



Free Entitlement (FE) for 2, 3 and 4 Year Olds Provider Declaration

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Introduction

The Free Entitlement (FE) for 2, 3 and 4 year olds is at the heart of the Government's vision for all children to have access to high quality early years education that helps them reach their full potential.

The Department for Education (DfE) provides the Local Authority (LA) with statutory guidance namely 'Early Education and Childcare - Statutory Guidance for Local Authorities (June 2018)' which outlines how to meet the duties set out in the Childcare Act 2006 and subsequent legislation. It also includes information about eligibility and conditions of funding.

FE Provider Declaration Form

The purpose of this document is to clarify statutory requirements and expectations of West Sussex County Council (WSCC). This form sets out the conditions for receiving the FE in West Sussex, identifying those which **must** or **should** be adhered to. For conditions which are identified as **should**, WSCC has an expectation that these will be met unless the provider can give a 'good reason' why they cannot.

Providers **must** agree and comply with these conditions and sign and return the Provider Declaration form via the Online Provider Portal if they wish to claim the FE for children within their setting. WSCC may, from time to time, amend these conditions but all providers will be notified of any such changes.

WSCC offers support to providers with an Ofsted outcome of Inadequate or Requires Improvement and for any provider requiring business support or help to include vulnerable children, including those with Special Educational Needs and Disabilities (SEND). This is to enable eligible 2, 3 and 4 year old children to access high quality, inclusive early learning. Where providers do not make the necessary improvements required by Ofsted, WSCC may withdraw FE funding as soon as is practicable, securing alternative provision for children accessing their early education place.

Terms used

DAF	Disability Access Fund
EYFS / EYFSP	Early Years Foundation Stage / Early Years Foundation Stage Profile
EYPP	Early Years Pupil Premium
Extended FE	Extended (or 30 hours) Free Entitlement for eligible 3 and 4 year olds
FE	Free Entitlement
FIS	Family Information Service
INCo	Inclusion Coordinator
LA	Local Authority
Must	Required to do
Ofsted	Office for standards in Education, Children's Services and Skills. Whenever we refer to Ofsted, this also includes any other relevant regulators.
Provider/Setting	This includes Childminders, Childminder Agencies, Day Nurseries, Pre-schools, Maintained Nursery Schools, Maintained or Academy Nursery Classes, Independent Schools, Free Schools, Breakfast Clubs, Out of School Clubs or Holiday Play Schemes
Should	Required to do unless there is a good reason not to
SEND	Special Educational Needs or Disabilities

SFF	Single Funding Formula
Universal FE	Universal Free Entitlement for 3 and 4 year olds
WSCC	West Sussex County Council

Statutory Initiatives and Documentation

There are a number of national expectations and regulations for childcare providers. All providers need to have regard to the following:

- The Statutory Guidance for Local Authorities: [Early Education and Childcare - Statutory Guidance for Local Authorities \(June 2018\)](#)
- [The Early Years Foundation Stage](#)
- [Special educational needs and disability code of practice: 0 to 25 years - Statutory guidance for organisations who work with and support children and young people with special educational needs and disabilities \(January 2015\)](#)
- [The Human Rights Act 1998 and The Equality Act 2010](#)
- Any amendment or re-enhancement to the above or any regulations or code of practice that may be implemented to the above.
- Any other Acts of Parliament and all orders, regulations and byelaws made with statutory authority by government departments or by local or other authorities.

