and Young People's Plan, including the production of local workforce development plans.

Arrangements for the provision of children's centres

Section 5A of the Childcare Act 2006

Sure Start Children's Centres are at the heart of the Government's drive to provide accessible, integrated early childhood services for all parents-to-be and families with young children, including wider family members such as grandparents. Children's centres are intended to be the first, local port of call when a mother, father or carer needs help or advice; whether that is in relation to their role as parent/carer, or their child's well-being or learning and development, or simply to find out about neighbourhood activities for parents or activities for children including play groups or nurseries. Children's centres also provide and promote access to childcare and encouragement and support for parents who wish to consider training and employment.

Children's centres can support the improvement in the overall health and well-being of young children and their families while narrowing the gap between the outcomes for the poorest children and the rest. They can raise parents' aspirations for their children and themselves, encourage parental engagement in their children's early learning and development to help children overcome development barriers and make a good start in their school careers.

For local communities, children's centres offer an excellent opportunity to promote greater community cohesion and understanding through the provision of universal early childhood services and support for parents and families from all backgrounds, income levels and ethnic groups. Integrating services locally, such as parenting support, employment advice, child health services and in some children's centres childcare is key to this approach.

In order to secure the position of children's centres as part of local universal children's services the Government has, through the amended Childcare Act, given children's centres a statutory basis.

Local authorities were already providing children's centres as part of their arrangements for integrated early childhood services under section 3 of the Childcare Act. Section 3 of the Childcare Act requires local authorities to make arrangements to secure that early childhood services are provided in an integrated manner in order to facilitate access to those services, and maximise the benefit of those services to parents, prospective parents and young children. Early childhood services in this context (defined in section 2 of the Childcare Act) are:

- childcare for young children;
- social services functions of the local authority relating to young children, parents and prospective parents;

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- health services relating to young children, parents and prospective parents;
- employment support from Jobcentre Plus for parents or prospective parents;
- the local authority's information, advice and assistance service relating to childcare and other services and facilities relevant to young children and their families.

The amendments made by the ASCL Act insert new sections into the Childcare Act which extend the requirement in section 3. Section 5A of the Childcare Act now requires that as part of meeting their duties under section 3, local authorities must, so far as is reasonably practicable, include arrangements for sufficient provision of children's centres to meet local need. This means local authorities are now under a duty to secure sufficient children's centres provision for their area.

How the Act defines a Sure Start Children's Centre

The Childcare Act defines a Sure Start Children's Centre as a place or a group of places (recognising that some children's centres can operate on split sites):

- which is managed by or on behalf of the local authority with the purpose of securing that early childhood services are available in an integrated manner;
- through which early childhood services are made available;
- at which activities for young children are provided.

The definition sets a minimum for what arrangements and services constitute a children's centre for the purposes of the legislation. In many cases, children's centres will go far beyond this definition in terms of what they offer. The Childcare Act says that a children's centre which meets this description and was set up as part of the arrangements for integrated services made by the local authority under section 3 of the Childcare Act is to be known as a 'Sure Start Children's Centre', thereby putting this name into legislation. Those children's centres which were designated before the amendments to the Childcare Act came into force on 12 January 2010 became Sure Start Children's Centres on commencement of the Act. Whether a children's centre is a 'Sure Start Children's Centre' is now a matter of fact which can be determined by reference to the definition in the Childcare Act. The Department for Children, Schools and Families (DCSF) has made arrangements for their delivery agent Together for Children to continue to support local authorities during the completion of the development and designation process of children's centres, including all remaining planned phase three children's centres. Local authorities are accountable for children's centres and should report accurate information to Together for Children and DCSF on delivery of children's centres in their area.

The definition refers to children's centres which are 'managed by or on behalf of' the local authority. This is to cover the various situations where the local authority manages the children's centre itself, and where management is undertaken by someone else such as a school governing body or a charity managing it on behalf of the local authority but with an agreement in place (such as a service level agreement or contract) so that it is clear that the local authority remains accountable.

Children's centres operate in a number of different contexts and through different models of delivery, and serve communities with different levels of deprivation needing different types of services at the children's centre. The legislation makes clear that a children's centre can make the various early childhood services available either by providing the service at the children's centre itself or by providing advice and assistance to parents and

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prospective parents in gaining access to a service provided elsewhere. This is to ensure that, even if a particular service is not delivered on-site, parents and other users are given support to access that service – for example by phone contact, arranging appointments or, where available and necessary, advocacy support from the children's centre. Relying on signposting, for example only through leaflets for all families whatever their circumstances, is not sufficient to meet this aspect of the definition.

Finally, in order to fall within the definition a children's centre must directly provide activities for young children such as stay and play sessions and 'drop in' groups. This requirement is to ensure that children's centres which do not directly provide childcare still offer activities on site to engage young children and their families.

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What is sufficient to meet local need?

Local authorities are required by the Act to make 'sufficient provision' of children's centres to meet local need. They are therefore the lead commissioner working with their Children's Trust partners. The Act makes clear that 'local need' refers to the need of parents, prospective parents and young children (under the age of five) in the local area. Local authorities will already be aware of these groups as potential users of children's centres. In guiding local authority determination as to what level of children's centre provision is sufficient to meet local need, local authorities will want to take account of children's centres outside their authority area, or which they expect to be provided outside their authority area, that local parents use on a regular basis. Local authorities may look beyond their geographic borders to meet the needs of local communities in as efficient a way as possible.

Determining what is sufficient provision is a decision for local authorities to take, and the Government expects this to be taken in full consultation with Primary Care Trusts and Jobcentre Plus, other Children's Trust partners and local families and communities. Local authorities should ensure that universal access to children's centres is achieved, with children's centres configured to meet the needs of local families especially the most deprived. Local authorities should be able to demonstrate through their performance management arrangements and review processes that all children and families can be reached effectively.

