

Lettings Policy

Create Learning Trust



Approved by	Date	Review Schedule	Date of Review
Board of Trustees	8 th December 2023	Annually	December 2024

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Statement of intent

Create Learning Trust aims to maximise the use of all its facilities. The intended purpose of the Trust's facilities is to benefit the School community; however, the Trust understands that extending the use of the premises to the wider community allows us to maximise our income and provide an advantage to the clubs and groups who will use our facilities.

The Trust endeavours to positively contribute to increasing participation in activities taking place in the local community.

This policy clearly sets out the rules and procedures the Trust expects hirers to follow when using the facilities.

Legal framework

This policy has due regard to the relevant legislation, including, but not limited to, the following:

- The School Premises (England) Regulations 2012
- Health and Safety at Work etc. Act 1974
- The Health and Safety (First-Aid) Regulations 1981
- Education Act 1996
- The Control of Asbestos Regulations 2012
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- Value Added Tax Act 1994

This policy has due regard to the relevant guidance including, but not limited to, the following:

- DfE (2018) 'Advice on standards for school premises'
- DfE (2015) 'The Prevent duty'
- HMRC (2020) 'Land and property (VAT Notice 742)'
- HMRC (2019) 'Education and vocational training' (VAT Notice 701/30)
- DfE (2021) 'Keeping children safe in education 2021'

This policy operates in conjunction with the following Trust policies:

- First Aid Policy
- Fire Safety Policy
- Premises Management Policy
- Health and Safety Policy
- Child Protection and Safeguarding Policy
- Manual Handling Policy
- Asbestos Management Policy
- School Security Policy

Roles and Responsibilities

The Board of Trustees and Local Academy Board, or its delegated committee, is responsible for:

- Overseeing the marketing of the facilities to ensure their use is maximised.
- Working with the headteacher to ensure all relevant policies and procedures are implemented and made available to hirers.
- Agreeing fair prices to charge for using the premises: these will reflect the condition of the facilities but remain competitive enough to be accessible to the wider community.
- Ensuring the costs of any bills, e.g. electricity and water, that may be attributed to the use of the premises are covered.

The headteacher is responsible for:

- Ensuring compliance with the premises licence.
- Acting as or appointing a designated premises supervisor.
- Working with the Trust to assess whether or not the premises is suitable for hire in its current condition.

- Ensuring the Trust has the correct insurance for hiring out the premises.
- Checking the hirer has adequate public liability insurance.
- Accepting and rejecting applications to hire the premises.
- Working with the site personnel to ensure the premises is fit for use by hirers.
- Ensuring hirers familiarise themselves with any relevant policies and procedures, e.g. the First Aid Policy and Fire Safety Policy.
- Ensuring the Trust adheres to its Premises Management/Health and Safety Policy.
- Reviewing and, where necessary, amending the Trust's Letting School Premises Risk Assessment to help ensure the safety of the hirer and their visitors.
- Reviewing the relevant safeguarding checks carried out by the hirer to ensure they comply with the requirements outlined in the Child Protection and Safeguarding Policy.

The site personnel are responsible for:

- Ensuring the facilities and equipment requested are clean and in a good working condition for each hirer.
- Working with the hirers to ensure high levels of security are maintained.
- Showing the hirers how to properly open the premises and secure and lock the premises after use.
- Maintaining and checking equipment to ensure the general upkeep of the site and its facilities.
- Organising any repairs and/or replacement of equipment.

Hirers are responsible for:

- Ensuring the proper use of the facilities and equipment they have requested to use.
- Taking the necessary steps to ensure there is no damage to any equipment or furniture, or the building itself.
- Ensuring all related visitors and volunteers have signed in during their period of hire.
- Leaving the premises in a clean and tidy condition.
- Working with the site personnel to ensure that the premises is secure after use.
- Obtaining adequate public liability insurance.
- Providing the headteacher with proof that they hold a current and relevant insurance policy.
- Obtaining all necessary safeguarding checks where required, e.g. DBS checks, and providing proof of this to the headteacher.
- Reading the Child Protection and Safeguarding Policy and other relevant safeguarding procedures, and ensuring they understand the rules and procedures detailed within.
- Informing the headteacher of the activities that will be undertaken on the premises and of any changes to these activities.
- Reviewing and adhering to the Letting School Premises Risk Assessment.
- Ensuring that children school equipment such as play areas and trim trails are not used.