Current useful publications or websites

- [Early Years: guide to the 0-25 SEND code of practice](#). Advice for early years providers that are funded by the local authority (January 2015).
- [SEN and Disability in the Early Years toolkit](#) – Foundation Years
- [Diversity and Inclusion - West Sussex County Council](#)
- [Early Learning and Childcare - Department for Education](#)
- [EYFS Guidance documents](#) – Foundation Years
- [OFSTED: Early Years Leading to Excellence](#)
- [GOV.UK](#)
- [Help with childcare costs](#) – GOV.UK
- [UK Health Security Agency](#)
- [Early Years and childcare](#) – information for providers - WSCC
- [Families](#) – WSCC
- [Childcare and Early Education](#) – WSCC
- [Childcare Choices](#) – GOV.UK

Section 1: The Free Entitlement (FE)

What a parent/carers is entitled to

1.1 Children become of eligible **age** for FE on the dates set out below:

Eligible 2 year olds (Appendix A)

A child born on or between	Will become eligible for a free place at the start of the term beginning on or following:
1 April to 31 August	1 September after their 2 nd birthday
1 September to 31 December	1 January after their 2 nd birthday
1 January to 31 March	1 April after their 2 nd birthday

3 and 4 year olds (Appendix B for Extended)

A child born on or between	Will become eligible for a free place at the start of the term beginning on or following:
1 April to 31 August	1 September after their 3 rd birthday
1 September to 31 December	1 January after their 3 rd birthday
1 January to 31 March	1 April after their 3 rd birthday

1.2 For each eligible child, WSCC will fund a maximum of 570 hours per year for 2 Year Old and Universal FE and 1140 hours per year for Extended FE. Parents/carers can decide how their child accesses their weekly entitlement, subject to available sessions.

1.3 Current eligibility criteria for:

- 2 year olds are listed in Appendix A and
- 3 and 4 year olds Extended FE, together with grace periods, is listed in Appendix B.

1.4 The FE does not guarantee a place at any one provider or a particular pattern of provision.

1.5 FE sessions are subject to the following limits:

- a maximum of 570 hours (2 Year Old and Universal FE) or 1140 hours (Extended FE) commences from when the child is eligible
- a maximum of 15 hours (2 Year Old FE and Universal FE) or 30 hours (Extended FE) in one week (over 38 weeks)
- no more than 10 hours in one day
- no minimum session length (subject to the requirements of registration on the Ofsted Early Years Register)
- not before 6am or after 8pm
- a maximum of two sites in a single day
- ensure children are able to take up their FE in continuous blocks and avoid artificial breaks in the day wherever possible.

- 1.6 A child can take up FE, subject to availability:
- over a period longer than 38 weeks with a reduced weekly amount
 - outside of maintained school term dates
 - at weekends
- 1.7 A child moving to England from another country is entitled to Universal FE on the same basis as any other child regardless of whether they have British citizenship.
- 1.8 Temporary residents, including children with working parents/carers and asylum seekers can claim FE funding for 2, 3 and 4 year olds subject to the eligibility criteria.
- 1.9 Children visiting or on holiday to the UK from abroad cannot access FE funding.
- 1.10 WSCC has set up reciprocal arrangements with neighbouring authorities, whereby they agree to fund 2, 3 and 4 year old children resident in neighbouring areas attending provision in West Sussex and vice versa.
- 1.11 A child may move provider at any point during a term, however parents/carers **should** make sure that they have complied with a provider's notice period (unless leaving before Headcount Day) up to a maximum of four weeks. If moving provider within West Sussex, the funding **must** follow the child, with no deductions. If a child attended elsewhere between the start of term and prior to Headcount Day, funding for the time attended **must** be passed on to the previous provider.
- 1.12 In the case of nurseries on a school site, the admissions policy **must** make clear that attendance at the nursery does not influence the child's chance of obtaining a place in the reception or foundation class at the school.
- 1.13 It is the responsibility of providers to action the following:
- Communicate the operational aspects of the scheme to parents to ensure they understand which hours can be taken as free provision. This includes explaining the importance of Headcount and the impact non-attendance at Headcount may have. Providers **must** have clear policies available for parents/carers before signing up. Such policies **must** include any admissions criteria, fees policy, notice periods, drop-off/collection arrangements. Private, voluntary, and independent providers are allowed to set their own criteria for the admission of children, providing they comply with relevant legislation on equalities and non-discrimination. Through these policies, it **must** be ensured that parents/carers:
 - understand that there is a maximum of 15 hours per week (2 Year Old and Universal FE) or 30 hours per week (Extended FE) over 38 weeks irrespective of type of provider (private, voluntary, independent, academy or maintained);
 - understand the number of standalone 15 (and 30 hours if applicable) places available;
 - receive in advance a clear statement of admissions including notice period and fee policies in order to ensure they understand when the FE is available, that they will not be charged for FE sessions and the circumstances in which fees are payable;
 - receive in advance a clear statement of term dates for the year, if appropriate, and the timetable for sessions;
 - Information about the EYFS programme is made available to parents and that parents are involved in their children's learning wherever possible;