In undertaking such consideration, local authorities should be guided by demographic factors and demonstrate an understanding of the different communities – both geographically and socio-economically – children's centres will serve. Local authorities should also take into account views of local families and communities in deciding what is sufficient children's centre provision.

Local authorities should be guided by the expectations underpinning the national rollout of children's centres, from 2003 to 2010. During this time, local authorities were advised to plan on the basis of each children's centre serving around 800 children under five. This is an average reach figure, and reach areas can vary significantly depending on the characteristics of the population served and the physical geography of the area. In rural areas where numbers of children may be lower and spaces between centres of population far greater than in urban areas, children's centres might only serve around 600 children. In

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the more affluent areas, or where the demand for services is found to be less, numbers may be larger, up to around 1200 children. In the most deprived areas, a figure of up to 800 children can best meet the more intensive needs of children and families in these areas. These numbers are guidelines only, and local authorities are free to determine the best arrangements locally taking account of local communities and needs. Value for money and the ability to improve outcomes for all children, but especially the most disadvantaged, will be important guiding considerations.

It is also the case that whilst children's centres can have the above nominal 'reach' areas for planning purposes, parents and carers are free to access early childhood services where it suits them best. In some areas local authority boundaries run through the middle of natural communities and families may 'cross the border' to access services in a children's centre in the neighbouring borough.

Duty on local authorities, Primary Care Trusts and Jobcentre Plus to consider providing services through a children's centre

Section 5E of the Childcare Act 2006

The Childcare Act places a duty on the local authority, Primary Care Trusts and Jobcentre Plus to consider whether each of the early childhood services they provide, or will start to provide, should be provided through any of the children's centres in the local authority area. This duty includes services delivered either directly by local authorities, Primary Care Trusts or Jobcentre Plus, or on their behalf or under partnership arrangements made with them.

The statutory requirement to consider providing early childhood services through children's centres strikes the balance between ensuring services are delivered in an integrated way for families to achieve the best outcomes for children, including where possible on the site of the children's centre itself, whilst recognising that not every service can be sited in every children's centre. This needs to be considered early in the planning stage of any new children's centre and for all existing children's centres should be regularly reviewed, for example, during the annual consideration of the Children and Young People's Plan.

In understanding this duty, local authorities, Primary Care Trusts and Jobcentre Plus, as well as children's centres themselves, should be aware that there must be arrangements made at the centre to provide advice and assistance to families on gaining access to services located elsewhere, recognising different families have different needs. So, whilst signposting services with a leaflet or a noticeboard may be sufficient for some families, for many others it won't be and they will require much more active contact and engagement.

Where services are not delivered directly at children's centres local authorities, working with their Children's Trust partners, should consider how best to ensure that the families who require services can be supported to access them. This will be particularly important in rural areas. In undertaking this consideration, relevant factors include the transport needs of families, especially those with young children, and that some families may be unwilling or suspicious about taking up services that are unfamiliar. Having a regular drop in 'get to know' session led by an employment adviser, midwife or health visitor for example can ease parents into accessing services, especially if they can book a future appointment there and then.

The duty on local authorities, Primary Care Trusts and Jobcentre Plus to consider providing their early childhood services through children's centres sits within a broader statutory context. Section 4 of the Childcare Act 2006 places a duty on local authorities,

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Jobcentre Plus and Primary Care Trusts to work together to facilitate access to early childhood services and maximise the benefits of those services to parents and carers, prospective parents and young children. Ofsted inspections of children's centres will assess the effectiveness of partnership working and its impact on the outcomes being achieved for children and families. Local authorities and Primary Care Trusts have wider arrangements for assessing quality of services and powers to intervene exist. Where there is critical or sustained underperformance, the Secretary of State has the power to intervene in a local authority (via section 497A of the Education Act 1996 and section 50 of the Children Act 2004.)

The Care Quality Commission (CQC) is the lead regulator for health and adult social care and as such has a number of means of assessing children's health services. All NHS provider organisations are required to be registered by the CQC against essential standards of quality and safety, and through its periodic review function, the CQC also makes an assessment of the performance of NHS providers and commissioners. Ofsted and CQC will work together to ensure that any issues arising from inspections relating to health services are shared appropriately.

The ASCL Act also made changes to the Children Act 2004 by placing Children's Trust Boards on a statutory footing from April 2010 and shifting responsibility for developing, publishing and reviewing the Children and Young People's Plan from the local authority alone to the Children's Trust Board. The partnership between the local authority and the Primary Care Trust is the driving relationship of the Children's Trust. Jobcentre Plus already plays an important role in Sure Start Children's Centres providing services for parents and as a statutory relevant partner in the Children's Trust co-operation arrangements has a key role in eradicating child poverty. The Children and Young People's Plan becomes the agreed joint strategy of partners in the Children's Trust on how they will co-operate to improve the wellbeing of children and young people in the local area (over the five ECM outcomes).

Statutory Guidance on Children's Trusts and Children's Trust Boards (March 2010) sets out how co-operation arrangements provide an opportunity to develop better integrated strategies such as strategic commissioning – the overall process by which all relevant services should be planned, investment decisions agreed, delivery ensured and effectiveness reviewed – through the following key stages:

- 'understand' local needs, resources and priorities;
- 'plan' different ways of achieving desired outcomes;
- 'do' secure the delivery of the desired services(s);
- 'review' monitor service delivery against expected outcomes.

There will be different ways to deliver services, as recognised by the Childcare Act. The duty in section 5E does not mean that all such services must always be delivered through children's centres – there will be many circumstances where it will make sense to deliver services from a site other than a children's centre. But, this new duty is an important one and good practice suggests that it will be helpful to record decisions reached by local authorities, Primary Care Trusts and Jobcentre Plus with the individual children's centre once the consideration required by the Act has taken place.

