

**The Early Education Funding Offer for
Two, Three and Four Year Olds**

Achieving for Children (AfC)
Conditions for Inclusion onto the
Directory of Providers

(August 2018)

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Section 1: Overview

1.1 This provider agreement has been produced by Achieving for Children in order to support childcare providers in delivering the Free Early Education for all eligible children from the relevant date following their second or third birthday until they reach statutory school age (the beginning of the term following their fifth birthday).

1.2. The agreement applies to the 15 hour entitlement for the most disadvantaged two-year-olds, the 15 hour entitlement for parents of three- and four-year-olds (the universal entitlement) and the 30 hours entitlement for working parents of three- and four-year-olds (the extended entitlement).

1.3. This document does not provide guidance on how providers operate their private businesses, including charges for provision over and above a child's free hours. AfC will not intervene where parents choose to purchase additional hours of provision or additional services providing that this does not affect the parent's ability to take up their child's free place.

1.4. This model agreement will be kept under review and updated as necessary.

1.5. This agreement is between:

- Achieving for Children referred to in the agreement as 'we', 'our' or 'us'
- Early years providers who are referred to as 'providers' and include: Early years providers and childminders registered on the Ofsted Early Years Register
 - Childminders registered with a childminder agency that is registered with Ofsted;
 - Independent Schools and Academies taking children age two and over and which are exempt from registration with Ofsted as an early years provider.

1.6. The parent declaration form found on the AfC provider portal page¹ online is for:

- Early years providers, as set out above
- Parents

The parent declaration form must be reviewed and signed by the parent each term. If there are any changes to circumstances the parent must complete and sign a new parent declaration form.

Section 2: Provider agreement requirements and standard wording

2.1. AfC ensures the provider agreement is clear and transparent.

2.2. AfC will have due regard to this agreement in the exercise of our duty under s7(1) of the Childcare Act 2006 and regulation 39 of the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016.

2.3. The headings and wording in this agreement are based on the DfE's model agreement

Key local authority responsibilities

2.4. AfC must secure a free entitlement place for every eligible child in their area.

2.5. AfC will work in partnership with providers to agree how to deliver free entitlement places.

2.6. AfC will be clear about our role and the support on offer locally to meet the needs of children with special educational needs and/or disabilities (SEND) as well as our expectations of providers.

2.7. AfC will contribute to the safeguarding and promote the welfare of children and young people in our area.

¹ <https://www.afcinfo.org.uk/pages/community-information/information-and-advice/information-for-childcare-professionals-working-in-kingston-and-richmond/resources/provider-portal>

Key provider responsibilities

2.8. The provider must comply with all insurance requirements and the following relevant legislation that underpins this agreement (references to legislation will be to that legislation as amended from time to time, without express change in the provider agreement):

- Early Education and childcare, Statutory guidance for Local Authorities 2017
- Childcare Act 2006
- Childcare Act 2016
- Equality Act 2010
- School admissions code 2014
- Statutory framework for the early years foundation stage April 2017
- Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2014
- The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016
- Special educational needs and disability code of practice: 0 to 25 years 2014
- Development Matters in the EYFS 2012
- The EYFS Progress Check at Two
- The Data Protection Act 2018
- Working Together to Safeguard Children July 2018
- London Child Protection Procedures
- The Children and Families Act 2014

2.9. The provider should deliver the free entitlements consistently to all parents, whether in receipt of 15 or 30 hours and regardless of whether they opt to pay for optional services or consumables. This means that the provider should be clear and communicate to parents details about the days and times that they offer free places, along with their services and charges. Those children accessing the free entitlements should receive the same quality and access to provision.

2.10. The provider must follow the EYFS and have clear safeguarding policies and procedures in place that link to the local authority's guidance for recognising, responding, reporting and recording suspected or actual abuse.

2.11. The provider must have arrangements in place to support children with special educational needs and/or disabilities (SEND). These arrangements should include a clear approach to identifying and responding to SEND. Providers should utilise the SEN inclusion fund and Disability Access Fund to deliver effective support, whilst making information available about their SEND offer to parents.

Safeguarding

2.12. AfC has overarching responsibility for safeguarding and promoting the welfare of all children and young people in our area. We have a number of statutory functions under the 1989 and 2004 Children Acts which make this clear, and the 'Working Together to Safeguard Children' 2015 guidance² sets these out in detail.

