



## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **CABINET**

**20<sup>TH</sup> NOVEMBER 2023**

### **CONTINUATION OF FREE BREAKFAST CLUB PROVISION IN PRIMARY AND SPECIAL SCHOOLS WITH THE INTRODUCTION OF A CHARGE FOR THE ADDITIONAL CHILDCARE ELEMENT**

#### **REPORT OF THE DIRECTOR OF EDUCATION AND INCLUSION SERVICES IN DISCUSSION WITH THE CABINET MEMBER FOR EDUCATION, YOUTH PARTICIPATION AND WELSH LANGUAGE (COUNCILLOR RHYS LEWIS)**

#### **1. PURPOSE OF REPORT**

- 1.1 The purpose of the report is to seek permission to consult on the introduction of a charge for the additional childcare element, which is available prior to the commencement of free breakfast club provision in primary and special schools in Rhondda Cynon Taf, noting eligible Free School Meal (eFSM) pupils would be exempt from any charge.
- 1.2 To note the proposal would generate additional income, which would be ring fenced and reinvested back into school budgets.

#### **2. RECOMMENDATIONS**

It is recommended that Cabinet:

- 2.1 Consider the contents of this report together with associated impact assessments;
- 2.2 Agrees to initiate a consultation with service users, key stakeholders and prospective service users on the proposal to charge a fee for the additional childcare element which is available prior to the commencement of free breakfast club provision;
- 2.3 Agrees that eFSM pupils should be exempt from the proposed charge and that views be sought through the consultation process on whether consideration should be given to any further categories of concession (such as a capped charge for parents/carers with more than one child making use of the provision); and
- 2.4 Subject to 2.2 above, agrees to receive a further report summarising the results and feedback from the consultation process, together with updated impact

assessments, to determine whether Cabinet wishes to proceed with the proposal or not, and if so, how.

### **3. REASONS FOR RECOMMENDATIONS**

- 3.1 The Council is facing significant financial challenges into the medium term and is considering a range of options to contribute to addressing the shortfall in funding.
- 3.2 To set out a charging proposal for consultation for the additional provision currently in place, which includes a period of free enhanced childcare for pupils currently attending free breakfast clubs.
- 3.3 To ensure that the process for progressing any proposal is undertaken efficiently and effectively and in accordance with the Council's policies and procedures.

### **4. BACKGROUND**

- 4.1 Breakfast clubs play an important part in the life of schools in Rhondda Cynon Taf and ensure not only good nutrition and a positive start to the school day, but an opportunity for social interaction and early arrival in school. The provision supports all our pupils with a healthy breakfast in a safe and protected environment for the period immediately before the start of the school day. It can also promote positive attendance and engagement in education.
- 4.2 Providing free breakfast clubs in primary schools has been an integral part of the wider work the Welsh Government (WG) has been doing to improve access to healthy food and nutrition in schools maintained by local authorities in Wales for the past twenty years. In September 2004, WG introduced its Free Breakfast Initiative in primary schools, which aimed to help improve the health and concentration of children and to assist in the raising of standards of learning and attainment.
- 4.3 Section 88 of the School Standards and Organisation (Wales) Act 2013, places a duty on a local authority to provide free breakfasts on each school day for learners in the primary schools it maintains. This duty came into force on 1<sup>st</sup> April 2013 and enables free breakfast provision to be established, or continued, in primary schools. Breakfast provided by local authorities must be:
  - provided free of charge,
  - available on school premises,
  - available before the start of the school day, except in the case of a community special school where breakfasts may be made available before or at the start of each school day.
- 4.4 Local authorities have the flexibility to decide on the form of the breakfast content, subject to compliance with the Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) 2013 (Healthy Eating Regulations), which regulate food and drink provided in maintained schools.

