



Department
for Education

Wraparound and holiday childcare

**Parent and childcare provider ‘rights to
request’**

**Guidance for local authority maintained
schools, academies and free schools**

May 2016

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About this guidance

1. This publication provides guidance from the Department for Education. It has been produced to help maintained schools and academies (including free schools) understand how to respond to:

- a. parents' requests that the school that their child attends considers establishing wraparound and / or holiday childcare, and
- b. childcare providers' requests to use school facilities for wraparound and / or holiday provision at times when the school is not using them.

2. This guidance aims to maintain school autonomy and avoid imposing unnecessary administration burdens on schools, whilst ensuring schools understand the basis on which they should be responding constructively to requests for wraparound childcare.

Expiry or review date

This guidance is still relevant and should continue to be used. We continue to monitor the data showing the proportion of schools offering out of school clubs and will keep this policy under review.

Who is this guidance for?

- Maintained schools
- Academies (including free schools)

3. The guidance will also be of interest to parents, childcare providers, including childminders, relevant trade unions and local authorities wishing to understand what schools are expected to do as a result of receiving requests.

Policy intention

4. The overall aim of this policy is to help parents to work, or work for longer, if they choose to do so, by making more quality childcare available during the week and school holidays. We will monitor the levels of wraparound and holiday childcare available through schools to see if this guidance is sufficient, and if it is not we will consider further measures to improve take up.

Definitions

5. By 'wraparound childcare' we mean before school childcare (for example, breakfast clubs), after school childcare (for example, regular provision that runs until 6pm or later). By 'holiday childcare' we mean childcare that is available through schools during the school holidays.

6. These 'rights to request' refer to children from Reception up to the end of Key Stage 3 (Year 9). Where there is demand, schools and providers may also want to consider wraparound / holiday childcare for the under 5s or for Year 10 and above – but this provision is not included in the scope of the 'rights to request' described in this guidance. A parent's 'right to request' refers only to the school that their child attends.

Background

7. All schools are encouraged to make their facilities available for use by the wider community. Many schools already do so, but they may be able to do more, especially in providing wraparound and holiday childcare. Wraparound and holiday childcare can either be on a school's site (run in-house by the school or in partnership with a provider) or at a nearby school or provider.

8. Schools are able to charge for the provision of extended and community services such as wraparound childcare if they wish.¹ However, the provision should be broadly cost neutral and any profits that a school makes from providing these services must be reinvested in the service or in the school.²

9. The evidence is clear that parents want wraparound and holiday childcare for school age children but we know that for many parents it can be difficult finding something suitable and affordable.³ The *Parents' views and experiences of childcare survey* suggested that 62% of parents of children aged 5 or over, where at least one parent in the household was working or searching for work, required some form of wraparound childcare (most commonly after school). The same survey showed that three in ten parents with a need for wraparound childcare were unable to find it.⁴

10. Parents trust schools and often find it convenient to use childcare that is local to their child's school. To help working parents access the childcare they need when they need it, the government wants schools to play a larger role in the childcare market. To this end the government expects schools to carry out the activities described in this guidance when responding to parents' requests for establishing wraparound and / or holiday provision and provider requests to use school facilities for wraparound and / or holiday provision at times when the school is not using them. The government has also announced that it will provide £10 million funding a year to expand breakfast clubs in up

¹ The department's guidance on charging for school activities provides further information and can be found at: <https://www.gov.uk/government/publications/charging-for-school-activities>

² See section 27(3) of the Education Act 2002.