2.13. The provider must follow the EYFS and have clear safeguarding policies and procedures in place that are in line with local guidance and procedures for responding to and reporting suspected or actual abuse and neglect. A lead practitioner must take responsibility for safeguarding and all staff must have training to identify signs of abuse and neglect. The provider must have regard to 'Working Together to Safeguard Children' 2015 guidance.

²

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/592101/Working_Together_to_Safeguard_Children_20170213.pdf

2.14. The provider must take necessary actions to safeguard children’s information when a member of staff no longer works at their setting. Providers must request to have any Provider Portal user accounts for staff members no longer working at the setting to be deleted at the last day of employment for that person. If it is thought that the member of staff leaving has knowledge of other Provider Portal user account details, a request to have those passwords changed must be emailed to early.years@achievingforchildren.org.uk

Child’s eligibility criteria

2.15. The provider should check original copies of documentation to confirm a child has reached the eligible age on initial registration for all free entitlements. The provider can retain paper or digital copies of documentation to enable the local authority to carry out audits and fraud investigations. Where a provider retains a copy of documentation this must be stored securely and deleted when there is no longer a good reason to keep the data. Please refer to the data privacy guidance set out in in the parent declaration form.

2.16. The provider should offer places to eligible two-year-olds on the understanding that the child remains eligible until they become eligible for the universal entitlement for three- and four-year-olds.

2.17. AfC must ensure that a child has a free entitlement place no later than the beginning of the term following the child and the parent meeting the eligibility criteria for the free entitlements.

2.18. Alongside the 30 hours eligibility code, which is the child’s unique 11-digit number, and original copies of documentation (see 2.15), a provider must acquire written consent from, or on behalf of, the parent to be able to receive confirmation and future notifications from the local authority of the validity of the parent’s 30 hours eligibility code. The provider should use the parental declaration form (available on the Provider Portal page³) which asks the parent for the necessary information and consents.

2.19. Once a provider has received written consent from the parent, they should verify the 30 hours eligibility code with AfC.

2.20. AfC will confirm the validity of 30 hours eligibility codes to allow providers to offer 30 hours places for eligible three- and four-year-olds. AfC will provide a validity checking service to providers to enable them to verify the 30 hours eligibility code swiftly and efficiently. The Eligibility Checking System (ECS) allows AfC to make instant checks for code validity. To validate codes providers will need to input the child’s date of birth, the parent’s national insurance number and the 11-digit eligibility code into the Provider Portal.

2.21. Thereafter, AfC will complete audit checks to review the validity of eligibility codes for children who qualify for 30 hours free childcare at 6 fixed points in the year, both at half-term and at the end of term across the year (in line with the dates as listed at table A below).

Table A:

Date Parent receives ineligible decision on reconfirmation:	LA audit date:	Grace Period End date:
1 Jan – 10 Feb	11 February	31 March
11 Feb – 31 March	1 April	31 August
1 April – 26 May	27 May	31 August
27 May – 31 August	1 September	31 December
1 September – 21 October	22 October	31 December
22 October – 31 December	1 January	31 March

³ <https://www.afcinfo.org.uk/pages/community-information/information-and-advice/information-for-childcare-professionals-working-in-kingston-and-richmond/resources/provider-portal>

2.22. AfC encourages providers to check the Provider Portal after the 6 LA audit dates in the year (listed in table A above) to check on the status of codes eg. to check any codes that have entered the grace period.

Grace Period

2.23. A child will enter the grace period when the child's parents cease to meet the eligibility criteria set out in the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016, as determined by HMRC or a First Tier Tribunal in the case of an appeal.

2.24. AfC will be able to access information about whether a child has ceased to meet the eligibility criteria and entered the grace period via the Eligibility Checking System. The grace period end date will automatically be applied to eligibility codes.

2.25. AfC will continue to fund a place for a child who enters the grace period as set out in the Early Education and Childcare Statutory guidance for local authorities 2017.

2.26. AfC will carry out an audit of the eligibility codes at six fixed points in the year (outlined in Table A) to check which codes are still eligible and those that are no longer eligible.

Flexibility

2.27 Provision must be offered within the national parameters on flexibility as set out in Section A2 of Early Education and Childcare Statutory guidance for local authorities.

