

By:	Mike Whiting, Cabinet member for Education, Learning and Skills Patrick Leeson, Corporate Director Education, Learning and Skills
To:	Education Cabinet Committee – 21 November 2012
Subject	Decision 12/01982 - EARLY YEARS PAEDIATRIC FIRST AID APPROVAL
Classification:	Unrestricted

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**Summary:** This report asks the Committee to consider the decision to be taken by the Cabinet Member decision to implement, as required within the Statutory Framework for Early Years Foundation Stage 2012, a mechanism to approve trainers who wish to deliver paediatric first aid training to early years providers.

**Recommendation:** The Cabinet Committee is asked to consider and either endorse or make recommendations on the Cabinet Member for Education, Learning and Skills decision that Kent County Council adopts option C (implementation of a Kent County Council approval scheme) as outlined in this report.

## 1. Introduction

1.1 The Statutory Framework for Early Years Foundation Stage 2012 requires that people responsible for first aid in early years settings must have completed training that has been provided by a 'local authority approved' training provider. This applies to maintained schools, non-maintained schools, and all settings registered on Ofsted Early Years Register.

1.2 This was not actioned immediately owing to the culture of Early Years provision in Kent and the heavy reliance on in-house, no-charge provision. Commissioning of all PFA training was drawn down from the procurement framework.

1.3 All settings and childminders making enquiries regarding this type of training were signposted to the Framework.

1.4 In March 2012 information was received that this practice left the council open to potential legal challenge, from providers who could not gain approval from the local authority and therefore could not work in Kent. Work began to find an alternative means of fulfilling the requirement.

## 2 Details

2.1 Research has been conducted into the methods that other Local Authorities use to fulfil the requirement and advice has been sought from officers in Procurement, Early Years, Legal, and Democratic Services departments.

2.2 Those providers who have contacted the council have been delayed in their pursuit of local government approval or legal challenge by assurances that the matter is in hand and that a resolution will be reached shortly.

2.4 If this decision is not taken, the authority may fail to fully meet the requirement contained within the Early Years Foundation Stage Statutory Framework 2012 regulations which have come into effect.

### **3. Options**

3.1 Three options were put forward by the Early Years Team. These were considered by officers to be an exhaustive list and further discussions provided no further avenues for consideration. The three options are as follows:

- (a) Communicate to the sector that only those on the procurement framework are approved to deliver Paediatric First Aid and sign post to these.
- (b) Communicate to the Sector that all training providers delivering a paediatric First Aid 12 hours taught course with the relevant appropriate content and are approved by HSE, or a reputable body [list to be produced] and have relevant public liability / indemnities are approved by Kent County Council. It would be the responsibility of the setting to ensure that the provider meets the standards laid down by the Statutory Framework for Early Years Foundation Stage 2012.
- (c) Implementation of a Kent County Council approval process.

### **4. Recommended solution and reasons**

4.1 Option (a) is not recommended. It fails to fully comply with the Early Years Framework requirement to approve providers, as some of the firms have not been assessed since 2010. In addition even if the firms already on the Procurement Framework were to be more rigorously checked and approved it would not protect the council from legal challenge from other providers wishing to seek approval, but having no recourse to do so.

4.2 Although some council's have employed option (b) or variations of it in order to meet the requirements it is considered, in consultation with KCC legal officers, that this option removes to too great a distance the approval process from the council's control. It would leave the council open to criticism although probably not legal challenge should an

incident occur under a practitioner, not trained by an 'approved' training provider ie: it poses a reputational risk for the County Council.

- 4.3 It is recommended that Kent County Council follow option (c), introducing a full approval system for training providers to not only fully safeguard children being looked after by professionals expected to deliver first aid, but also protect the council from legal challenge from providers.

## **5. Monitoring of Providers**

- 5.1 The approval system will contain all of the checklist criteria that were contained in the 2008 Framework as a minimum, attached as appendix A.
- 5.2 Monitoring will be undertaken and providers will be reviewed on a twice yearly basis with two levels of review. After 6 months providers will be asked to complete a simple self-assessment and assurance to the council with the initial assessment being re-taken after 12 months. This is considered to provide full protection from criticism or legal action should there be any issues with the training provided. Specialist personnel will undertake quality assurance reviews should it be necessary to audit the content of training. All other assessments in respect of process will be undertaken by an Early Years professional
- 5.3 It is recommended that those providers approved by another authority will not be approved to provide training in Kent as this would not provide the council full protection or fully safeguard children in Kent.
- 5.4 The approval will apply to the company or person to which it is granted and not employees of the company outside of the company's time as freelance or as a new company.