³ http://www.familyandchildcaretrust.org/sites/default/files/files/out_of_school_out_of_mind_withoutmap.pdf#overlay-context=out-school-out-mind

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212589/DFE-RR266.pdf

to 1,600 schools starting from September 2017, to ensure that more children have a nutritious breakfast as a healthy start to their school day.⁵

11. The parent and provider 'rights to request' should be seen alongside other measures already taken to make it easier for schools to provide wraparound childcare or holiday provision. These include:

- Revising before- and after-school childcare or holiday provision staffing levels so that providers have more discretion to determine how many staff are needed to ensure the safety and welfare of the children⁶;
- Making it easier for schools and providers to collaborate by allowing childcare providers to work in multiple locations with only one registration with Ofsted⁷;
- Removing the need for schools to follow advice from local authorities and the Secretary of State for Education when establishing community facilities, such as wraparound childcare⁸;
- Giving schools the power to determine the length of the school day⁹; and
- For after-school clubs, removing the requirement to provide the learning and development element of the EYFS for reception aged children who are already being taught during the school day.¹⁰

Wraparound childcare and outcomes

12. Good quality wraparound childcare has a positive impact on children's outcomes. Research by NatCen shows that participating in organised sports and joining after school clubs can help to improve primary school children's academic performance and social skills.

13. Among disadvantaged children, those who attended after school clubs fared better than their peers who did not take part in such groups. They achieved on average, a 2-point higher total score in their KS2 assessments in English, maths and science at the end of primary school.

14. Research also shows that children who participated in organised sports and physical activities at any time during primary school had better social, emotional and

⁵ Budget 2016 <https://www.gov.uk/government/publications/budget-2016-documents>

⁶ Statutory Framework for the Early Years Foundation Stage, para 3.40 (March 2014).

⁷ These measures, which apply in England only, are included in the Small Business, Enterprise and Employment Act 2015 and will come into force on 1 January 2016.

⁸ Section 88 Children and Families Act 2014.

⁹ <https://www.gov.uk/government/news/schools-given-freedom-from-bureaucratic-rules-to-have-control-over-school-day>

¹⁰ Statutory Framework for the Early Years Foundation Stage, para 3.40 (March 2014)

behavioural skills than those who did not take part. The findings took into account background factors such as child gender, ethnicity, age and family structure, as well as parental income and occupational class.¹¹

The guiding principles

15. Schools will take the lead in managing the 'rights to request' process and the final decision about what action to take. Governing bodies will want to ensure that any provision is consistent with the school's long-term strategic vision.

16. In handling the 'rights to request' arrangements, schools must act reasonably in dealing with parental and childcare provider requests and should be transparent about the process they choose to follow. For example, schools should be clear about timescales, keep parents and providers informed at each stage, and give reasons for their approval or rejection of requests. As part of the process for managing the 'rights to request' from parents and providers, schools may want to ensure their governing body has strategic oversight of how the process is working.

17. The use of formal childcare is significantly lower among children with special educational needs (SEN) and parents can struggle to find suitable provision. It is important that any wraparound and holiday childcare being considered by schools is suitable for all children in the school, including those with disabilities or SEN. Schools should ensure that wraparound or holiday childcare providers consider the needs of children with disabilities or SEN when planning their activities to prevent discrimination, promote equality of opportunity and foster positive relations.

18. Many schools already offer a school day that includes additional activity, such as extra academic tuition or coaching in sports and the arts. Wraparound childcare should complement and not detract from these extra-curricular activities or additional academic support that schools offer as part of their school day. In the Budget 2016 the government announced that it will provide up to £285 million a year to give 25% of secondary schools increased opportunity to extend their school day to offer a wider range of activities for pupils.

19. Schools must also ensure that the wraparound or holiday childcare providers fully recognise their responsibility to have arrangements in place to safeguard and promote the welfare of children, including ensuring that childcare providers and their staff (both paid and volunteers) are properly vetted before they care for children.

¹¹ Out of school activities during primary school and KS2 attainment; Jenny Chanfreau et al. Centre for Longitudinal Studies Working paper 2016/1 <http://www.natcen.ac.uk/news-media/press-releases/2016/april/out-of-school-activities-improve-children%E2%80%99s-educational-attainment,-study-reveals/>

20. Shared values and mutual respect will be an essential part of any childcare provision on a school site. However, if parents or providers have a concern about how the 'rights to request' process has been managed they should take this up with the school. If they remain dissatisfied by the decision they may want to raise a formal complaint with the school.