2.28. The provider should work with AfC and share information about the times and periods at which they are able to offer free entitlements to support us to secure sufficient stretched and flexible places to meet parental demand in the local authority. The provider should also make information about their offer and admissions criteria available to parents at the point the child first accesses provision at their setting.

2.29. For a parent whose child is receiving the free entitlement at multiple providers, providers must ensure that the parent completes a parent declaration form with each provider, clearly identifying on the form the other providers that the child is attending. Providers should clearly communicate to parents that they must inform them of any other provider(s) that their child is attending.

Partnership working

2.30. Partnerships will be supported by AfC on four levels between:

- i. AfC and providers
- ii. Providers working with other providers, including childminders, schools and organisations
- iii. Providers and parents
- iv. AfC and parents

2.31. AfC will promote partnership working between different types of providers, including childminders, across all sectors and encourage more providers to offer flexible provision, alongside other providers.

2.32. The provider should work in partnership with parents, carers and other providers to improve provision and outcomes for children in their setting. An interactive toolkit⁴ has been developed to help providers set up or join a partnership, maximise the benefits of working together and tackle the challenges joint working can bring.

⁴ <http://familyandchildcaretrust.org/dfes-30-hour-mixed-model-partnership-toolkit>

2.33. The provider should discuss and work closely with parents to agree how a child's overall care will work in practice when their free entitlement is split across different providers, such as at a maintained setting and childminder, to ensure a smooth transition for the child.

Special educational needs and disabilities

2.34. AfC's Inclusion strategy outlines a clear plan to support children with special educational needs and/or disabilities (SEND) to meet the needs of all children in the local area as per the Special Educational Needs and Disability code of practice: 0 to 25 years⁵ (January 2015).

2.35. The provider must ensure owners and all staff members are aware of their duties in relation to the SEND Code of Practice and the Equality Act 2010.

2.36. AfC will be clear and transparent about the support on offer in our area, through the Local Offer, so parents and providers can access that support.

2.37. The provider should be clear and transparent about the SEND support on offer at their setting and make information available about their offer to support parents to choose the right setting for their child with SEND.

Social mobility and disadvantage

2.38. AfC promotes equality and inclusion, particularly for disadvantaged families, looked after children and children in need by removing barriers of access to free places and working with parents to give each child support to fulfil their potential.

2.39. The provider should ensure that they have identified the disadvantaged children in their setting as part of the process for checking Early Years Pupil Premium (EYPP) eligibility. They will also use EYPP and any locally available funding streams or support to improve outcomes for this group.

Quality

2.40. The Statutory Framework for the Early Years Foundation Stage is mandatory for all schools that provide early years provision and Ofsted-registered early years providers in England. The EYFS sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe.

2.41. Ofsted are the sole arbiter of quality for all free entitlements and Ofsted and inspectorates of independent schools have regard to the EYFS in carrying out inspections and report on the quality and standards of provision.

2.42. AfC have a legal duty to provide information, advice and training on meeting the requirements of the EYFS, meeting the needs of children with SEND and on effective safeguarding and child protection for providers who are rated less than 'Good' by Ofsted or newly registered providers.

2.43. Provision must be offered in accordance with the national parameters on quality as set out in Section A3 of Early Education and Childcare Statutory Guidance for Local authorities and the EYFS statutory framework.

⁵[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND Code of Practice January 2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

Business planning

2.44. AfC sets out, on the provider portal page⁶, the documentation needed from providers to support payment and delivery of free entitlements and the timeframes within which submission of documentation and census returns must be done.

2.45. AfC will not charge providers for late or incomplete information in regards to the administration of the processing of free entitlements. However, late or incomplete information may result in inaccurate, delayed or suspended funding.

2.46. AfC will not carry out audit regimes which are disproportionate or are unnecessarily burdensome to providers. All providers will be audited by AfC or local authority representatives to ensure that the Early Education Funding is being administered accurately, that the appropriate records are being kept and that there is no breach of this agreement.

2.47. The provider should ensure they submit timely and accurate information, including, but not limited to, headcount data and census data, as per the financial guidelines of AfC. Parent declarations and invoices should be retained with the provider for 7 years. Failure to do so may result in inaccurate, delayed or suspended funding.