Emergencies and health and safety

The site personnel and headteacher will undertake relevant risk assessments for the suitability of the site before activities are carried out on the premises, to ensure the safety of the hirer and any

additional visitors.

Hirers will conduct their own risk assessments for their activities.

In case of an emergency, the on-site telephones can be used to call the emergency services although we advise hirers to use their own mobile phone.

All hirers will be advised to have access to at least one mobile telephone that can be used to call the emergency services, should the on-site telephones not be accessible.

The site personnel will check first aid kits daily to ensure their stock levels remain high and, where necessary, restock the first aid kits with the relevant items.

The site personnel will show hirers where first aid kits are, should they be required.

Hirers will be responsible for ensuring they have a trained first aider on site during the times they use the premises.

Smoking will not be permitted on the premises at any time.

Alcohol will not be brought on to, or consumed on, the premises unless the Trust holds a licence to sell alcohol and this has been agreed in writing by the headteacher.

The hirer will familiarise themselves with the Fire Safety Risk Assessment and other relevant risk assessments before using the premises.

The headteacher will make copies of the Trust's Fire Safety Policy available to the hirer prior to the first hire date.

The hirer will be shown the Trust's fire exits and evacuation points by the site personnel prior to the first hire date.

The hirer will be made aware of the schools Emergency Evacuation (below)

Every classroom and meeting room displays a fire Instructions notice and an evacuation route plan. Hirers shall familiarise themselves with these instructions in case of emergency. Evacuation of the school building will take place when hearing the fire alarm. The Hirer shall be responsible for communicating emergency procedures to people taking part in the hiring and for ensuring that his/her people assemble on the school playground which is the designated Fire Assembly Point. If the event occurs during the school day, a member of the school leadership team will be the Fire Officer and will require your report of any missing people and will contact emergency services as appropriate. If the event occurs after school hours, the duty site maintenance officer whilst on site, will act as Fire Officer. The duty site maintenance officer will normally be on site until 17:30hrs. After this time it is the responsibility of the Hirer to act as Fire Officer and alert the emergency services. No first aid provision is available from the school, hirers should contact ring 111 or ring 999.

A defibrillator is available for use at all schools and can be used in emergencies by all visitors during term time and school opening hours.

Managing asbestos

Hirers will be provided with a copy of the Trust's Asbestos Management Policy before using the site. An asbestos management survey has been carried out and the Trust has made an asbestos management plan (AMP) – these will be shown to hirers.

The site personnel will inform the hirer of any asbestos containing materials (ACMs) that have been identified and how they could be damaged or disturbed. Hirers will receive the correct information and instructions and will be clear on what precautions to take.

Risk assessments will be conducted of the areas to let, to ensure no ACMs will be disturbed.

If the Trust finds there has been, or may have been, an unplanned disturbance of asbestos after the facilities have been hired, the following action will be taken:

- All activities will stop, and everyone will be evacuated from the affected area

- Staff, pupils and visitors will not be allowed to re-enter the affected areas until any necessary remedial action has been taken
- Items, including equipment, books or personal belongings, will not be moved from the area
- Advice will be sought from an asbestos expert regarding remedial action

Unless the incident is minor, the Trust will notify the HSE, as this is a legal requirement under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.

Anyone who has come into contact with asbestos, and is concerned about their exposure, will be advised to contact their GP.

The School's AMP will detail the procedures for staff to follow in the event of an incident, and this will be communicated to all staff.

Any incidents involving the disturbance of, and exposure to, asbestos will be recorded appropriately and dealt with in line with the Trust's incident reporting procedures.