The parental 'right to request' in practice

21. In principle, the process should include the following stages where schools:
- Inform parents of their 'right to request' wraparound and holiday childcare and the process that will be followed;
 - Inform parents how the requests will be collected;
 - Establish a threshold for considering requests;
 - Gauge wider demand across the school;
 - Make a decision; and
 - Inform parents of the decision.
22. The following sections provide specific advice on the steps within the process.

Schools inform parents of their 'right to request'

23. As part of their ongoing and regular engagement with parents, staff and the wider community schools should make parents aware of their 'right to request' wraparound and holiday childcare. They should also clearly set out the timetable and process that parents will need to follow and how the school will respond. Schools should also consider signposting parents to their local Family Information Service which provides information on local childcare services.
24. Schools should be clear about what information they require from parents in order to make a decision. This could include:
- the type of childcare requested;
 - age range of the children requiring wraparound or holiday childcare; and
 - when provision is most needed;
25. Parents' requests should be written (by letter or email or via school-run parent surveys) and dated, so that the school can log requests and keep a record.

Schools inform parents how the requests will be collected

26. Schools should monitor the number and type of requests that they receive. They could do this in a number of ways, for example:
- Have a termly or annual 'window' of time during the year when parents can make their requests. This could be helpful for linking the consideration of requests to the overall management and planning cycle of the school;
 - Collect requests over a longer period of time such as from the start of the autumn term until the start of the summer term; and

- Monitor requests across the school year and only consider the requests when a certain number of requests have been received.

27. Schools should be clear in their communications to parents what the arrangements and timescales are. If schools *do* choose to set a 'window' for requests, they would not be expected to consider requests made outside of the stated timeframe. Parents should be informed that this is the case.

Schools establish a threshold for considering requests

28. Schools will need to decide how many parental requests will warrant progression to the next stage. The financial sustainability of the childcare provision is a crucial factor in determining its long-term viability, especially as it can take time to grow demand. Schools and childcare providers will not be able to deliver wraparound or holiday childcare if demand is too low. To help gauge demand, schools should consider setting a minimum number of requests that will trigger their formal consideration of the requests, and tell parents what this threshold is.

29. Schools should set a threshold that reflects the school's and parents' circumstances. As a general guide, we suggest that the minimum threshold should be set at a relatively low number of requests to allow for latent parental demand. The threshold will of course vary depending on location, the type of provision requested. Small schools, or schools in rural areas, should consider joining up with other local schools where possible to aggregate local need.¹² This may create the opportunity to create demand as well as meet it. If schools do not want to set a threshold, they should have a clear process in place for considering taking the parental requests to the next stage.

Schools gauge wider demand across the school

30. Once the threshold is met, schools should take steps to fully understand the childcare needs of the families they serve. For example, schools should consult parents of all eligible children to test the demand and type of childcare provision requested¹³.

¹² Analysis of the Childcare and Early Years Providers Survey 2013 (Sept 2014) indicates that the average number of after school club places offered is 49 with 62 children attending per typical week. However, much smaller clubs exist with 3% offering under 10 places and 12% offering between 10 and 19. <https://www.gov.uk/government/collections/statistics-childcare-and-early-years#childcare-and-early-years-providers-survey>

¹³ Schools may want to enlist the help of a prospective childcare provider to determine demand.

Schools make a decision

31. On confirming parental demand, schools should consider how the provision requested might be established. They should discuss with their local authority the existing childcare available. The options that should be considered are outlined in paragraph 37.

32. Schools should not refuse a request without a reasonable justification. Circumstances where it might be reasonable for a school to reject requests from parents include:

- No space available, e.g. because of plans to use the available space for academic or sports clubs;
- Unsuitable space that cannot reasonably be adapted, or ongoing building or maintenance work;
- Low level of demand so that the provision would not be viable – with no nearby schools interested in collaborating to reach a critical mass;
- No other local providers or schools with whom partnership arrangements could be made;
- Similar provision already operates locally and can be used seamlessly (and the school already clearly signposts this provision); and
- School is in special measures or has serious weaknesses and has no leadership capacity to manage the process.