- 4.5 There is no legal requirement on a governing body of a maintained primary school to operate a free breakfast service. However, in RCT the local authority operates breakfast clubs on behalf of all schools as the schools have elected to opt out of this delegated function. If a governing body decides to operate a paid-for breakfast service, and provides the breakfast itself, it may charge pupils for the breakfast provided. However, the charge must not exceed the cost of providing the breakfast.
- 4.6 Where a governing body decides to operate a free breakfast service and has asked the local authority to provide free breakfasts to learners at the school, the local authority will be obliged to provide free breakfasts unless the local authority considers that it would be unreasonable to do so.
- 4.7 The 2013 Act does not state what would constitute as being 'unreasonable'. This allows for flexibility for different sets of circumstances so that, for example, what is unreasonable in one set of circumstances may not be unreasonable in another. When considering what is unreasonable in a particular situation, local authorities should consider a range of factors, including:-
- demand for the provision of free breakfast in the maintained school;
  - availability/suitability of a venue to undertake the provision of free breakfast;
  - availability/suitability of facilities within the maintained school to provide the provision; and
  - availability/suitability of staff to supervise the breakfast provision.
- 4.8 There are three situations where the local authority's duty to provide free breakfast will not apply: -
- From April 2013, where no request is made by the governing body to the local authority to establish and provide free breakfast provision.
  - Where the school has asked the local authority, in writing, to stop providing existing free breakfast provision.
  - Where the local authority has decided that it would be unreasonable to provide, or continue to provide, breakfasts and has notified the governing body in writing that, as a result, it is not going to provide breakfasts; or, where breakfasts are currently provided, that it is going to stop providing breakfasts.
- 4.9 A pupil's entitlement to receive a free breakfast is dependent on the local authority's duty arising from the 2013 Act, and a request for a free breakfast being made by or on behalf of the pupil. Therefore, where a duty exists and a request had been made to the local authority by or on behalf of a pupil, the pupil will be entitled to receive free breakfasts. The legislation does not give local authorities or governing bodies the power to impose criteria to determine, and potentially restrict, a pupil's entitlement to a free breakfast.
- 4.10 Breakfast should normally be delivered as a short period before the start of the school day, i.e. 30 minutes, to achieve the primary purpose of providing

sufficient time to enable those children who attend, to choose their breakfast, eat it without rushing and to start normal school activities.

## **5. FREE BREAKFAST CLUBS IN RCT**

- 5.1 Headteachers are responsible for the internal organisation, day-to-day management and control of the school and this applies to the breakfast session.
- 5.2 In RCTCBC, all 92 primary schools and 3 special schools provide a free breakfast club and all pupils, from nursery to year six, are eligible to attend. The Council's Education Catering Services supply the staffing and the food to primary and special schools to facilitate access to free breakfast clubs.
- 5.3 To comply with the requirements of the Management of Health and Safety at Work Regulations 1999, a risk assessment for the operation of breakfast clubs is conducted by the governing body and recorded in writing to identify the risks to health and safety.
- 5.4 Schools need to consider a range of matters whilst running a breakfast club, including; the level of demand for the provision, catering provision, if there suitable facilities available on the school premises, what level of staffing supervision is required (staff to pupil ratio), are reasonable adjustments required for pupils with additional learning needs, appropriate training for staff (first aid, food hygiene, food safety, manual handling, etc.), and timing of the session.
- 5.5 Timings of the breakfast clubs vary from school to school, but typically run between 8.00 a.m. and 9.00 a.m., with supervised play and social interaction before being taken to class. The cut off time for pupils being admitted to breakfast club is 8.30 a.m. in most schools.
- 5.6 Breakfast club staff work one hour, typically 8.00-9.00 a.m., Monday to Friday. They are responsible for setting up and putting away the tables and benches, preparing and serving breakfast, supervising pupils, and cleaning up the facilities. There are 595 staff employed to run breakfast clubs, all staff are employed by Catering Services, but some are also teaching assistants employed at the schools.
- 5.7 All pupils who attend are offered toast or a choice of cereals, freshly prepared seasonal fruit and either water, milk, or juice break. The food and drink costs of supplying a typical breakfast portion is £0.37, however, the biggest cost is the staffing costs to prepare and serve food and supervise the pupils.
- 5.8 The breakfast club menu can also accommodate pupils who have a medically prescribed dietary requirement, but pupils cannot start attending breakfast club until the appropriate medical evidence is submitted and a bespoke menu derived for them.
- 5.9 The outturn cost of providing the breakfasts clubs during the last five financial years is detailed in Table1 below.