## **6. Financial Implications**

- 6.1 Paediatric first-aid training will no longer be provided by KCC at no cost. It is expected that the financial implications for an approval process are likely to be low with the resource implications manageable within existing staffing levels. However the full cost will not be known until the system is implemented but based on the number of complaints or enquires the council has received since the original requirement in the 2008 Framework was published there is unlikely to be a considerable increase.
- 6.2 The council will inform / remind all Schools, Settings and Childminders of their requirement although this is not a statutory obligation and this may increase the demand.
- 6.3 A fee will be charged to cover administrative costs but these will not be prohibitively expensive for providers

## 7 **Bold Steps for Kent and Policy Framework**

(1) State how the proposed decision links with the Council's Medium Term Plan (Bold Steps for Kent).

(2) State if the proposed decision relates to a plan or strategy set out in the Council's Policy Framework (see Appendix 3 of the Constitution). *[If this section applies and the decision is not in accordance with the Policy Framework then the subsequent decision will automatically be referred to the Scrutiny Committee.]*

**8. Recommendation:** The Cabinet Committee is asked to consider and either endorse or make recommendations on the Cabinet Member for Education, Learning and Skills decision that Kent County Council adopts option C (implementation of a Kent County Council approval scheme) as outlined in this report.

## 9. **Background Documents**

None

## 10. **Contact details**

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### CHECKLIST

This checklist is designed to help authors consider the main areas that their report needs to cover and to ensure that all the necessary elements have been considered. The checklist is not intended to be comprehensive and can be added to with particular requirements, as necessary.

1. Author's Name and Unit
2. Contact details (email, tel)
3. Background Documents (if in doubt see Section 1 of the Appendix). *Background documents must be listed at the end of the report. If there are 'none' then that is what must be said*
4. Previous Council/Cabinet/Committee references. If YES, give details/dates
5. Does the report propose a Key Decision is taken? If YES, is the matter listed in the Forward Plan? If NO, give reasons.
6. Will further associated decisions be required? If YES outline the timetable.
7. Is this report proposing an amendment to the budget and/or policy framework? If not within an existing approved budget, have the financial implications (including any capital spend implications) been cleared by Corporate Finance? If YES, give details of who and when.
8. Has the report been cleared by the relevant Corporate Director and Director? If YES, list names and dates.
9. Has the relevant Cabinet Member(s) or Committee Chairman, as appropriate, cleared the report? If YES, list names and dates.
10. Which electoral Divisions do the subject of the report affect and have the relevant Local Members been consulted? Officers must consult the relevant Local Members when exercising delegated functions or when preparing a report for consideration by the Council, Cabinet or a Committee, and include in those reports the views of Local Members. If a Local Member objects to a proposed decision by an officer, the relevant Cabinet Member, Council or Committee Chairman must be consulted and the matter normally referred to the relevant Cabinet Member or Committee for decision. Local Members also have rights to receive information about the planning and delivery of services in their electoral divisions and may attend any formal meeting and speak about a local issue, with the permission of the Chairman. Local Members also have key roles in relation to the effective operation of both regulatory and overview and scrutiny committees, such as being the conduit for information and impact of the delivery of health, fire, police and probation services and may also exercise their statutory rights under the "Councillor Call for Action", or the Petition Scheme, as described in Annex D and E respectively of Appendix 4 Part 5 of the Constitution.
11. Has or will the relevant Cabinet Committee been consulted? If YES, list names and dates.
12. Is it proposed to consult with service users/the public? If YES, give details of Customer & Communities clearance.
13. Has the report been cleared by Legal Services? If YES, give details.
14. Has the matter been cleared in accordance with the Council's procurement rules (in 'Spending the Council's Money')? If YES, give details.
15. Are there any publicity or public relations issues which need to be cleared through Communications and Engagement? The Council has a statutory 'Duty to Involve, Consult and Inform' (see Appendix Section 2). Detail any consultations, both outside and inside the Council, and the outcomes. Include

any relevant information or views from other Directorates, Local Members or Cabinet Members and Committees. State what publicity arrangements are proposed in order to communicate the decision and its effect to Members, officers, partners, the public and the media.

16. Has an Impact Assessment (Equality, Environmental, Privacy, Health) been carried out in relation to this report? If YES, give details (see Appendix Section 3).
17. Are there any strategic, operational or reputational risks and any mitigating factors associated with taking the decision? If YES, include any business continuity management issues that need to be drawn to Members' attention.
18. Are there any community safety implications? If YES, give details.
19. Are there any implications for Kent's rural communities? If YES, give details of the impact on environmental enhancement, social justice, sustainable, economy and climate change and Rural Proofing (see Appendix Section 4).
20. Are there any sustainability/environmental implications? If YES, give details.
21. Are there any health & safety implications? If YES, give details.
22. Are there any staffing implications? If yes, has the report been cleared with HR?