33. Paragraph 36 onwards describes the process for taking forward parental requests.

Schools inform parents of the decision

34. Schools should inform parents about the outcome of the process in a timely fashion. This should be no longer than eight weeks from the time that they count the number of requests from parents. Schools will need to analyse parents' requests, determine whether the care requested is a viable proposition for the school, discuss with their local authority and consult their governing body. Schools should tell parents how many requests were received, whether the threshold was reached, the reasons for the decision taken, and any next steps.

35. Where schools decide not to proceed with wraparound and / or holiday childcare they should clearly signpost parents to the local Family Information Service which will have up to date information about the availability of local childcare.

Next steps to taking forward parental requests

36. If the school decides to go ahead with the provision of wraparound and holiday childcare, there are a number of possible models of delivery. Each school will need to decide which is the best route for them and the community they serve.

37. Options that schools may want to consider include:

- **In-house** - this model will be attractive to schools wishing to retain control of all aspects of their childcare provision (e.g. bookings, marketing, staffing, activities offered);
- **Blended** - this model will be attractive to schools wishing to retain control of some aspects of their childcare provision, while also working in partnership with their local community. Examples of blended provision include:
 - Commissioning a new third-party provider to run just some of the provision (e.g. the accredited Duke of Edinburgh scheme).
 - Working in partnership with other local schools to offer the provision (on one or more sites within walking distance or a bus/mini-bus to transport children).
 - Managing most of the provision in-house but some activities are run off-site by an external agency (e.g. museum, sports centre);
- **External** - this model will be attractive to schools that, for various reasons (e.g. lack of experience in running childcare provision, lack of time/staff to manage the provision), wish to hand over responsibility for running their childcare provision to another organisation (or to a consortia of providers, including childminders).¹⁴

38. Factors that schools may want to consider when deciding on how the childcare provision should be delivered include:

- Analysis of demand (e.g. age range and when needed);
- Type of provision (e.g. providing suitable quality, age appropriate and inclusive experiences for children);
- Practicalities (e.g. access to the school site, security, cleaning, reasonable adjustments for SEND, transport if provision is on different site); and
- Pre-existing community activities (e.g. impact of wraparound on activities already taking place in the space available, for example scouts);

¹⁴ From January 2016 childminders are able to use their existing registration to work from non-domestic premises (e.g. schools) for up to 50% of their time. This will help childminder businesses become more sustainable. Childminders will be able to offer services such as an after school club, or work in partnership with other childminders to offer a crèche service.

Some considerations for in-house provision

39. Where schools decide to run the provision themselves they may want to consider the following:

- Practicalities (e.g. recruiting additional staff, provision of food);
- Finance and sustainability (e.g. charges to parents, purchase of materials and equipment, the cost of wear and tear and utilities, the time needed to build demand and break even, likely changes in demand over time);
- Legal responsibilities (e.g. staffing contracts, health and safety, reasonable adjustments to allow disabled children to access the childcare, governance, insurance, consultation with church trustees for voluntary aided schools);
- Safeguarding (e.g. review and update existing school policies and procedures to reflect new services).

Some considerations for blended or externally-run provision

40. Where schools decide to contract childcare provision to a third party they may want to also consider the following:

- Practicalities (e.g. providers' access to the school site, security, cleaning, provision of food and consistency with school healthy eating policy);
- Finance and sustainability (e.g. rental rates; track record of financial sustainability, length of contract to allow provision to grow and become sustainable over time);
- Expectations and accountability (e.g. service level agreements, contract management, clarity on times of access and use and available space, evaluating provision, break clause, exit strategy);
- Provider track record (e.g. experience of providing suitable quality, age appropriate and inclusive play based experience for the children; ethos, aims and values, references and or visiting existing provision);
- Legal responsibilities (e.g. Ofsted registration, staffing, health and safety, reasonable adjustments to allow disabled children to take part, governance, insurance); and
- Safeguarding (e.g. having clear policies and procedures to safeguard children).