<b>Table 1: Breakfast Club Outturn 2018/19 – 2022/23</b>	
<b>Financial Year</b>	<b>Outturn (£)</b>
2018/19	1,473,453
2019/20	1,547,732
2020/21	1,272,640
2021/22	1,384,817
2022/23	1,690,686

- 5.10 The average daily number of free breakfasts served since the start of the autumn term is detailed in Table 2 below.

<b>Table 2: Average Daily Free Breakfasts Served</b>	
<b>Week Ending</b>	<b>No. of Free Breakfasts</b>
08.09.23	4439
15.09.23	4967
22.09.23	4951
29.09.23	5096

- 5.11 A summary of the projected outturn for 2023/24 for breakfast clubs is set out below in Table 3 below.

<b>Table 3: Breakfast Club Projected Outturn 2023/24</b>	
<b>Expenditure Type</b>	<b>Projected Outturn (£)</b>
Employee	1,478,553
Supplies and Services	378,802
<b>Total Costs</b>	<b>1,857,355</b>

The cost of providing the breakfast club provision has increased by nearly £400k over the past 5 years and with the Bank of England forecasting continued high inflation rates for the next few years, this will have a significant impact on spiralling food, staffing, transport and energy costs.

## **6. PROPOSAL FOR CHARGES**

- 6.1 It is proposed to introduce charges for the additional childcare element provided during breakfast club, from the start of the spring term 2024. This would require the timing of the session before the start of school day to be restructured. A typical breakfast club would operate, as detailed in Table 4 below, however, each breakfast club would have its own local agreement in terms of start and finish times.

**Table 4: Proposed Timing of Breakfast Club (Based on a setting that runs between 8.00-9.00 a.m.)**

<b>Est. Time</b>	
8.00 a.m.	Doors open and start for the additional paid childcare session.
8.15 a.m.	Doors closed, no further admission to the additional paid childcare session.
8.25 a.m.	Doors open in readiness for the start of free breakfast session.
8.30 a.m.	End of paid additional childcare session and start of free breakfast session.
8.40 a.m.	Door closed, no further admission to free breakfast session.
9.00 a.m.	End of free breakfast session.

It is proposed that pupils attending the paid additional childcare session would arrive between 8.00 – 8:15 a.m. and would attend the whole session until 9.00 a.m. Pupils attending the free breakfast session would between 8.25 – 8.40 a.m. and would attend the session until 9.00 a.m. Staggered arrival times would ensure that effective registration and supervision takes place on arrival. Some flexibility in arrangements for learners accessing home to school transport would be afforded.

- 6.2 It is proposed that no charge is made in respect of pupils who have applied for and are entitled to Free School Meal provision (note this relates to the underlying eligibility for Free School Meals and not those pupils receiving the Universal Primary Free School Meal provision). As per the January 2023 Pupil Level Annual School Census (PLASC) data, on Census day, 27.95% of pupils who received a free breakfast were free school meal pupils.
- 6.3 Some parents/carers may not consequently require the paid additional childcare session, so the numbers attending between 8.00 – 8.25 a.m. would possibly reduce.
- 6.4 Charges for the additional childcare element of breakfast club would be based on a termly charge and would be payable at the start of each term. Charges would not be pro-rata'd and no refunds would be payable.
- 6.5 In line with current payment arrangements for school meals, parents/carers would only be able to pay on-line for the additional childcare charges. This approach would help to minimise administration costs.
- 6.6 It is proposed that a daily charge be implemented at £1 per day. Based on 190 days per year this would be rounded down to £60 per term, amounting to an annual charge for parents/carers of £180. This is shown below in Table 5 below, with average daily demand numbers updated and modelled to reflect no charge for eFSM pupils and assumed potential take up levels.

<b>Average Daily Demand</b>	<b>Termly Charge</b>	<b>Projected Termly Income</b>	<b>Projected Annual Income</b>	<b>Annual Cost to Parent/Carer</b>	<b>Equivalent Daily Rate</b>
	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>
2,750*	60	165,000	495,000	180	0.95

\*Adjusted figure to reflect eFSM numbers and possible reduction in demand for the additional childcare element.

- 6.7 The impact of amending the termly charge to varying levels is shown in Table 6 below.