In considering whether to provide services through a children's centre or move services from or to a children's centre, Primary Care Trusts will need to consider not only their statutory duty under the Childcare Act 2006 but also their duties under NHS legislation with

regard to consulting and involving users of health services in decisions about services (in particular Section 242 of the National Health Act 2006).

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In order to fulfil the requirements of the Childcare Act local authorities, Primary Care Trusts and Jobcentre Plus (with support through their Children's Trust co-operation arrangements) should:

- **understand** at a senior and strategic level local needs for early childhood services, resources and priorities for example for children's centres;
- **plan** whether desired outcomes can be achieved effectively by providing early childhood services for example family support, children's health or employment advice services through children's centres because this improves access and maximises benefits to young children, parents and prospective parents. This requirement is set out directly in the legislation; and
- regularly **review** all provision for early childhood services, provided directly through the local authority, Primary Care Trust or Jobcentre Plus, or through other providers or agencies, to ensure expected outcomes are delivered. Complying with the duty does not mean a one time only decision which would not be reviewed again. This could be done for example as part of an annual performance management process or as part of the Children's Trust Board's annual consideration of the Children and Young People's Plan.

Commissioning will be done by Children's Trust partners individually or in partnership, using the Children and Young People's Plan as a strategic framework. Examples of early childhood services which could be delivered through children's centres by local authorities, Primary Care Trusts and Jobcentre Plus directly or through contracted arrangements are set out in the bulleted lists below.

Since April 2008 local authorities and Primary Care Trusts have been under a statutory duty to produce a Joint Strategic Needs Assessment which should inform the Children and Young People's Plan. The Joint Strategic Needs Assessment can be used to establish a shared vision of local service needs and is relevant when Primary Care Trusts consider services which could be provided through children's centres. Children's centres can play a particularly important role in supporting the evidence-based Healthy Child Programme: Pregnancy and the first five years of life, which is led by health visitors and delivered by a range of practitioners across the health service and the wider children's workforce.

Existing best practice guidance on the availability of antenatal and postnatal services and child health services, and information on health issues in children's centres, suggests this might include:

- ante-natal education;
- appropriate maternity services (including early antenatal engagement and postnatal support);
- breastfeeding promotion and support;
- working with families with disabled children;

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- obesity, diet and nutrition advice;
- promotion of active play;
- mental health promotion;
- speech and communication and language development;
- immunisation promotion;
- advice on accident and injury prevention;
- working with specific client groups – for example the evidence-based Family Nurse Partnership (FNP) programme. The FNP is a preventive programme offering intensive and structured, nurse-led home visiting for vulnerable first time young mothers from early pregnancy until their children are two.

Jobcentre Plus has a key role in eradicating child poverty by improving access to employment for those parents who are farthest from the labour market. This can be supported by multi-agency working, delivering easy access to work-focused services through children's centres. The type of support will differ according to levels of demand within each community but there should be a link to Jobcentre Plus in all children's centres. Decisions will be made locally through negotiation between Jobcentre Plus and the local authority or the children's centre leader about which services and resources are needed and will be provided. The services and/or resources to be provided should be recorded in writing by Jobcentre Plus and the individual children's centre. Existing best practice guidance suggests services might include any of the following:

- active linking with skills development training and return to work courses;
- vacancies accessed on line or via Jobseeker Direct;
- internet access via DirectGov;
- Jobcentre Plus advisers offering one to one or group information sessions;
- drop in, or regular opportunities to consult personal advisers for advice on the financial impact of starting work;
- a named 'link adviser' at the Jobcentre providing a direct contact point for parents;
- leaflets and posters advertising Jobcentre Plus services;
- signposting to other services not directly provided by Jobcentre Plus, for example debt advice.

This is not a definitive list of services that could be provided by Jobcentre Plus and services may vary from area to area.

For local authorities, services supporting young children and their families might include:

- development and support to informal care and to formal child care provision such as childminder development and quality accreditation through a quality assured childminding network;
- promotion of the benefits of the Early Years Foundation Stage framework for early childhood development;
- outreach services for isolated parents and children at risk of social exclusion;

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- information and advice to mothers and fathers on local service availability and on a range of subjects including: local childcare; looking after babies and young children; local education services for three and four year olds; support for parents to develop a good early home learning environment; and parenting and family support;
- support to childminders via a quality assured, coordinated network, for example by providing shared training opportunities, loan of toys and equipment and hosting drop in sessions;
- activities for children and parents at the children's centre such as stay and play groups, 'drop in' sessions and groups for parents;
- evidence-based parenting programmes such as, for example, the Incredible Years, Mellow Parenting and Webster-Stratton;
- provision of, or links to, Family Learning opportunities, including Family Literacy, Language and Numeracy courses, where mothers and fathers can learn alongside their children.

Local authorities, Primary Care Trusts and Jobcentre Plus should give full consideration to the likelihood of families in need using and benefiting from services if they are located at a children's centre. The children's centre's advisory board is well-placed, with good knowledge of the needs of the community, and partners may find their contribution valuable in reaching their decisions. In particular, the key consideration must be whether using a children's centre is likely to increase access to services, especially for disadvantaged parents, and lead to improved outcomes for children. Decisions on the location of services should be taken following consultation with local communities and potential users of services, recognising that consultation must be active and targeted to reach out to those not currently using services. A full and clearly documented appraisal of any consultation can help explain why decisions were taken.

Children's centres: consultation

Section 5D of the Childcare Act 2006

It is important that children's centres reflect the needs of those who use or might use services. It is therefore important that children's centres engage with their local community in an on-going way to ensure services are genuinely meeting local need. Consultation is not a 'one-off' exercise, but parents, especially those with young children, and the wider community should have a say in any significant changes to their children's centres. Good quality and meaningful consultation, ensuring those affected have the chance to express their views, is the best way to build and sustain community involvement in the local children's centre, and allows for innovative and creative approaches to service delivery that meets the needs of individual communities.