The role of the local authority

41. The Childcare Act 2006 places a duty on local authorities to secure sufficient childcare, so far as is reasonably practicable, for working parents. Local authorities should also support schools in their area to offer out-of-hours childcare and encourage existing providers to expand their provision and new providers to enter the local childcare market.¹⁵

42. As the strategic leader in the provision of childcare locally, local authorities will have an interest in knowing about the current and future demand and supply of wraparound and holiday childcare and the possible impact of new provision in a local area. It is up to each local authority to decide what level of support they offer schools and childcare providers planning new childcare provision. However, the local authority may be able to broker partnership working across schools and other childcare providers, or coordinate holiday childcare operating on a number of school sites. Schools should contact their local authority or Family Information Service at an early stage of their thinking (e.g. when establishing a threshold) to discuss any plans to provide or commission childcare.

43. The new Childcare Act 2016 will strengthen the current duty placed on local authorities, requiring them to not only provide information about childcare in their area but publish that information as well.¹⁶

¹⁵ <https://www.gov.uk/government/publications/early-education-and-childcare--2>

¹⁶ Section 12 of the Childcare Act 2006 places a duty on English local authorities to provide information, advice and assistance to parents and prospective parents. Section 12 is amended by section 5 of the Childcare Act 2016 to enable the Secretary of State to make regulations placing a duty on English local authorities to publish certain information at prescribed intervals.

The provider 'right to request' in practice

44. In principle, the process should include the following stages:

- The school sets out clear criteria for considering a request;
- The school considers the request;
- The school informs the provider of its decision; and
- Next steps on taking forward provider requests.

Schools set out clear criteria for considering a request

45. Schools should be clear about the criteria they will use to make a decision and the information they want providers to include in their requests. Schools may want to include as criteria some of the considerations set out in paragraph 40.

46. Childcare providers should make requests to schools in writing, taking account of the criteria for considering a request. For all provider requests, including where there are several providers requesting access to the school site to provide childcare, the process should be fair and open. For example, all potential providers should have any relevant information or data.

47. Schools may want to look at requests on a case by case basis or more likely have a termly or annual window when providers can make requests. Either way the process for providers making a request should be clear e.g. by publishing deadlines for considering provision on the school website.

Schools consider the request

48. On receipt of a request from a provider a school should acknowledge receipt, inform the provider of the timescale for processing the request and, if appropriate, consider:

- Meeting the provider, to discuss the type of childcare proposed;
- How best to gauge the likely demand for the provision across the whole school and the role of the provider in leading this process; and
- The practicalities for establishing provision e.g. physical space;

49. Schools may have to manage requests from providers that already have provision on the school site. In these cases the school should assess how far the existing provision meets parental needs and should follow its agreed procedures for reviewing contracts and contracting services or renting facilities.

50. For requests that are accepted, the school may consider recovering any administrative costs of processing the application from the provider as part of the wider costs for the provision of services or facilities.

51. Circumstances where it might be reasonable for a school to reject requests from providers, in addition to those set out in paragraph 32, include:

- Unsuitable provision, e.g. there is insufficient space or demand for the type of provision being proposed or the proposal does not cover the right age range or meet SEN/D requirements; and
- Insufficient information or limited evidence of value for money or appropriate quality or capability to deliver the wraparound or holiday care (e.g. lack of clear governance and accountabilities, appropriate legal status of organisation e.g. charity not confirmed, health and safety risks have not been properly identified, history of poor performance).

School informs provider of their decision

52. Schools should inform providers about the outcome of the process in a timely fashion. This should be no longer than eight weeks from the time the provider request is received. Schools should discuss with their local authority any plans to provide childcare.

53. Where schools have rejected a request they are not expected to reconsider requests from the same provider for the same type of provision within 12 months of the last request.

Next steps to taking forward provider requests

54. Where schools have decided a childcare provider should offer wraparound care, the school and the provider should agree a plan how to establish the provision. Schools may want to formally agree with the provider a clear framework for delivering the provision, including: aims and objectives, service description, pricing policy and arrangements for marketing and informing parents of plans.



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Reference: DFE-00117-2016



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