

11 February 2016

Item 3

TITLE OF REPORT: Rights to Request Childcare Consultation

Purpose of the Report

To bring to Schools Forums, as requested the Local Authorities draft response to the Rights to Request Childcare consultation and to ask if Schools Forum would like respond to this consultation.

Background

The DfE published the Right to Request Childcare consultation on 7th December 2015, with a closing date of 29th February 2016 as per below link.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/482577/Wraparound-and-holiday-childcare-consultation-document.pdf

The aim of this consultation is to gather views from interested parties on the draft departmental advice on how maintained schools, academies and free schools should 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.

The departmental advice sets out the principles guiding how schools should respond to these requests and the steps they should take. 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.

A copy of the draft departmental advice is available on the attached link.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/482501/Wraparound-and-holiday-childcare-draft-departmental-advice-for-schools.pdf

The DfE will monitor the levels of wraparound and holiday care available through schools to see if this departmental advice is sufficient, and if it is not they will consider further measures to improve take up.

The proposed new plans to give families the 'right to request' wraparound and holiday childcare for children from Reception up to the end of Key Stage 3 (Year 9) from the school their child attends. Childcare providers will also have the 'right to request' the use of a school's facilities when the school is not using them – opening up good quality, affordable childcare when they need it.

The consultation also seeks views on the LA collecting information on childcare available in their area.

Proposal

That Schools Forum notes the LA's draft response and consider if they would like to make a response to the Rights to Request Childcare consultation. A copy of the draft response form is included at appendix 1.

Recommendations

The Schools Forum considers the LA's draft response to the current Rights to Request Childcare consultation, and considers making a response to the consultation. The consultation is live until 29th February should they wish to respond to this consultation.

For the following reasons:-

To put forward their views on the on the draft guidance on rights to request childcare, and ensure colleagues are aware of the consultation.

CONTACT: Carole Smith



Department
for Education

Appendix 1

Consultation response form

Consultation closing date: 29 February 2016

Your comments must reach us by that date

**Wraparound and holiday
childcare - parents and
childcare provider 'rights to
request'**

If you would prefer to respond online to this consultation please use the following link: <https://www.education.gov.uk/consultations>

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- 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

The departmental advice sets out the principles guiding how schools should respond to these requests and the steps they should take. 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.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.	<input type="checkbox"/>
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Reason for confidentiality:

Name:

Please tick if you are responding on behalf of your organisation.

Name of Organisation (if applicable): Gateshead Council

Address: Civic Centre, Regent Street, Gateshead, NE8 1HH

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the Department's '[Contact Us](#)' page.

Please insert an **X** into one of the following boxes which best describes you as a respondent.

<input type="checkbox"/> Parent or carer	<input type="checkbox"/> School governor	<input type="checkbox"/> Heatteacher
<input type="checkbox"/> Teacher	<input type="checkbox"/> School Business Manager	<input checked="" type="checkbox"/> Local authority staff
<input type="checkbox"/> Childcare provider / manager	<input type="checkbox"/> Other	

Comments:

Paragraph 19 of the advice sets out what parents are expected to do to make a request for the provision of wraparound or holiday childcare. On receiving a

request schools may require information from parents about the amount of wraparound or holiday childcare they estimate they will use. While it is left for schools themselves to decide what process works best, there is an expectation that they should be clear with parents about the steps they will take, timescales and any information necessary to help the school make a decision. If the advice is not clear the department is keen to understand what might be included to make it clearer.

1 Is the process for parents lodging a request clear?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:
The process is clear; however this could raise parent's expectations that all their requests will be met. This is also an additional administrative burden for schools to log, consider and respond to. The provision or expectations that provision of childcare by a school or in partnership with another provider or school could cause tension between schools were competition for pupils already exists. Schools in rural communities could find it difficult to provide these services at a reasonable rate that is still affordable for parents.