2.48. The provider should maintain accurate financial and non-financial records relating to free entitlement places and should give AfC access on reasonable notice to all financial and non-financial records relating to free entitlement places funded under the provider agreement, subject to confidentiality restrictions.

Charging

2.49. Government funding is intended to cover the cost to deliver 15 or 30 hours a week of free, high quality, flexible childcare. It is not intended to cover the cost of meals, consumables, additional hours or additional services.

2.50. The provider can charge for meals and snacks as part of a free entitlement place and they can also charge for consumables such as nappies or sun cream and for services such as trips and yoga. These charges must be voluntary for the parent. Where parents are unable or unwilling to pay for meals and consumables, providers who choose to offer the free entitlements are responsible for setting their own policy on how to respond, with options including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals. Providers should be particularly mindful of the impact of additional charges on the most disadvantaged parents.

2.51. The provider should deliver the free entitlements consistently so that all children accessing any of the free entitlements will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.

2.52. AfC will not intervene where parents choose to purchase additional hours of provision or additional services, providing that this does not affect the parent's ability to take up their child's free place. The provider should be completely transparent about any additional charges.

2.53. The provider should publish their admissions criteria and ensure parents understand which hours/sessions can be taken as free provision. Not all providers will be able to offer fully flexible places, but providers should work with parents to ensure that as far as possible the pattern of hours are convenient for parents' working hours.

2.54. The provider can charge parents a deposit to secure their child's free place but should refund the deposit in full to parents shortly after the headcount day of the first term in which the child attends the provider.

⁶ <https://www.afcinfo.org.uk/pages/community-information/information-and-advice/information-for-childcare-professionals-working-in-kingston-and-richmond/resources/provider-portal>

2.55. The provider cannot charge parents “top-up” fees (the difference between a provider’s usual fee and the funding they receive from the local authority to deliver free places) or require parents to pay a registration fee as a condition of taking up their child’s free place.

2.56. The provider should ensure their invoices and receipts are clear, transparent and itemised, allowing parents to see that they have received their free entitlement completely free of charge and understand fees paid for additional hours. The provider will also ensure that receipts contain their full details so that they can be identified as coming from a specific provider.

Funding

2.57. AfC will pay those providers that have opted for monthly from September 2018. All other providers will continue to be paid using the current 60/40 basis three times annually (on a termly basis). The payment process will be reviewed on a regular basis to allow additional providers to opt for monthly payments.

2.58. The provider should accurately complete and submit the headcount and other necessary data returns by the agreed date to support the local authority to make payment.

2.59. Details of AfC’s funding process and timetable is available on the provider portal page⁷ online, this clarifies to providers the funding that they will receive and the requirements on them in order to receive it, including funding multiple providers and changes in provider.

2.60. AfC will not fund Providers rated as ‘Inadequate’ by Ofsted. Should a Provider receive an ‘Inadequate’ Ofsted inspection outcome, the DfE Guidance suggests that Early Education Funding will cease as soon as in practical.

The table below identifies the funding process if providers engage and adopt the recommendations from AfC in order to increase the quality of their provision:

Date ‘Inadequate’ Ofsted Inspection outcome is published on Ofsted website	Early Education Funding will cease at the end of:
1st April - 31st August	Autumn Term
1st September - 31st December	Spring Term
1st January - 31st March	Summer Term

Where a Provider is rated as ‘Inadequate’ during the period 1st September - 31st December, the funding period **may** be extended for children transferring to a school reception class in the coming September, however, existing children who are not transferring to school reception classes or new children starting will **not** be funded.

Funding will continue for the summer term for children transferring to school unless there is evidence that it is not appropriate to do so. For example, if a provider is issued with a welfare requirements notice and subsequent monitoring visits by Ofsted find that insufficient progress has been made with regard to the area of concern, then it is unlikely that the funding period would be extended. AfC will retain the right to make these decisions on a case by case basis.

There is also an expectation that the childcare provider will inform AfC of any Special Educational Needs & Disabilities (SEND) or Looked after Children (LAC) who are in their setting.

⁷ <https://www.afcinfo.org.uk/pages/community-information/information-and-advice/information-for-childcare-professionals-working-in-kingston-and-richmond/resources/provider-portal>

Compliance

2.61. AfC will carry out checks and/or audits on providers to ensure compliance with the requirements of delivering the free entitlements.