- Information about the provider's Local Offer and how they include children with special educational needs and/or disabilities (SEND), including pre-entry support, **must** be made available to parents;
- Whilst the child continues to take up their entitlement there should be no restrictions on that place e.g. parents should not have to reserve a place each term.
- If a provider has FE vacancies, after Admissions Policy criteria have been applied, they **must** be offered to parents requesting just the basic entitlement, which could be on a term-by-term basis;
- the child **must not** be required to access the full 15 (Universal)/30 (Extended) FE hours at one provider.

1.14 Each FE only place **must** be completely free at the point of delivery (Headcount Day). Children **should** be able to access up to 15 (Universal FE)/30 (Extended FE) hours per week (over 38 weeks). For children accessing only FE, providers **must** ensure that no fees or conditions of access are levied including the following:

- No registration/administration fee, payment up front or non-refundable deposits;
- No requirement for a child to access additional hours on top of the free hours;
- No requirement for the child to access additional weeks on top of the funded weeks;
- It **must not** be compulsory for parents/carers to pay for a lunch provided by the provider (see also paragraph 1.18);
- It **must not** be compulsory for parents/carers to pay for consumables such as nappies or sun cream and for services such as trips and yoga. These charges **must** be voluntary. Parents/carers **must** be given the option to supply their own consumables instead. See Appendix L for a list of chargeable and non-chargeable consumables.
- Voluntary contributions are acceptable but **must not** be included in any invoice totals or added as a condition of access.
- No deposits required for funded 2 year olds, either refundable or non-refundable. However, reasonable refundable deposits are acceptable for eligible 3 and 4 year olds (Universal and Extended) which **must** be re-paid to the parent shortly after Headcount.

Additional hours and invoicing (see Appendix K for example invoice)

1.15 The rates charged for privately funded hours are a matter for providers to decide. However, parents/carers that pay for privately funded hours **should** be provided with an invoice and receipt which are clear, transparent and itemised, showing that parents have only been charged for additional hours/services and not for FE. This allows parents to see that they have received their child's entitlement completely free of charge and understand fees paid for additional hours or services. FE **must not** be represented to parents/carers as a monetary subsidy. Parents/carers that access stand-alone FE places only **should** be invoiced showing hours taken but with a zero monetary value.

Ensure the rates charged for additional hours are the same as the charging rates disclosed to parents at point of admission or as informed in line with providers Terms and Conditions for fee reviews.

1.16 Where a provider's usual hourly rate is more than the FE funded hourly rate, additional 'top-up' fees **must not** be charged to parents/carers. Providers cannot simply deduct

the amount they receive from WSCC from parent/carer bills and the rates paid by WSCC **must not** be shown on any invoices. Similarly, where the normal hourly rate is less than the funded hourly rate, funding **should** be used to support the learning within the provision, but the difference **must not** be refunded to parents/carers.

- 1.17 A child will only be funded for FE hours. If a child attends for hours outside of a provider's written pattern of delivery for FE then the parents/carers can be charged for those hours, even if they are not accessing more than 15 (Universal)/30 (Extended) hours per week in total. Providers **must** offer a minimum of 15 hours in the week (unless agreed with WSCC) and make clear to parents/carers what their pattern of FE delivery is (see section 2.2).