Paragraphs 34 and 35 of the advice sets out what childcare providers are expected to do to request the use of school facilities for wraparound or holiday childcare. While it is left for schools themselves to decide what process works best there is an expectation that they should be clear with childcare providers about timescales and any information necessary to make a decision. If the advice is not clear the department is keen to understand what might be included to make it clearer.

2 Is the process for childcare providers lodging a request clear?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

The process is clear; however this could raise providers expectations that their requests will be met. This is also an additional administrative burden for schools to log, consider and respond to all requests. The DfE should consider providing draft processes and procedures for schools to amend for their school, giving further detail to the process and procedures. This standardisation would help providers that may want to work with more than one school, and schools in different local authorities.

Paragraphs 21 and 22 of the advice set out the expectations of what schools should do to process a request from parents for wraparound or holiday childcare. While it is left for schools themselves to decide what process works best there is an expectation that they should be clear with parents about timescales and any information necessary to make a decision. If the advice is not clear the department is keen to understand what might be included to make it clearer for schools.

3 Is the advice on how a school should respond to a request from parents clear?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

The advice is clear, however there is little detail, and schools would probably welcome some standard documentation that could be adopted by the school rather than have schools each produce their own procedure. If this is not going to be provided, then it is something that LA's may consider producing on behalf of all schools in their area.

Paragraph 36 of the advice set out the expectations of how schools should respond to a request from a childcare provider to use school facilities for wraparound or holiday childcare. While it is left for schools themselves to decide what process works best, there is an expectation that they should be clear with childcare providers about timescales and any information necessary to make a decision. If the advice is not clear the department is keen to understand what might be included to make it clearer.

4 Is the advice on how a school should respond to a request from a childcare provider clear?

Yes No Not Sure

Comments:
Could be difficult for schools to administer this process and could leave schools vulnerable to challenge on their decisions. Schools will also need additional professional services e.g. legal and finance input.

Paragraph 23 of the advice sets out the expectation that schools should establish a minimum threshold for the number of requests that will trigger formal consideration of the requests. This is to ensure that the actions that a school takes are based on an appropriate level of demand.

5 Is the advice on setting a threshold helpful?

Agree Disagree Not sure

Comments:
Comments:
Schools need to consider not just what number of requests should trigger a formal consideration of childcare, but would need to understand the pattern of demand and what would be viable for the school.
It is suggested that small schools share facilities with other small schools. Many small schools are in remote rural areas, and may serve quite a large geographic area which would mean the sharing of such facilities would be impractical both for parents and pupils.
It is suggested that children with SEN should also have access to childcare. Schools will have to have a very clear policy on this as it may not be viable to provide childcare to children that require one to one support, unless the school has a variable charging policy, but this could be seen as discrimination.
Space in some schools is an issue and the school may not have any suitable non-teaching areas. If teaching areas are to be used the school must consider the impact this could have on lesson preparation or the possible disruption to the teaching space.
Schools must also consider where to include a snack for either breakfast and

after school clubs, or if children should be allowed to bring into schools a snack for these times. Should schools have a consistent healthy schools policy to all snacks/meals either provided by the school or eaten on the school site? Another consideration is PFI schools which have specific contractual arrangements with their FM contractor. Being open additional hours, having greater use of buildings, facilities and utilities could be costly and complex to negotiate.

Paragraph 27 of the advice sets out three possible reasons why schools might reject parent requests. The department is keen to hear other suggestions of what else might be reasonable.

6 Other than those listed in the draft departmental advice, are there other circumstances in which it would be reasonable for a school to reject parental requests?

Yes No Not Sure

Comments:
Financial viability – there maybe parental demand, but not at the cost of the childcare could be provided for, (PFI Schools). This maybe also be particularly difficult for children with an Education Health and Care Plan, as the cost of childcare for these individual children could be high depending on their individual needs.

There is no question on the suggested timescales. Six weeks could be too short a timescale to properly consult with the governing body, and to give the governing body time to ask for further information, and then consider this information. This could be especially difficult were there are outside bodies to consult with e.g. PFI contractors, or where the school is part of a shared site. The school may have access issues and safe drop off and pick up arrangements need to be considered.