Local authorities and their Children's Trust partners will need to keep their children's centre provision under review, to ensure services are as effective and efficient as possible in improving outcomes for children and families, and to ensure that the local authority continues to meet the duty to secure sufficient children's centres for local need. It follows that, from time to time, changes may need to be made to the local pattern of provision as local authorities and their Children's Trust partners respond flexibly to demographic changes in the area and join up strategies for children's services in their area. It is especially important that there is proper consultation before any significant changes to children's centres are made. The new provisions in the Childcare Act require this to happen.

The Childcare Act places a duty on local authorities to secure that such consultation as they think is appropriate is carried out before three types of action are taken in relation to a children's centre. This duty to consult can also be met by the local authority securing that another person or organisation carries out the consultation on their behalf, so they are not required to conduct the consultation themselves. It is up to the local authority to determine in any particular case what consultation, if any, is appropriate. Local authorities must have regard to the statutory guidance on this point contained below when they are reaching this judgement and carrying out the consultation.

The three relevant steps before which the Act requires consultation are:

- • making arrangements for the provision of a children's centre, i.e. before establishing a new children's centre;
- • making any significant change in the services provided through an existing children's centre;

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- • doing anything which would result in a children's centre ceasing to be a children's centre, i.e. either closing it or reducing the services provided to such an extent that it no longer meets the statutory definition of a Sure Start Children's Centre.

In addition to this, the Act makes clear that for the purposes of this requirement, a change to either the manner in which, or location at which, services are delivered is considered to be a change requiring consultation if it is a significant change.

The nature of what is a 'significant change' to the services delivered through children's centres is not defined in the legislation. This is a matter for local authorities to determine, and a balance will need to be struck between the flexibility to make small changes without unnecessary, burdensome and possibly expensive consultation, whilst ensuring that there is consultation on potential changes to services which local people may have come to rely upon. In coming to this view, local authorities must have regard to the statutory guidance below.

Before undertaking any consultation, local authorities should discuss with their Children's Trust partners and should have regard to the following statutory guidance. This sets out a step by step process for local authorities when they are considering a change which could trigger the need to consult. Local authorities should decide whether consultation is needed, how it will be done, who will be consulted and how results will be communicated.

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What changes should be consulted upon?

The legislation requires that local authorities consult before establishing a new children's centre or closing an existing children's centre. Local authorities are also required to consult before making a 'significant change' to services offered through existing children's centres. This is the minimum expectation for local authority consultation intended to ensure that debates take place locally. Local authorities are free to consult in circumstances beyond those required by the legislation.

A significant change may include:

- a change to the location of some of the core services, or the whole children's centre moving to another location;
- providing a significant new service at a children's centre;
- a significant service no longer being provided at a children's centre (or particular site of the children's centre);
- a greatly reduced level of service provided at a children's centre.

In considering what is a significant change, including the above changes, local authorities should be guided to put the balance in favour of consulting on changes to children's centres services which families rely upon. It is recognised that local authorities need to forward plan and reshape services and this guidance is not intended to inhibit that. In some instances early and clear communication of a planned change, for example changing the day a service is offered could remove the need for a full consultation exercise. Changing the timing by a short period in the same day is not likely to be a significant change requiring full consultation.

The consultation process

When consulting before establishing, closing or making any significant change in the services provided through a children's centre, the local authority should:

- allow adequate time for those wishing to respond to have the opportunity to do so. There are no hard and fast rules on what is an adequate time, but local authorities should ensure that all those who may wish to respond have a reasonable time to do so;
- provide sufficient information for those being consulted to form a considered view on the matters on which they are being consulted;
- tailor their consultation process to the scale of the potential change. For example, a consultation on a major change such as closing a children's centre should be longer and more intense than for a smaller potential change. Most consultations will not need to last longer than 12 weeks;
- make clear how the views of those who use the children's centre, and the broader community, can be made known.

Who should be consulted?

In determining with whom to consult, the local authority (or third party acting on its behalf) should consider who could be affected by the proposed changes and consult accordingly. Children's Trust co-operation arrangements and the Children and Young People's Plan provide opportunities to develop integrated services – particularly in the case of children's centres – with Primary Care Trusts and Jobcentre Plus. Possible additional stakeholders are set out below:

- local families who use the children's centre. In particular, local authorities should ensure they are actively encouraging parents who are members of disadvantaged groups to participate in consultations relating to provision in children's centres;
- children's centres' staff including managers, teachers and other staff of any other children's centre (or school) that may be affected;
- advisory board members and advisory boards of any other children's centre who may be affected by the proposals;
- the wider community;
- service providers who may be affected, including local voluntary organisations and the private sector of childcare and other services;
- any other local authority likely to be affected by the proposals, in particular neighbouring authorities where there may be significant cross-border movement of children;
- parents/carers of any children at any children's centre who may be affected by the proposals;
- armed services families in the area;
- any organisation who share the same site of the children's centre, e.g. a school or community centre;

- any trade unions who represent staff at the children's centre; and representatives of any trade union of any other staff at children's centres who may be affected by proposals;
- representatives of local employers, e.g. through an employer forum;
- MPs and local elected members whose constituencies or wards include the children's centres that are the subject of the proposals or whose constituents are likely to be affected by the proposals;
- the local district or parish council where relevant.

After the consultation has finished

Following the close of the consultation, local authorities should announce publicly the decision they have taken on the issue that has been consulted on. In doing so, they should be able to demonstrate how they have taken into account the views expressed during consultation in reaching their decision.