Meals

- 1.18 FE sessions may include lunch provision, as long as this is incorporated into the EYFS delivery. Providers can charge for meals and snacks the children receive during the day; however, parents/carers **must** be given the option to provide their child with a packed lunch or snack instead, subject to healthy eating (including allergies) policies. Any charge that a provider makes for lunch **must** be agreed with parents/carers in advance. Providers may offer stand-alone FE in a pattern that does not include the main meal.

Non-attendance

- 1.19 Funding is paid on participation based on the agreed pattern of hours for the Headcount Week (see Section 4, specifically 4.22). Children leaving before the Headcount (unless confirmed as short-term sick or taking holiday) **cannot** be claimed for, even if the parent has given notice for their child (also see 1.11).
- 1.20 If a child's attendance is poor, providers **must** keep a record of reasons for children's absence (e.g., a verbal or written statement from the parent/carer) which may be requested as part of the audit to support the claim. If poor attendance continues providers **should** make a judgement, and agree with WSCC, about whether it is appropriate to continue to claim public funds for a child in future periods.
- 1.21 If the child is unable to attend due to sickness or a parent chooses to take them out on holiday, they cannot accrue these hours to be used at another time. The provider **should** explain this to parents thinking of taking holiday.

Early Years Pupil Premium (EYPP)

- 1.22 Children who meet the eligibility criteria will attract additional funding to the hourly base rate. EYPP **must** be used in ways which improve the quality of the provision for all children but with particular regard to the children it has been paid for. However, children who attract EYPP as they are cared for by the local authority, the funding **must** be used specifically for that child. Providers **should** produce a written policy or statement which outlines how they plan to utilise the EYPP funding. It is up to the provider to demonstrate to Ofsted, during an inspection, how the EYPP has been spent and evidence how this has improved the learning outcomes for the children in attendance.

To claim EYPP funding, providers **must** gather the information required from parents and record on the Parent Declaration form for submission with Headcount. For additional guidance on submitting your claims, look at the [Help Guide](#) 'How to claim child level funding (actuals)'.

To check if a parent/carer meets the economic criteria, providers **must** submit the parent's date of birth, National Insurance (NI) or National Asylum Seekers Service (NASS) number. Children who are Looked After, adopted from care or have left care under a Special Guardianship Order or Residence Order in England or Wales are also eligible.

EYPP will only apply to the Universal FE. It is the parent/carer's choice where they access the Universal FE and **must** not be a condition of their place.

Disability Access Fund (DAF)

1.23 The Disability Access Fund (DAF) is a funding entitlement which aids access to early years places by, for example, supporting providers in making adjustments to their settings.

Children will be eligible for DAF if the child meets both of the following criteria:

- is in receipt of child Disability Living Allowance and
- receives 3 and 4 year old FE (either Universal or Extended).

Providers with 3 and 4 year olds eligible for DAF can claim a one-off payment - currently £828 per year. The DAF is not based on an hourly rate and is an additional entitlement. If the child changes childcare providers, the new provider is **not** eligible to receive another payment of DAF for this child until a year after the first payment was made. The new provider will need to wait until the following year. DAF is not transferable between providers unless agreed between the providers given the circumstances of a child.

To claim DAF, providers **must** obtain the parent/carer's consent via the Parent Declaration form for submission with Headcount. If the child is splitting their FE across more than one provider, WSCC will ask parents to nominate the provider of their choice. This provider will be where WSCC will pay the DAF for the child.

Providers **should** keep a record of DAF payments received and how this money was used and the impact it had for the child for whom the payment was received.

Transfer between providers

1.24 Notice periods, outside of FE, are a matter for providers to decide and agree with parents/carers. When a child starts at a provider mid-term, providers **must** contact a previous provider, if in West Sussex, to ensure that the notice period at a previous provider had been served. Providers are asked that, where there are exceptional circumstances, the need to serve a notice period is waived. If transfer of funding is disputed the providers involved **should** contact WSCC to decide or to consider an exceptional funding claim.

