



Department  
for Education

# **Wraparound and holiday childcare – parent and childcare provider ‘rights to request’**

**DRAFT departmental advice for maintained  
schools, academies and free schools**

**December 2015**

## Contents

Summary	3
About this departmental advice	3
Who is this advice for?	3
Policy intention	3
Definitions	3
Background	4
The guiding principles	5
The parental 'right to request' in practice	6
Parent requests	6
Inform parents how the requests will be collected	6
Inform parents of the timescales	7
Establish a minimum threshold for considering the provision of childcare	7
Gauging wider demand across the school	7
Making a decision	8
Models of delivery	8
The provider 'right to request' in practice	10
Provider requests	10
Making a decision	10

## Summary

### About this departmental advice

1. This departmental advice from the Department for Education 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 advice aims to avoid imposing unnecessary burdens on schools and maintains school autonomy, whilst ensuring schools understand the basis on which they should be responding constructively to requests for wraparound childcare.

### Who is this advice for?

- Maintained schools
  - Academies (including free schools)
3. The advice 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 departmental advice 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.

## DRAFT

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 – but this provision is not included in the scope of the 'rights to request' described in this advice. A parent's 'right to request' refers only to the school that their child attends.

7. Wraparound and holiday childcare can either be on a school's site (run directly by a school or in partnership with a provider), or at a nearby school or provider.

## Background

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

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.<sup>3</sup> 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.<sup>4</sup>

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.

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

<sup>2</sup> See section 27(3) of the Education Act 2002.

<sup>3</sup> [http://www.familyandchildcaretrust.org/sites/default/files/files/out\\_of\\_school\\_out\\_of\\_mind\\_withoutmap.pdf#overlay-context=out-school-out-mind](http://www.familyandchildcaretrust.org/sites/default/files/files/out_of_school_out_of_mind_withoutmap.pdf#overlay-context=out-school-out-mind)

<sup>4</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/212589/DFE-RR266.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212589/DFE-RR266.pdf)

## DRAFT

11. These '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 children;<sup>5</sup>
- Making it easier for schools and providers to collaborate by allowing childcare providers to work in multiple locations with only one registration with Ofsted;<sup>6</sup>
- 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 childcare;<sup>7</sup>
- Giving schools the power to determine the length of the school day;<sup>8</sup>
- 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.<sup>9</sup>

### The guiding principles

12. Schools will take the lead in managing the 'rights to request' process and governing bodies will make the final decision about what action to take. In doing this, 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 consider nominating a governor to oversee the process.

13. 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 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.

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<sup>5</sup> Statutory Framework for the Early Years Foundation Stage, para 3.40 (March 2014).

<sup>6</sup> 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.

<sup>7</sup> Section 88 Children and Families Act 2014.

<sup>8</sup> <https://www.gov.uk/government/news/schools-given-freedom-from-bureaucratic-rules-to-have-control-over-school-day>

<sup>9</sup> Statutory Framework for the Early Years Foundation Stage, para 3.40 (March 2014)

## DRAFT

14. Wraparound childcare should complement and not detract from extra-curricular activities such as sport or clubs for academic purposes, such as extra study support or homework clubs.
15. 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.
16. If parents or providers have a concern about how the 'rights to request' process has been managed they should take this up through the school's complaints process.

### The parental 'right to request' in practice

17. In principle, the process should include the following stages:
  - Parent makes a request to the school;
  - Consideration of requests by the school;
  - School makes a decision regarding whether the request is reasonable and viable;
  - School informs parents of the decision and the school's reasons for it.
18. The following sections provide specific advice on the steps within the process.

### Parent requests

19. Schools should make parents aware of their 'right to request' wraparound and holiday childcare, and outline the process, timetable and any other relevant information they require. This could include the type of childcare requested, for what age range and when it is needed. Parents' requests should be written (by letter or email) and dated, so that the school can log requests and keep a record.

### Inform parents how the requests will be collected

20. 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 'window' of time during the year when parents can make their requests (e.g. for the period of one half term). 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;
  - Monitor requests across the school year and only consider the requests when a certain number of requests have been received.

## Inform parents of the timescales

21. 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.

## Establish a minimum threshold for considering the provision of childcare

22. 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.

23. Schools should set their own 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. Anecdotal evidence suggests that to make provision sustainable, the minimum number of filled places is 20. Therefore, for most schools the threshold should be around 20. This will of course vary depending on location and the type of provision and provider.