Presumption against closure for children's centres

In considering proposals to close a children's centre, the local authority should have regard to the need to preserve access to children's centres for all families with young children and in particular the duty on them to secure sufficient children's centres to meet local need. There is therefore a presumption against the closure of children's centres. This is not intended to restrict local authorities in making necessary changes, to forward plan and reshape services for the future. Innovation and flexibility are important to ensure that children's centres are responsive to the community's changing needs. **A presumption against closure does not mean that a children's centre should never close**, but that consideration starts with the balance tipped in favour of it not closing. In order to proceed with closure proposals, the case must be a strong one. Local authorities should be able to demonstrate that outcomes for children would not be adversely affected, particularly for the most disadvantaged, and better value for money would be secured by the children's centre closing rather than by it remaining open.

In drawing up a case for closure, local authorities should carefully consider:

- whether as a result of closing a children's centre, the local authority will continue to adequately meet its duty under the Act to make arrangements for sufficient children's centres to meet local needs;
- alternatives to closure including the potential for federation with another local children's centre or school, to increase the children's centre's viability;
- the overall and long term impact on local people and the local community of closure and the loss of the building as a community facility;
- whether closing the children's centre will impact on disadvantaged groups adversely;
- whether and how accessibility of children's centre services to local people will be maintained following closure, especially in rural areas;
- the impact on the local childcare market, having regard to the local authority's duties of facilitating and shaping local childcare markets which are responsive to parents needs and provide sufficient high-quality, accessible and sustainable childcare.

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Local authorities should also consider the existing presumption (in statutory guidance under the Education and Inspections Act 2006) against closure of maintained nursery schools, where a maintained nursery school forms part of a children's centre.

Children's centres: advisory boards

5C of the Childcare Act 2006

Whilst it is recognised that the precise governance arrangements for children's centres will vary from children's centre to children's centre, reflecting local circumstances, the need for effective governance arrangements is common to all children's centres. Effective governance can help give a children's centre a vision and a sense of purpose, drawing in views from the local area as part of the governance process. Governance can also help root services in local communities, enabling decisions to be taken at a community level.

Governance has a key role in a children's centre's accountability – to itself and the people who work there, to those who use the services provided by the children's centre, to Children's Trust partners who may be providing services through the children's centre, and ultimately to the local authority with whom statutory responsibility for children's centres rests. Through this accountability and effective governance, children's centres can have a direct impact on improving outcomes for children, young people and families.

The Government believes advisory boards are an important part of providing this effective governance, and previous guidance has contained the strong recommendation that every children's centre should have an advisory board. The Childcare Act now requires that every children's centre has an advisory board.

Local authorities are under a statutory duty to 'make arrangements' to secure that each of its children's centres has an advisory board. 'Make arrangements' means that local authorities must secure that every children's centre has an advisory board, but the local authority does not necessarily have to establish and convene the board itself. Where for example a children's centre is run by an external provider such as a third sector provider or by a school governing body, that provider can establish the advisory board on behalf of the local authority. The Childcare Act does not require one advisory board per children's centre. Where it makes sense locally to do so, several children's centres can cluster together and share an advisory board. But there must be an advisory board that performs the role for each children's centre, even if that advisory board also does so for other children's centres. Further good practice guidance will follow on setting up and working with advisory boards.

The Childcare Act requires that each advisory board must include persons representing the interests of each children's centre within the remit of the board, the responsible authority (the relevant local authority) and parents and prospective parents in the local authority area. This is not an exhaustive list, however, and the Act enables the board to include persons representing the interests of other persons or bodies as the local authority thinks appropriate.

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The Childcare Act defines the role of advisory boards by saying: “an advisory board must provide advice and assistance for the purpose of ensuring the effective operation of the children's centre within its remit”. The Act is clear it is the role of advisory boards to support and advise those responsible for operating the children's centre, usually the children's centre leader who will be responsible to the local authority or other body operating the children's centre. The advisory board will play an important part in driving improvement in the children's centre's performance and should have an opportunity to participate in any Ofsted inspection of the children's centre. This description of the advisory board's role is underpinned by the view that ‘governance’ means the system of strategic oversight which will determine the provision offered through children's centres. There is a clear distinction between governance and the detailed day to day operational or management activity and control of the children's centre's budget.

It is important to note the Childcare Act does not establish advisory boards as distinct legal bodies with legal personality, often known as bodies corporate, in the same way as a school governing body is a body corporate with its own legal powers and duties. Advisory boards therefore (unlike school governing bodies) do not have their own legal identity and are not given any particular legal powers or duties. It follows therefore that an advisory board will not be in a position to commission services, control the children's centre's budget or take decisions relating to day to day operations or management of the children's centre.

Commissioning of services delivered through children's centres by local authorities and their Children's Trust partners individually or in partnership, is likely to involve separate arrangements for reviewing and monitoring provision. Children's centres should contribute to strategic planning in the local area – i.e. have a say on behalf of families with pre-school age children. Children and Young People's Plan regulations require the Children's Trust Board to consult widely during the preparation of the Plan, including with Sure Start Children's Centres advisory boards. The advisory board will be in a strong position, because of its knowledge and understanding of the needs of the community, to inform discussions about whether early childhood services should be delivered through a children's centre, in accordance with the new duty on local authorities, Primary Care Trusts and Jobcentre Plus in Section 5E of the Childcare Act 2006.

It is expected that a children's centre representative should sit on the Children's Trust Board. Robust and fair arrangements should be developed for the selection of a representative following principles similar to this for selecting a schools' representative.

It is important that children's centres also involve and engage parents and the community in more ways than just through the formal environment of advisory boards. Involving parents in less formal channels can make it easier for some parents to play a part and will give a greater number of parents and carers an opportunity to have their say, as well as providing a means of communication to the wider community. Parents' Forums have been very successful at achieving this wider involvement. There is no formal requirement on children's centres to have Parents' Forums, but local authorities should consider how best to secure wider parental involvement – which can often be achieved effectively through a Parents' Forum. Local authorities should clarify and communicate exactly how the Parents' Forum will be expected to feed in to the overarching governance arrangements. Appropriate training and support should be provided to parents with clear processes in place to enable parents' views to be heard.