1.25 The amount transferred **must** include both EYPP and the deprivation supplement paid for the child transferring.

- 1.26 Where a child moves from one childcare provider to another within West Sussex after Headcount Week, providers **must** ensure that the balance of the unused funding is transferred to the new provider. Childcare providers will be expected to work together to arrange the transfer of funding. At no point **must** any monies be given directly to a parent/carer.

Please note: Parents are expected to honour notice periods agreed to, however, there are occasions when this is not in the interest of the child. If a parent has not kept to a notice period, in exceptional circumstances WSCC request that a notice period is waived. WSCC will only acknowledge a notice period of **up to four weeks** relating to transfer of funding. The four weeks is inclusive of periods of setting closure, e.g. half-term.

- 1.27 Settings working in partnership to share funding over a term, including school holidays, **should** have a formal agreement in place. For example, if a parent wishes to access stretched funding during term-time and also access holiday provision, the setting where the child is in attendance during Headcount Day will claim the funding and be responsible for forwarding on funds to the holiday provision through an agreement between themselves. This **must** not exceed the maximum 15 (Universal) /30 (Extended) hours over standard number of weeks.

New providers

- 1.28 In order to claim FE, new providers **must** contact the Family Information Service (FIS) in the first instance to register their provision. This is in addition to registration with Ofsted.

Section 2: Flexibility

Pattern of delivery

- 2.1 Providers can choose when they wish to offer FE hours, this is called their pattern of delivery. A parent/carers does not have a right to access FE hours outside of the providers stated pattern of delivery, however a provider, including maintained nurseries, cannot insist that a parent takes up a full pattern. This means that the parent is entitled to access as many or as few of the sessions as they wish. There **must** be a pattern of delivery that enables children to access their full entitlement completely free at the point of delivery. Providers **should** work with parents to ensure that as far as possible the pattern of hours meets the needs of the children attending and are convenient for parents/carers to access.
- 2.2 Providers **must** have a written pattern of delivery and make this available to parents when they enquire about their child accessing FE at the provider as part of the setting's policies and procedures. This **must** be given to WSCC via your online Setting Profile form. **Suggested** patterns of delivery are:

2 Year Old/Universal FE	Extended FE
5 hours per day over 3 days of the week	10 hours per day over 3 days of the week
3 hours per day over 5 days of the week	6 hours per day over 5 days of the week

Providers not able to offer the full 15 (Universal) or 30 (Extended) FE hours or the full 38 weeks

- 2.3 Providers unable to offer the full 15 (Universal) or 30 (Extended) hours FE per week **must** inform parents/carers they are entitled to claim the remaining hours at another provider.

Inclusion and Supporting Children with SEND

- 2.4 The EYFS provides an inclusive framework that supports the individual needs of all children. WSCC is committed to effectively implementing this framework, therefore all providers in receipt of FE **must**:
- 2.5 ensure that no child is refused admission when space is available, and they are eligible for an FE place.
- 2.6 identify an Inclusion Co-ordinator (INCo) from within the setting to take responsibility for developing and implementing inclusive policies within the setting and ensuring that all members of staff understand their responsibilities in planning to meet each child's individual needs. This must include the production of a Local Offer document in line with the SEND Code of Practice 2015. Your setting Local Offer document **must** be reviewed and updated on an annual basis.
- 2.7 ensure that where there are on-going concerns about a child's inclusion in the setting, supporting online materials and guidance are accessed in the first instance. Following consistent implementation of suitable strategies, if the setting still need support, the provider may request further support from WSCC;