24. Neither should the threshold be so high that it is unlikely to be reached. Small schools should take steps to seriously consider the needs of parents, perhaps by joining up with other local schools.<sup>10</sup> If schools do not want to set a threshold, they should have a clear process in place for dealing with requests.

## Gauging wider demand across the school

25. 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 confirm or test the demand and type of childcare provision required.

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<sup>10</sup> 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>

## Making a decision

26. On confirming parental demand, schools should consider how the provision requested might be established. The options that should be considered are outlined in paragraph 30.

27. 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 or plans to use the available space for key educational purposes – and no other local providers or schools with whom partnership arrangements could be made;
- A low level of demand so that the provision would not be viable – with no nearby schools interested in collaborating to reach a critical mass; and
- Unsuitable space that cannot reasonably be adapted.

## Inform parents of the decision

28. Schools should inform parents about the outcome of the process in a timely fashion. This should be no longer than six 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 LA 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.

## Models of delivery

29. Should the decision be taken to go ahead with the provision of wraparound and holiday childcare, there are a number models of delivery, and each school will need to decide which is the best route for them and the community they serve.

30. Options that schools may want to consider include:

- Approaching childcare providers to deliver a service either on or off site (this might include private, voluntary, independent childcare providers and childminders).<sup>11</sup> If

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<sup>11</sup> From January 2016 childminders will be 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.



## DRAFT

a school does this, it should follow its agreed policies for contracting or letting space;

- Approaching other schools to gauge wider local demand and consider how these needs can be met. This may include one of the schools 'hosting' the childcare;
- Delivering the wraparound or holiday care directly themselves, using existing staff or employing additional staff directly.

31. 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.<sup>12</sup>

32. 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. Schools should contact their local authority to discuss any plans to provide or commission childcare.

33. In arriving at a decision about how to deliver wraparound and holiday care schools should consider the following:

- **Practicalities** (e.g. providers' access to the school site, security, cleaning);
- **Finance and sustainability** (e.g. charges to parents, rental rates, purchase of materials and equipment, the cost of wear and tear, the time needed to build demand and break even, likely changes in demand over time);
- **Expectations and accountability** (e.g. service level agreements, contract management, evaluating provision);
- **Legal responsibilities** (e.g. Ofsted registration, staffing, health and safety, reasonable adjustments to allow disabled children to take part, governance, insurance);
- **Provider track record** (e.g. providing a suitable quality and age appropriate experience for the child and awareness of inclusion, help with fees for the most disadvantaged families);
- **Analysis of demand** (e.g. marketing and advertising costs);
- **Safeguarding** (e.g. having clear policies and procedures to safeguard children).

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<sup>12</sup> <https://www.gov.uk/government/publications/early-education-and-childcare--2>

## The provider 'right to request' in practice

### Provider requests

34. Childcare provider requests should be in writing. As with the parental 'right to request', schools may choose to set a 'window' during the school year when providers can make requests, or monitor requests across a period of time.

35. Schools should set out the information that providers should include in their requests. This might include all or some of the factors set out in paragraph 33. Schools should also be clear about the criteria that they will use to make a decision.

### Making a decision

36. On receipt of a request from a provider a school should:

- Acknowledge receipt and tell the provider the timescale for considering the request;
- If appropriate, meet the provider, to discuss the type of childcare proposed;
- If required, consider how best to gauge the likely demand for the provision across the whole school;
- Consider the practicalities for establishing provision e.g. physical space;
- Feed back to the provider about the decision taken and if favourable, agree terms;
- Where more than one provider requests to use the school site, the school should follow its agreed procedures for contracting services and be able to show how the process was fair and open.

37. For requests that are accepted, the school governing body may recover the administrative costs of processing the application as part of the wider costs for the provision of services or facilities.

38. Circumstances where it might be reasonable for a school to reject requests from providers include:

- Other plans for the facilities in question. These could include the school's own out of school hours plans (e.g. academic or sports clubs), existing childcare provision, community use, or building / maintenance work;
- Unsuitable provision for their pupils. For example, that there is insufficient demand for the type of provision being proposed, the proposal does not cover the right age range or meet SEN/D requirements;
- Insufficient information or limited evidence of appropriate quality or capability to deliver the wraparound or holiday care (e.g. lack of clear governance and accountabilities, risks have not been properly identified).

39. Schools are not expected to reconsider requests from the same provider for the same type of provision within 12 months of the last request.



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