<b>Average Daily Demand</b>	<b>Termly Charge</b>	<b>Projected Termly Income</b>	<b>Projected Annual Income</b>	<b>Annual Cost to Parent/Carer</b>	<b>Equivalent Daily Rate</b>
	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>
2,750	50	137,500	412,500	150	0.79
2,750	60	165,000	495,000	180	0.95
2,750	70	192,500	577,500	210	1.11
2,750	80	220,000	660,000	240	1.26

- 6.8 For comparison purposes, the cost of private sector childcare varies depending on the setting and what is being offered. The typical cost of a registered childminder is £6.00 per hour.
- 6.9 Four Councils in Wales currently implement a charging policy for the additional childcare element of breakfast clubs at a nominal cost of £1 per day and other Councils are considering this option due to budget pressures.
- 6.10 Consideration could be given to providing concessions from the proposed charge, for example, a cap applied to parents/carers with more than one child making use of the provision. These options would be explored through the proposed consultation process, outlined below, to enable Cabinet to make an informed decision in light of views fed back.

## **7. OPERATIONAL RISKS**

- 7.1 There are several risks, associated with restructuring the timing of the breakfast session, which may impact negatively on the operational delivery, as detailed in Appendix A, together with mitigating measures.

## **8. EQUALITY AND DIVERSITY IMPLICATIONS/SOCIO-ECONOMIC DUTY**

- 8.1 The Council must satisfy its public sector duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions, have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations based on protected characteristics.
- 8.2 An Equality Impact Assessment has been prepared and is attached in Appendix B. The Assessment will be published on the Council's website, together with a consultation document that outlines the proposal in further detail and in accordance with the requirements of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 and Socio-economic Duty – Sections 1 to 3 of the Equality Act 2010.
- 8.3 Should the decision to proceed with a consultation process be agreed, the Equity Impact Assessment would be updated to take account of consultation feedback and reported to Cabinet for consideration as part of its decision-making process.

## **9. WELSH LANGUAGE IMPLICATIONS**

- 9.1 A Welsh Language Impact Assessment has been prepared and is attached in Appendix C. This will be published on the Council's website together with a consultation document that outlines the proposal in further detail and in accordance with the requirements of the Welsh Language (Wales) Measure 2011.
- 9.2 Should the decision to proceed with a consultation process be agreed, the Welsh Language Impact Assessment would be updated to take account of consultation feedback and reported to Cabinet for consideration as part of its decision making process.

## **10. CONSULTATION**

- 10.1 Subject to the agreement of the recommendation in Section 2.2 above, there is a duty on the Council to consult with service users, parents, carers, providers, and stakeholders, who are likely to be affected by the proposal. The consultation must take place whilst the proposals are at their formative stage.
- 10.2 The Council must provide the consultees with sufficient information to enable them properly to understand the proposal being consulted upon and to express a view in relation to it. The information must be accurate clear and concise.
- 10.3 The consultees must be given adequate time to consider the proposal and to respond. It is proposed that consultation would run for a period of 6 weeks with current users of the service, their family/carers, and other stakeholders. Subject to Cabinet approval, it would commence on 27<sup>th</sup> November 2023 (subject to the Council's call in provisions) and end on the 8<sup>th</sup> January 2024. Consultation methods would be a short online questionnaire through the Council's website.



Letters will also be distributed to parents/carers via school messaging systems to encourage them to participate in the survey.

- 10.4 In addition, appropriate consultation will also be undertaken with all staff (and their Trade Union representatives) potentially impacted by the proposal, in accordance with the Council's Managing Change Policy, if this report is approved.

## **11. FINANCIAL IMPLICATIONS**

- 11.1 Introducing a charge of £1 per day (rounded to £60 per term) for the additional childcare element which is available prior to the start of the free breakfast club provision could generate estimated annual income in a full year of £495k. eFSM pupils would be exempt from the charge.
- 11.2 Alternative levels of charges are shown at paragraph 6.7 above.
- 11.3 The consideration of options for concessions will be informed by feedback received through the consultation process, which would impact on the level of income referenced above.
- 11.4 The annual charge to parents/carers is proposed at £180.
- 11.5 The income generated from this proposal would be ring-fenced and reinvested back into school budgets enabling the Council to support their cost pressures next year over and above funding for pay increases.

## **12. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 12.1 Section 88 of the School Standards and Organisation (Wales) Act 2013 places a duty on a local authority to provide free breakfast on each school day for learners at a primary school it maintains. Local authorities must also comply with regulation 4 of, and Schedule 1 to, the Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013 when deciding on the form of the breakfast content.