- 2.8 ensure that no child is excluded or at risk of being excluded without ensuring that all appropriate strategies are in place, parents are involved and support has been requested from WSCC;
- 2.9 ensure that they have appropriate policies, facilities and procedures for staff to meet children's personal care needs. A FE place cannot be withheld based on child's learning or health care needs, for example because a child is incontinent. Early years providers should ensure that their practice enables all children to access the same opportunities as their peers regardless of their needs or stage of development. Policies must not exclude children based on continence, beliefs or immunisation status etc. Providers **should** contact the FIS in the first instance for advice (see Section 7: Contact List).
- 2.10 ensure strategies are put in place to support children and families for whom English is an additional language. Providers **should** use support information available on our website in the first instance for advice (see Section 7: Contact List).
- 2.11 ensure that, when children move between settings, they are supported to make a smooth transition by, with parental permission, sharing information including records of the child's progress and, if appropriate, organise a transition meeting with the new setting. All safeguarding information must be shared with the new provider.
- 2.12 All settings **must** monitor the progress of all children, identify children not making progress and put in strategies and support to enable all children to reach their full potential. Settings **must** ensure that vulnerable children and families are enabled to access the services that can support their needs, for example, referrals to health professionals or setting up an Early Help Plan. Settings **should** use appropriate tools to identify vulnerable children and families, including the indicators from the Children's Learning and Well-Being Audit (CLaWBA) and the WSCC's Continuum of Need.

Section 3: Quality and Safeguarding

Quality of providers

- 3.1 WSCC will only fund FE through early years' providers who deliver the full Early Years Foundation Stage (EYFS) (unless specifically exempted by Ofsted) and are either registered with Ofsted as early years providers or are schools taking children aged 2 and over and therefore exempt from registration with Ofsted as early years providers.
- 3.2 Providers **must** meet all the safeguarding and welfare requirements of the current EYFS. Appendix J sets out the sharing safeguarding concerns processes between the Local Authority Designated Officer (LADO) and FIS.
- 3.3 Providers **must** inform WSCC of any Ofsted inspection outcomes that are Inadequate or Requires Improvement, no later than the day after their inspection. This will trigger a process of support to ensure that Ofsted actions are addressed swiftly and effectively. Settings who receive an Ofsted rating of Inadequate or a second Requires Improvement, will no longer be able to offer FE for 2 year olds. FE funding for all children will be removed from Inadequate providers who fail to improve (see Appendix F).
- 3.4 WSCC will only fund providers rated Requires Improvement, Good or Outstanding, or equivalent ratings, by Ofsted. To deliver FE for 2 year olds, Childminders are required to either hold a relevant Level 3 qualification or be Ofsted rated Good or Outstanding.
- 3.5 WSCC will fund FE for 3 and 4 year olds with new providers registered with Ofsted, prior to their first full Ofsted inspection. To deliver FE for 2 year olds, new providers **must** be registered with Ofsted and hold a relevant Level 3 qualification – this **must** be the manager in group settings. Continuation of funding will be subject to the first and subsequent Ofsted judgements.
- 3.6 WSCC will secure alternative provision and withdraw funding as soon as is practicable, for children who are receiving their funded entitlement at a provider when it is rated Inadequate by Ofsted (see Appendix F).

Section 4: Funding the Free Entitlement (FE)

Conditions of funding

Providers **must**:

- 4.1 **sign and return the FE Provider Declaration Signature Form;**
- 4.2 **supply any additional information requested by WSCC or partner organisations, including WSCC annual Census return on behalf of the Department for Education, Termly Childcare Update Form and termly Sufficiency information, in order to support monitoring the use of public funds and childcare sufficiency planning;**
- 4.3 **complete the Headcount information.** For 3 and 4 year olds (**Universal and Extended**) the dates for the Headcount **must** be adhered to. A child who is in regular attendance but is legitimately absent (ie sickness or planned holiday) during Headcount Day can be included in the Headcount (see 1.19). Headcount dates **must** be clearly stated for parents and carers. For **eligible 2 year olds** there is no restriction on when children can start during a term. Eligible applications are supported throughout the period through submission of the Post-Headcount/Exceptional Payment request form (see Appendix D and **section 4.14**);
- 4.4 maintain a separate non-personal bank account specifically for their childcare provision. The account **must** be dual-signatory unless a provider is a sole trader. FE payments will only be made to the specified bank account through the BACS system. Any alterations to the specified bank account **must** be notified to WSCC;
- 4.5 **repay, on demand, any payment of funding if that payment was:**
 - **for provision which did not meet WSCC's conditions of funding; or**
 - **made incorrectly due to an administrative error; or**
 - **estimate overclaim; or**
 - **made for a child due to failure of the provider to make an adjustment at the correct time.**
- 4.6 inform WSCC urgently as soon as you are aware that your provision has any current or anticipated sustainability issues, especially if there is the possibility of permanent closure. In the event of a permanent closure, you will be expected to repay any unused funding to WSCC;
- 4.7 actively promote fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs;
- 4.8 not promote views or theories as fact, which are contrary to established scientific or historical evidence and explanation;
- 4.9 meet the needs of children with additional needs and/or disabilities;
- 4.10 when a child starts to attend school, even on a part-time basis, FE funding will cease. Should a child start school and then return to Early Years provision (before they are of