The lettings process

Potential hirers will contact the Trust at least two weeks before they wish to use the premises.

Prospective hirers can apply through an application form which will be submitted in writing to the Trust office or emailed to operations@createlearning.co.uk.

For regular hire, only one application form needs to be submitted; however, all the requested dates will be noted.

Hirers will explain their desired use of the premises when completing their application form.

After receiving an application to use the Trust's premises, the headteacher will speak to the Local Academy Board about whether the premises are suitable for the hirer's needs.

If the application is rejected, the headteacher will contact the applicant, either by telephone or email, to clarify the Trust's response and outline the reasons for rejection.

Fees can be paid via bank transfer. The hirer will state how they intend to pay in their application form.

Sub-letting of any form is strictly prohibited. If the Trust receives any evidence pertaining to plans to sub-let the Trust premises, all bookings the hirer has made with the Trust will be cancelled.

If the Trust intends to sub-let part of the site to a commercial business, it will seek permission from the ESFA and complete a [property information note \(PIN\)](#).

VAT

Letting out facilities will generally be standard-rated, although the letting will be VAT exempt in certain circumstances, provided the Trust has not opted to tax. These circumstances include:

- A single, continuous let period of over 24 hours to the same individual.
- A let of a series of sessions to the same individual where:
 - The series is of at least ten sessions.
 - Each session is for the same sport or activity.
 - Each session is in the same place.
 - The interval between each session is at least 1 day, but not more than 14 days.
 - The series is paid for as a whole with written evidence to that fact.
- Where the Trust will be providing education free of charge.

Safeguarding

The Trust will ensure that appropriate arrangements are in place to keep children safe during the hiring out school premises and facilities. Organisations submitting a lettings request involving

working with children and/or young people will submit a signed copy of their current Child Protection and Safeguarding Policy. The Governing Board will ensure there are arrangements in place to liaise with the organisation on these matters where appropriate.

The Trust will ensure safeguarding requirements are included in any transfer of control agreement, as a condition of use and occupation of the premises. Failure to comply with this will lead to termination of the agreement.

All hirers must state the purpose of the hire. Each application will be vetted by the DSL and any concerns will be reported to the Board of Trustees prior to approval.

When determining whether to approve an application; the Local Academy Board will consider the following factors:

- The type of activity
- Possible interferences with Trust activities
- The availability of facilities
- The availability of staff
- Health and safety considerations
- The Trust's duties with regard to the prevention of terrorism and radicalisation
- Whether the letting is deemed compatible with the ethos of the Trust

An application will not be approved if it:

- Is aimed at promoting extremist views.
- Involves the dissemination of inappropriate materials.
- Contravenes the statutory Prevent duty.
- Is likely to cause offence to public taste and decency (except where this is, in the opinion of the Trust, balanced or outweighed by freedom of expression of artistic merit).

The headteacher will file an incident report form if they have reason to believe that the letting has been used for political purposes not previously authorised, the dissemination of inappropriate material or any other purpose that contravenes the Prevent duty.

Where an individual group is found to be promoting views in contravention of the Trust's Prevent duty, the person or group is guilty of an offence, under the Education Act 1996, the Trust will contact the police/school security who will remove the person or group from Trust premises.

All hirers will read and review the Trust's Child Protection and Safeguarding Policy.

Fees

Hirers should give the Trust at least 5 days' notice if they wish to cancel their booking.

School staff, on behalf of the Trust, reserve the right to refuse access to the premises hired if the whole fees have not been paid.

In the event any fees are outstanding after the hirer has used the premises, their organisation will be barred from using any facilities controlled by the Trust until they have paid the full amount.

The Trust reserves the right to take legal action should any outstanding fees remain unpaid for 30 days after hiring.

Should any equipment, including items that have not been requested, be damaged, lost or stolen whilst under the hirer's care, the Trust reserves the right to charge for repairing or replacing the equipment.

Using the site

The hirer will liaise with the site personnel to ensure the Trust remains secure before, during and after use.