2.62. Providers must be registered in the AfC Directory of Providers. To receive funding the provider must be registered with Ofsted, follow the early years foundation stage (EYFS) and comply with AfC's Local Offer.

Termination and withdrawal of funding

2.63. Suspension of registration by Ofsted or a breach of statutory requirements or safeguarding issues may result in the termination of the arrangement and withdrawal of funding.

2.64. Where a provider receives an Ofsted rating of 'inadequate', providers must notify the Early Years Finance Officer of the outcome, as soon as possible and within five working days from the date of publication on the Ofsted website.

2.65. If a provider is found to be in breach of the conditions set out in this agreement, their inclusion in the Directory of Providers may be withdrawn or suspended and no further Early Education Funding claims will be accepted by AfC.

Appeals process

2.66. A provider may be denied approval to offer the free entitlements or have their funding withdrawn as set out above. The provider can appeal against that decision.

2.67. The provider will be advised of the process of appeal at the time of notification of removal from AfC's directory.

Complaints process

2.68. If a provider wishes to complain about AfC's management of the Early Education Funding, they may do so by contacting the AfC Early Years Team on early.years@achievingforchildren.org.uk

2.69. The provider should ensure they have a complaints procedure in place that is published and accessible for parents who are not satisfied their child has received their free entitlement in the correct way, as set out in this agreement and in Early Education and Childcare Statutory guidance for local authorities.

2.70. If a parent or provider is not satisfied with the way in which their complaint has been dealt with by the local authority or believes the local authority has acted unreasonably, they can make a complaint to the local authority Ombudsman. Such complaints will only be considered when the local complaints procedures have been exhausted.

Agreement Form - The Early Education Funding for two, three and four year olds.

Please indicate which type(s) of funding you intend to offer:

2 year old funding

3 and 4 year old universal 15 hour funding

3 and 4 year old extended 15 hour funding

Name of provider:	
Address:	
Telephone number:	
Email address:	
Ofsted Unique Reference Number:	
Name(s) of owner:	
Name of manager:	

Total number of registered places for your setting:	
Usually, how many places do you reserve for:	Under 2s? 2 year olds? 3 & 4 year olds? Over 4 year olds?
Do you have any vacancies for the Autumn term for:	Preschool age range (age 0-4): Yes/No School age range (age 5+): Yes/No
Please tell us about your opening hours. Are you open at any point in the year:	Before 8am? Yes/No After 6pm? Yes/No On weekends? Yes/No
When offering completely free places for funded two year olds, do these places continue to be completely free once they turn 3 years old?	Yes/No
How would you describe your setting? (e.g. privately owned, voluntary, maintained, OFSTED childminder etc.)	
Outside of any funding received, what is your average hourly rate for: (If you charge per session, please divide the session rate by the number of hours to give the hourly rate)	Under 2s? 2 Year olds? 3 & 4 year olds? School age (5+)?
How many weeks does your childcare provision open each academic year?	
Does your childcare provision offer the EEF as a stretched offer? If yes, over how many weeks?	
Declaration: By signing this document I/We confirm that I/We have read, fully understand and agree to be bound by the Conditions of Registration to be included on the Achieving for Children Directory of Providers	

And I/We understand that failure to comply with these Conditions of Registration may lead to removal from the Achieving for Children Directory of Providers	
Signature(s):	
Print name(s):	Print job title:
Date:	

Please detach this form and keep a copy for your records then return the original completed and signed to:

Early Years Finance Officer
 Achieving for Children
 Guildhall 2
 High Street
 Kingston KT1 1EU

Or scan and send via email to: early.years@achievingforchildren.org.uk

Achieving for Children Privacy Notice

Achieving for Children Privacy Notice Data Protection Act (1998); General Data Protection Regulation (2018).

As a provider of services for Kingston, Richmond and Windsor and Maidenhead local authorities Achieving for Children (along with other agencies such as schools and early years settings) process information about children and young people in order to help administer education and service provision. In doing so we must comply with the Data Protection Act (1998), Human Rights Act 1998 and the European Union General Data Protection Regulation (2018). This means (amongst other things) that the data held about children must only be used for specific purposes allowed by law. The following information explains the types of data held, why that data is held, and to whom it may be passed on.

<https://www.achievingforchildren.org.uk/privacy-notice/>