statutory school age – the term after the child turns 5) providers **must** contact WSCC to discuss funding;

Those children who attend reception class in independent schools or are being home schooled are able to continue to receive the Universal FE Funding until statutory school age.

Parents cannot claim their 30 hours in addition to a full-time reception place in a state funded or independent school.

A child born on or between	Must legally be in full time education and therefore FE ceases completely beginning on or following:
1 April to 31 August	1 September following their 5 th birthday
1 September to 31 December	1 January following their 5 th birthday
1 January to 31 March	1 April following their 5 th birthday

4.11 Childminders must not claim FE funding for their own child/ren or any other related child. "Childcare", as defined in section 18 of the 2006 Act, specifically excludes care provided for a child by a parent, step-parent, foster parent (or other relative) or by a person who fosters the child privately or has parental responsibility for the child.

Payment mechanisms

4.12 The FE is funding provided for eligible children. Payment for each term is in two instalments.

- The **first instalment** is based on the total estimated weekly hours (that is to say an estimate of FE hours expected to be taken up in the Headcount Week). This is submitted by a provider in the previous term, and 70% of the forecast termly grant is paid before or shortly after the beginning of the term.
- The **second instalment** is based on the return following Headcount Day (which is close to the start of term), and children **must** be attending by that date to receive the grant (for 2 year olds see 4.3). After submission of the headcount figures (i.e. the exact numbers of children attending, hours taken up and number of **full weeks** - not part of a week - which may vary for each child), the balance of the termly payment is made after half term. This enables adjustments to be made if the estimate and headcount numbers differ.

4.13 Where a child accesses fewer than the full entitlement hours, the FE is paid based on the hours taken up.

Parents may split the entitlement between two different sites per day if they so wish. This **must not** equal more than 15 hours per week or 570 hours per 12 month period for Universal FE and 30 hours per week or 1140 hours per 12 month period for Extended FE. To ensure correct payments are made to each provider, a copy of the Parent Declaration Form **must** be submitted to WSCC where indicated below:

Scenario	Submit copy of Parent Declaration Form to WSCC
Child is eligible and claiming DAF	Yes
WSCC request a copy to resolve dispute in funding claims	Yes
Child is claiming EYPP	No

4.14 Parents who wish to claim the FE **must** have started the child (unless on short-term sick or planned holiday) with the provider no later than Headcount Day. Funded 2 year olds can start at any point in the term. For eligible 3 and 4 year olds (Universal and Extended FE), only in exceptional circumstances may claims be accepted for FE after this date, for **example**:

- moving from outside of West Sussex after Headcount. Funding is not transferred between local authorities.
- missed Headcount due to **serious** illness
- children from traveller communities
- children with an additional need whose start with a provider has been supported by a professional such as a GP, Portage, Speech and Language, Health Visitor etc.
- Children Looked After (foster care etc.)
- asylum seekers/refugees/Afghan families who have resettled in the UK
- ethnic minorities, English not first language
- child of parent who is in a women's refuge or part of a Witness Protection Programme
- other vulnerable children

A case for exceptional payment showing child and session details **must** be made to FIS free.entitlement@westsussex.gov.uk (not WSCC Financial Services). If your Post-Headcount/Exceptional Payment request is declined, WSCC will not pay funding for the child's attendance (see 4.30).