Hirers will be given an emergency contact number for the site personnel in case of any security breach or emergency.

The premises will not be available to hirers after **10:00pm**, to avoid any noise complaints from neighbouring residents. The premises may be available for use on weekends if requested e.g. for use of the school field.

Keys or security codes will not be passed to any hirer or other person without written permission from the Local Academy Board.

The site personnel will return to the site before the last hirer leaves, to ensure the site is clean and secure ready for the next day.

The Trust uses a 'three strike rule' when handling complaints lodged against hirers; however, the Trust reserves the right to take more severe action depending on the nature of the complaint.

- Strike one – hirers will receive a verbal warning about their conduct on the property and be warned that repeated offences will result in their booking privileges being suspended.
- Strike two – hirers will receive a second verbal warning and a letter explaining that the Trust takes a zero-tolerance approach inappropriate behaviour. This letter will outline that any fines for the behaviour that the Trust is issued may be passed on to the hirer if there is sufficient evidence to do so.
- Strike three – the hirer will be barred from booking the Trust premises for any activity for a period of two months. The Trust also expects the hirer to issue an apology to the Trust and complainant in writing.

The use of public announcement systems and loudspeakers must be agreed with the headteacher and site personnel, this agreement must include a maximum noise level which is not to be exceeded. The schools car park is available to hirers during their time on the premises; however, the Trust will not accept responsibility for any loss, damage or accident that may occur whilst the car park is in use.

Hirers will only use the car parking spaces allocated and, should any additional spaces be required, the site personnel will find suitable spaces on the premises for additional parking.

In the event additional parking is required, the site personnel will ensure the schools premises remain accessible to the emergency services, should they be required.

Equipment

Hirers will identify any equipment they require from the school and detail this in their application form; hirers must seek permission from the school to use any additional equipment once the form has been submitted.

Furniture and fittings will not be removed or interfered with in any way, unless permission has been granted by the site personnel or headteacher. In the event permission has been granted, the site personnel will oversee the move. If a furniture move has been agreed, the hirer and site personnel will negotiate restoring the premises back to its original state.

Any damage to equipment, furniture or the building will result in the hirer being charged the cost of any repairs or replacements.

Hirers are allowed to bring their own equipment on to the premises; however, they will be required to acknowledge this in their application forms.

The Trust cannot be considered responsible if any of the hirer's equipment is damaged, stolen or lost whilst being used on the premises.

Hirers will report any stolen or missing equipment to the site personnel/headteacher immediately. Risk assessments for manual handling will be carried out by the headteacher and site personnel in accordance with the Manual Handling Policy.

Food and drink may be prepared on the premises; however, hirers must seek direct permission from the school.

The hirer will prepare food and drink in line with current food and hygiene regulations.

Hirers will be responsible for arranging any additional licences that are required to the nature of their activities, e.g. a music licence or licence to sell alcohol.

Hirers will not bring animals onto the premises without permission from the headteacher.

Monitoring and review

This policy will be reviewed annually by the Board of Trustees.

The scheduled review date for this policy is November 2024.

Premises application form

Name:	
Address (for invoicing purposes):	
Organisation:	
Contact number:	
Email address:	
Letting amount:	
Payment method:	Bank Transfer
Requirements	
Date of hiring:	
Time of hiring:	
Trust:	
Room(s):	
Equipment needed:	

Details of any equipment you will be using on the premises:	
Purpose	
Details of the event:	
Will you be working with children and/or young people? If yes, have you attached a copy of your Child Protection Policy?	
Expected attendance:	
<p>By signing this document, I acknowledge that I have read, understood and agree to the terms of this Lettings Policy.</p> <p>I acknowledge that my signature confirms all the details in this application form are correct.</p>	
Signed:	
Date:	

Contact details

Chief Executive Officer	Susan Walters ceo@createlearning.co.uk 01270 360030
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Chief Finance Officer	Jenni Goodwin cfo@createlearning.co.uk 01270 360030
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