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Membership

In addition to the minimum requirements for membership of an advisory board as set out above, the Childcare Act also enables other members to be included who are representing the interests of other persons or bodies that the local authority thinks appropriate. Local authorities should therefore consider including the following list of people or organisations as other possible advisory board members:

- representatives of staff from the children's centre;
- representatives of Primary Care Trusts including the children's centre's named health visitor and Jobcentre Plus;
- a representative mix of members from the local community, which may include representatives of the Children's Trust partnership;
- childcare providers in the private, voluntary and independent sectors including childminders;
- local community and faith and other groups such as armed services families.

An advisory board should have clear, simple written terms of reference, which set out the roles and responsibilities of the advisory board, as well as what is expected of board members.

For members of advisory boards, in particular parents, who may never have fulfilled this type of role before, local authorities should provide induction training and ensure members understand their role and responsibilities.

In order to function effectively, an advisory board needs to be large enough to be representative and enable a range of views to be heard, but not so large that it becomes unwieldy. There is no statutory limit to membership, but membership of between ten to fifteen members has been shown to be an appropriate and workable size. It is important to ensure communities served are adequately represented, and where children's centres share an advisory board this needs careful consideration.

Where a number of children's centres are close to each other or grouped for management purposes it may be sensible for one advisory board to work with the same 'cluster'. This may also help to make partners' attendance more manageable.

The board should have an independent chair, who should not be the children's centre leader. The chair should have the casting vote if an issue arises on which the board is unable to reach a decision. The chair will also need to ensure that there are good links at all times between the children's centre leader, the local authority and other agencies providing services at the children's centre.

Involving parents

Local authorities should ensure that there are effective mechanisms for the involvement of fathers, mothers and carers, especially those with young children, in the planning, delivery and governance of services. Prospective parents also have a valuable role to play in being involved in the design of local services. It is vital that the advisory board reflects local families and communities. Children's centres are at the heart of their communities and

Involving parents brings a positive contribution to the governance of the children's centre. Doing so can also help ensure children's centres are firmly rooted in and accountable to the community served. Depending on the size of the advisory board, local authorities should seek to ensure strong parental representation by having approximately two to three parents on the advisory board.

Parental members of the advisory board should as far as possible be drawn from the local community, and efforts made to involve disadvantaged parents as members. Where one advisory board exists for more than one children's centre then each children's centre must have their own opportunities for seeking parents' views in a way that can be represented to the advisory board.

Advisory boards and schools' governing bodies

Where a school's governing body is providing the children's centre using its extended services powers the advisory board may be set up as a subcommittee of the governing body. It is not necessary for all of the school's governors to be members of the children's centre's advisory board which will include representatives as above, some of whom will not be school governors e.g. parents of pre-school age children.

For more information about children's centres co-located with schools but where governance is not shared see section 5.1.5 of 'Governance Guidance for Sure Start Children's Centres and extended schools'. [www.dcsf.gov.uk/](http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00223/)

[everychildmatters/resources-and-practice/IG00223/](http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00223/)

Inspection

Sections 98A-G of the Childcare Act 2006

Inspection has a powerful role to play in providing an independent, authoritative view on the performance of each children's centre. It is undertaken to improve outcomes. It provides information which can help service users and others to hold children's centres to account, and it also provides a guide to children's centres and local authorities on where they are performing well and where performance can be improved. The Childcare Act places a duty upon Ofsted to inspect children's centres. Since local authorities are ultimately responsible for the performance of children's centres, the Act places duties upon local authorities to act in response to inspection findings.

Ofsted will inspect children's centres on an institutional basis. Inspections will be outcome-focused and will be looking for evidence of the impact of services on children's outcomes and of the effectiveness of integrated working. Inspectors will take the opportunity to speak to parents, members of the children's centre's advisory board, staff and other professionals linked to the children's centre and volunteers during their visit.

For more information on the children's centres inspection process and the Ofsted framework for evaluation go to www.ofsted.gov.uk/Ofsted-home/About-us/Children-and-young-people

Ofsted's existing inspection powers and duties in relation to schools and early years provision remain. Where a children's centre offers registered childcare Ofsted are already required to register and inspect that service and may need to do so before the children's centre inspection falls due.

The Care Quality Commission (CQC) is the lead regulator for health and adult social care and as such has a number of means of assessing children's health services. All NHS provider organisations are required to be registered by the CQC against essential standards of quality and safety, and through its periodic review function, the CQC also makes an assessment of the performance of NHS providers and commissioners. Ofsted and CQC will work together to ensure that any issues arising from inspections relating to health services are shared appropriately. Where health-related elements of the children's centre's core services are or may be registerable with the Care Quality Commission, Ofsted will liaise with CQC to ensure that a coordinated approach is taken. This would apply for health services delivered either directly from or through the children's centre.

Local children's services are also subject to regular assessment as part of the Comprehensive Area Assessment. The assessment is carried out by six inspectorates – Audit Commission, Care Quality Commission, Ofsted, and the inspectorates of constabulary, prisons and probation. It provides an organisational assessment of key local

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partners including the local authority. The local authority's organisational assessment is informed by an annual assessment of local children's services carried out by Ofsted based on both performance data and inspections of local services including as appropriate children's centres. Where a local authority is failing to deliver to an adequate standard the Secretary of State may intervene to ensure services improve. Available actions include issuing an Improvement Notice specifying the issues of concern and the improvements required. Where necessary the Secretary of State is able to direct a local authority, using powers in Section 497A of the Education Act (as applied to children's social care by Section 50 of the Children Act), to take whatever action is deemed expedient to achieve necessary improvement.