## **13. LINKS TO THE COUNCIL'S CORPORATE PLAN, NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

- 13.1 There are links to Making a Difference, the Council's Corporate Plan for the years between 2020 and 2024, specifically:

- **People:**
  - Improving services for children and young people and ensuring the needs of children are considered in everything we do:
    - Improving the social, emotional, and mental health and wellbeing of children and young people by increasing the range of specialist services available.

- **Places:**
    - Ensuring RCT is one of the safest places in Wales, with high levels of community cohesion where residents feel safe:
      - Supporting the voluntary, community and faith sectors to help build active communities, creating the capacity for meeting the needs of residents within their communities.
  - **Prosperity:**
    - Ensuring we have good schools, so all children have access to a great education:
      - Improving outcomes for all children and young people.
- 13.2 There are links to the Council's Directorate of Education and Inclusion Services Strategic Plan for the years between 2021 and 2024, specifically:
- **Strategic Priority 3:**
    - Ensuring equity and support for vulnerable pupils and their families.
- 13.3 Due regard has been made to all seven well-being goals and the five ways of working, as contained within the [Wellbeing of Future Generations \(Wales\) Act 2015](#), which requires the Council to take into account the long term impact of decisions, on communities and to take steps to address and prevent issues such as poverty, health inequalities and climate change.
- 13.4 The charging proposals could contribute towards achieving some of the seven well-being goals by:
- **A Prosperous Wales** - Should the proposal proceed, the continuation of the childcare element of breakfast clubs will allow working parents/carers to be economically active.
  - **A Healthier Wales** – the proposal will be a fully accessible service, providing good nutrition and a social context for young people to socialise with their friendship groups and an opportunity to play before the start of the school day.
  - **A Wales of More Cohesive Communities** – Fully accessible breakfast clubs, integrated into our local community schools with a dedicated area to play and eat breakfast before the start of the school day.
  - **A Wales of Vibrant Culture and Thriving Welsh Language** – the provision of breakfast clubs will allow a daily opportunity for staff and pupils to develop their Welsh language skills.
  - **A Globally Responsive Wales** – The proposals could build upon the good working breakfast club practices and initiatives already in place to further develop extra-curricular activities to encourage healthy lifestyles for the school community.

13.5 The proposal could contribute towards achieving some of the five ways of working by:

- **Long Term** – The proposal allows parents/carers to continue to be economically active, contributing to the long-term aim of a viable economy for Wales.
- **Prevention** – The Council believes that the proposal continues to support pupils with a free healthy breakfast, improving the health and concentration of children, assisting in raising standards of learning and attainment and to get the best possible start to the school day.
- **Integrations** – The proposal will provide a fully accessible and integrated service providing dedicated support for children with additional learning needs to participate in everyday school life.
- **Collaboration** – The Council will continue to work effectively with the governing body and parents/carers to meet the needs to the wider community.
- **Involvement** – The proposed changes will seek the views of stakeholders including pupils, parents/carers, staff and the wider community.

13.6 As stated in 8.1 to 8.3, an Equality Impact Assessment which further details the contribution of the proposal to the [Wellbeing of Future Generations \(Wales\) Act 2015](#) has been prepared.

## 14. **CONCLUSION**

14.1 The report provides proposals for the introduction of termly charges for the additional childcare element which is available prior to the start of the free breakfast club provision in RCT. The recommendation to initiate a consultation would be required to furnish Cabinet with the outcome, for Members to best consider if charges should be introduced and, if so, at what level.

### **Other Information:-**

#### ***Relevant Scrutiny Committee-***

Education and Inclusion Scrutiny Committee

#### ***Contact Officer:***

Lisa Kidner, Business Manager Catering Services

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**CABINET**

**20<sup>TH</sup> NOVEMBER 2023**

**Item:**

**CONTINUATION OF FREE BREAKFAST CLUB PROVISION IN PRIMARY AND SPECIAL SCHOOLS WITH THE INTRODUCTION OF A CHARGE FOR THE ADDITIONAL CHILDCARE ELEMENT**

**Background Papers**

None

**Officer to contact: Lisa Kidner, Business Manager Catering Services**