Paragraph 38 of the advice sets out three possible reasons why schools may reject childcare provider requests. The department is keen to hear other suggestions of what else might be reasonable.

7 Other than those listed in the draft departmental advice, are there other circumstances in which it would be reasonable for schools to reject a provider request?

Yes No Not Sure

Comments:

Schools may not have total control over their buildings e.g. PFI schools, schools which are Voluntary Controlled, on a shared site or have access issues.

Need to also take into account the availability of places in the vicinity.

Paragraphs 29 and 30 of the advice sets out the expectation that schools themselves should consider delivering the wraparound or holiday childcare directly themselves, or work with other schools to 'host' the childcare or work with private and voluntary childcare organisations to provide it. These options are designed to offer schools the maximum flexibility in the model of delivery.

8 Are the delivery options that a school should consider for delivering wraparound or holiday childcare clear?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

The options are clear; however the advice does not include and of the difficulties that may arise from any of these delivery models, or provide any detail on how these options might work in practice. Gateshead has produced a document for schools called 'Developing Childcare on School Sites' which gives detailed information on set-up options and the pros and cons of each option.

Paragraph 33 of the advice sets out a list of factors that schools may want to consider in arriving at a decision about how to deliver wraparound or holiday childcare. The department is keen to understand if there are additional factors that should be included.

9 Other than those listed in the draft departmental advice are there other factors that schools should consider in arriving at a decision about how to deliver wraparound or holiday childcare?

Yes No Not Sure

Comments:
Staffing implications including the cost of redundancy should be considered if the school are taking on the childcare provision themselves, if the childcare provision is not viable, or fails. Supply insurance and the cost of providing maternity and sickness cover if the staff are directly employed.

Paragraph 31 suggests that schools should discuss their plans with their local authority because of their statutory duty on the provision of childcare in the area. We will be exploring with the local government sector the implications of this guidance, but the department would like to hear your views and receive evidence on any burdens for local authorities that it would create.

10 Do you think that this advice would create a new burden for local authorities? If so, what is your evidence for saying so?

Yes No Not Sure

Comments:
We already encourage schools to engage with the LA as soon as they are considering changes to their early years or childcare arrangements.

A major achievement over the past few years has been the long term growth of wraparound and holiday childcare. This has led to a wealth of innovative practice and knowledge which we are keen to draw together. Please include examples of websites or other sources of information and help in the comment box.

11 Do you agree that it would be helpful if the departmental advice on how to respond to 'right to request' included links to websites with

information and advice about how to provide and commission wraparound and holiday childcare?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Sure
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Comments:
This on-line information could not replace the local knowledge of the early education and childcare market held by LA officers.

We look forward to hearing your views on the proposals in the draft advice document. Finally it would be helpful to know whether you have any other comments on the proposals set out in this consultation.

12 Do you have any other comments on the draft departmental advice to schools?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No view
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Comments:
More detailed guidance at a national level should be provided for schools to reduce the administrative burden together with standard forms for collecting information. Regulations covering maintained schools, academies and other providers should be updated to ensure that if there is the requirement of the LA to collect information schools and providers have a duty to provide the information.
If information needs to be collated either regionally or nationally, standard documentation should be produced for all schools, providers and LA's to use to assist in the quality and consistency of information provided.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply.	
E-mail address for acknowledgement:	

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, please

confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

Yes

No

All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](#)

The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions
- departments should explain what responses they have received and how these have been used in formulating policy
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

If you have any comments on how DfE consultations are conducted, please email: consultation.unit@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed responses should be sent to the address shown below by 29 February 2016

Send by post to: David Aickin, Early Years Team, 1st Floor, Department for Education, Great Smith Street, London SW1P 3BT

Send by e-mail to: Wraparound.CONULTATION@education.gsi.gov.uk