The Childcare Act includes powers to make regulations in relation to:

- the maximum interval between inspections – this is planned to be five years for children's centres;
- the first cycle of inspection – to cover all children's centres set up by 31 August 2010 – which is to be completed by the end of August 2015. Thereafter, Ofsted plan to inspect children's centres within five years from when they are first inspected. Children's centres judged to be 'unsatisfactory' will be re-inspected within 12 months.

Children's centres will not normally be inspected earlier than three years from the date they were designated. Ofsted have flexibility to inspect earlier than this and may decide to do so if inspectors identify serious cause for concern during another inspection, for example of a school or registered childcare facility.

Following their inspectorial visit Ofsted will produce a written report commenting on the children's centre's contribution to:

- facilitating access to services for parents, parents-to-be and children;
- maximising the benefit of those services to parents, parents-to-be and young children;
- improving the well-being of young children locally (especially the most disadvantaged children at greatest risk of social exclusion);
- the leadership and management of the children's centre, including governance arrangements;
- whether financial management is effective and results in the best use of resources;
- whether appropriate measures are in place to keep children safe and staff have a good understanding of safeguarding and child protection issues;
- how effectively the children's centre works together with the relevant partners to provide integrated services that meet the needs of families with young children.

These matters will be underpinned by regulations.

Ofsted must send a copy of their report to the local authority and may arrange for the report to be published, for example by placing it on their website. A copy will be sent to the children's centre leader who should encourage parents to look at the report, making it readily available in the children's centre. The report provides local authorities, children's centres and, critically, parents with an objective assessment of how well the children's centre is doing in making a difference for children and families.

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Once the local authority receives the report, they may send a copy of the report or any part of it to anyone they consider appropriate and may publish the report in any way they choose.

The Childcare Act requires a local authority to secure that a 'written statement' (an Action Plan effectively) is produced. This does not have to be done by the local authority, but they are responsible for securing that the duty is fulfilled and the statement is published.

The Action Plan must include the action that each 'relevant person' will take in light of the report. The Act defines 'relevant person' in this context as either the local authority or a person or body other than the local authority managing the children's centre. This can include an external organisation running a children's centre or a children's centre run by a school so, where a third party is managing a children's centre, the local authority may ask them to produce the Action Plan. The local authority nevertheless remains ultimately responsible, and accountable, for the performance of the children's centre.

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The local authority may send the inspector's report to such persons as they consider appropriate. The persons are not specified in the legislation but may include:

- relevant Children's Trust partners, for example the Primary Care Trust and Jobcentre Plus;
- members of the children's centre's advisory board;
- a 'relevant person' who may have action to take as a result of the report.

In complying with the duty to produce an Action Plan showing the action each relevant person will take in responding to a report by Ofsted, and the period in which action will be taken, local authorities should:

- ensure the Ofsted report is copied to all those who should see it (see above) as soon as possible, and no later than one month from the date the report was received by the local authority;
- produce, or seek to obtain, the Action Plan in good time – no more than two months after the date the report was received by the local authority;
- ensure that actions within the Action Plan are clear and unambiguous, assigned to specific people or organisations responsible for the services in question, and have clear timescales. Dates for completing all action will vary from children's centre to children's centre depending on the action to be taken, but local authorities should ensure they monitor progress regularly as part of their ongoing performance management role;
- ensure the plan is written in clear, accessible language with attention being given to the needs of parents and other users.

When the local authority has produced or received the Action Plan they should:

- ensure the Action Plan is clearly displayed in the children's centre itself and that centres encourage parents to look at the Ofsted report which should be made easily available in the children's centre. Local authorities should decide which other venues it may be useful to display it in or where copies should be held e.g. with the Families Information Services, council buildings, local health centre or library;

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- monitor action regularly, as part of the local authority's performance management of the children's centre, to ensure improvement occurs;
- confirm at the end date that all action has been completed to their satisfaction. Ofsted are likely to want to refer to any previous report and action taken when they re-inspect.

Safeguarding

Section 200 of the ASCL Act (which amends the Safeguarding Vulnerable Groups Act 2006)

Safeguarding children has been and remains the paramount concern for everyone involved in children's centres. This is especially important as those delivering services in and through children's centres work as part of multi-agency teams. The Department for Children, Schools and Families has introduced new legislation, guidance, structures and policy initiatives to ensure that children are safe and secure. Children's centres staff, like all those working with children, should be vigilant in keeping children safe – giving careful attention to matters such as staffing ratios, for example where there is childcare provision, carrying out health and safety checks regularly to maintain an environment that is safe and protecting children from intentional and unintentional harm.

The Statutory Framework for the Early Years Foundation Stage (EYFS) makes clear what early learning and care providers must do to keep young children safe, including what they must do to ensure practitioners and other people aged 16 or over who are likely to have regular contact with children are suitable.

The Safeguarding Vulnerable Groups Act 2006 creates the new Vetting and Barring Scheme (VBS) and establishes the Independent Safeguarding Authority (ISA). The ISA is responsible for making barring decisions in relation to individuals who want to do certain specified work or volunteering with children or vulnerable adults and will 'bar' those who pose a risk to vulnerable groups by placing them on the children's barred list or the adults' barred list (or both). The requirements of the Vetting and Barring Scheme will already apply to many people who work at a children's centre just because of their role in caring for children.

However, to ensure that everyone involved in working regularly at a children's centre is covered by the Scheme, the ASCL Act has amended the Safeguarding Vulnerable Groups Act 2006 to add Sure Start Children's Centres to the list of establishments (such as schools and children's homes) where work carried out in such an establishment is a 'regulated activity' if the individual meets certain criteria including that they work there frequently or intensively¹ and that their duties provide them with the opportunity to have contact with children. This means that all such staff will be subject to the Vetting and Barring Scheme's safeguarding requirements.

¹ 'Intensively' refers here to the 'period condition' set out in the Act and means on four or more days in any 30-day period. See the general VBS guidance for how to assess frequency.

The amendment to the Safeguarding Vulnerable Groups Act 2006 took effect on 12th January 2010. As a result a person who is on the children's barred list is committing an offence if they work or seek to work in regulated activity in a children's centre. It is also an offence for a person to permit someone who they know or think is barred to engage in regulated activity at a children's centre (but this does not create any new duty to find out whether the person is barred).

The Vetting and Barring Scheme also includes requirements to be subject to monitoring (also known as ISA-registration) for those engaging in regulated activity. From November 2010, new employees who start (and those changing jobs) in regulated activity from that date must be ISA-registered before they start that activity, while ISA-registration for all other employees in regulated activity will be phased in from 2011 to 2015.

Everyone working in regulated activity in a children's centre will have to be ISA-registered from dates which are detailed in the Vetting and Barring Scheme's guidance – and will commit an offence if they are not. The regulated activity provider (usually the employer) will have to check that people are ISA-registered. There are also offences in the Act for failure to check that someone is ISA-registered.

Some people working in children's centres, for example, Jobcentre Plus advisers who provide advice to parents, who did not previously have to be CRB checked, will have to register with the Independent Safeguarding Authority if they work there on a regular basis and their work gives them the opportunity to have contact with children. Whether such contact is supervised or unsupervised will no longer be relevant – any opportunity for contact in the course of work at the children's centre will mean that the person must ISA-register. Similarly, a cleaner who cleans the children's centre premises regularly at a time of day which gives them the opportunity for contact with children will also have to ISA-register. Workers who have no opportunity to have contact with children will not be engaging in regulated activity and therefore will not have to register.

General guidance on the Vetting and Barring Scheme is available online at: www.isa.gov.uk/default.aspx?page=402. Further guidance, in particular on ISA registration is about to be published and will be there too. The guidance will include a glossary with definitions of terms such as 'regulated activity' and 'regulated activity provider' used above.

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Recruitment, vetting and child protection requirements

Local authorities should put in place arrangements to make sure that all Sure Start Children's Centres in their area follow the Local Safeguarding Children Board (LSCB) local guidance and procedures and have clear child protection policies and procedures that are reviewed annually and implemented and followed by all staff. This includes:

- ensuring that in children's centres unvetted people cannot have unsupervised access to children other than their own;
- children's centres having appropriate procedures in place for handling allegations of abuse against staff in the children's centre, including if the allegation is against the children's centre manager;

- children's centres making arrangements for all staff working with children to have basic child protection training (such as the 'Safer recruitment' training provided by the Children's Workforce Development Council) (CWDC) that equips them to recognise and respond to child welfare concerns;
- children's centres have appropriate communication support in place to enable children for example those with special needs or disabilities to communicate any concerns or worries relating to their safety or welfare.

In line with LSCB agreement on how organisations in the local area should co-operate to safeguard and promote the welfare of children in that locality, local authorities and school governing bodies managing children's centres that are co-located with a school or nursery school, and partner agencies such as Primary Care Trusts or private or voluntary organisations, should ensure effective recruitment and vetting checks are carried out on the staff they employ, including checking qualifications, obtaining references and enhanced CRB disclosures and that appropriate records are kept.

Where third parties work in a children's centre, but are not directly employed by Sure Start Children's Centres, the local authority should ensure that there are arrangements in place so that written agreements clarify responsibilities for undertaking checks and storing records. Normally the third party provider should be obliged to check their own staff and keep records, and confirm in writing to the local authority, children's centre leader or school governing body that this has been done.

Safeguarding lead

To strengthen safeguarding arrangements, local authorities should make sure that all children's centres have in place a named person responsible for leading on safeguarding. Their role being to ensure that every member of staff is competent in their knowledge of child protection and knows how to act if faced with child protection issues including the reporting and recording of such issues.

The local authority should ensure that the named person responsible for leading on safeguarding in the children's centre is required to:

- liaise with local statutory children's services agencies as appropriate and must also attend a child protection training course;
- receive training in inter-agency procedures that enables them to work in partnership with other agencies, and gives them the knowledge and skills needed to fulfil their responsibilities; then undertake refresher training at two yearly intervals after that to keep their knowledge and skills up to date;
- ensure that child protection procedures are included in the induction training of new staff;
- make sure that parents are aware children's centre staff have a duty to share child protection issues with other professionals and agencies.

Having regard to the other services available in the local area

Section 3(4A) of the Childcare Act 2006

In considering the location of children's centres and services to be offered through them, local authorities do not operate alone. There is a range of other partners and providers which should be involved, as well as of course thorough consultation with families and local communities. It is especially important that local authorities are aware of their existing duties with regard to the provision of childcare. Section 3 of the Childcare Act requires local authorities to make arrangements to secure early childhood services are provided in an integrated manner (Section 3(2)) and to take all reasonable steps to encourage and facilitate the involvement of a range of persons including in particular early years providers in their area (including those in the private and voluntary sectors), in the arrangements made for providing integrated early childhood services (section 3(4)).

The changes made to the Childcare Act by the ASCL Act now build on this, placing local authorities under an additional duty when making arrangements for integrated early childhood services (including children's centres). Local authorities are required to have regard to the quantity and quality of early childhood services that are provided or which the authority expects to be provided in the area, and where in their area those services are or will be provided. In particular local authorities should give consideration to the local childcare market in fulfilling this duty. This consideration would be relevant to deciding whether or not a children's centre in a particular area should directly provide childcare on site, or whether there is sufficiently accessible childcare already in the area.

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