4.15 Post-Headcount/Exceptional Payment request forms **must** be submitted by the end of the term within which a child began their funded attendance. Providers must use the [latest version of the form](#) otherwise it will be rejected. If not adhered to, WSCC will not pay funding for the child's attendance (see 4.30).

4.16 A child who has left the provider before Headcount Day is not eligible to be part of headcount figures. However, if a child then attended elsewhere on Headcount Day, funding for the time attended only can be claimed from the subsequent provider.

4.17 Debt recovery process: If a provider has been overpaid, an invoice will be raised for payment within 30 days of notification. Failure to clear an account will result in the debt being referred to WSCC Corporate Finance for further action. Debts over £250 will be referred to WSCC Legal Services for court proceedings.

Data submissions

4.18 WSCC requires online headcount submissions to be completed using the following guidelines at all times, unless otherwise stated in communications to childcare providers.

- 4.19 The information sheet (i.e. notes on completion of Parent Declaration form) for parents/carers **must** be available to all parents/carers of children within the provision (see Appendix C).
- 4.20 All newly eligible children **must** provide proof of eligibility. Childcare providers **must** confirm that they have seen the **original** of a child's Birth Certificate or Passport and record the number on the Parent Declaration form. For eligible 2 year olds, WSCC will have allocated a reference number which **must** be included on the Parent Declaration form. For 3 and 4 year olds eligible for Extended FE, parents/carers must provide their date of birth, National Insurance number, together with the valid HMRC-issued 11-digit reference number with a validity end date.
- 4.21 The parents/carers of all eligible children **must** complete and sign an individual Parent Declaration form, which **must** be retained and signed by the provider for audit purposes. Childcare providers **must not** sign on behalf of parents and carers.
- 4.22 The Parent Declaration Form **must** be recompleted and signed **by the parent and the provider** when personal and/or attendance details change. Any change in hours must be made before Headcount Day at the start of the term. Any change to an existing declaration after Headcount Day will not be accepted for funding purposes.
- 4.23 Children's details will be shared with WSCC. Therefore parents/carers **must** be made aware of this when joining the provider and providing information, this can be through use of the Privacy Notice (see Appendix E). Consent for the sharing of information relating to children **must** be explicitly sought and a parental signature obtained at the point of the child's admission to the provision.
- 4.24 It is the responsibility of the provider that parents are informed of any impact that a stretched offer may have should the parent choose to move setting.
- 4.25 Children absent on Headcount Day due to short term illness or a planned short absence **must** be entered on to the headcount form. Signed Parent Declaration forms **must** still be retained by the provider.
- 4.26 It is the responsibility of the person completing the headcount form to ensure that all information on the headcount form matches the information given by parents on the Parent Declaration (e.g., dates of birth, address, number of sessions, ethnicity). **Any inaccuracies in date of birth or postal address could result in errors such as the School Admissions process.**
- 4.27 It is the responsibility of the provider to ensure that they receive, read and act upon the Early Years and Childcare Broadcasts. All information regarding the administration of FE funding will be communicated through these emails. Providers who have not received any communication from WSCC a week before the published headcount day **should** urgently contact the FIS by telephone (01243 777807).

FE termly payments

4.28 Estimate payments are standardised to the following pattern (see table). As providers can set their own term dates and lengths, within the limits set by WSCC, providers may operate to a different pattern. Final payments will be made according to the term length of the individual provider. Providers **must** therefore ensure the term length is accurate for each child's claim on their Headcount submission. Final payments will be based on the headcount information which **must** record the accurate number of hours and weeks for each child. If WSCC is not informed of the term length a provider wishes to claim over, the final payment will also be based on the pattern below. For additional guidance on submitting your claims, look at the [Help Guides](#) 'How to submit an estimate' and 'How to claim child level funding (actuals)'.

Funded weeks for providers open to maximum of 38 per year	Summer	Autumn	Spring
33	11	11	11
34	12	11	11
35	12	12	11
36	12	12	12
37	12	13	12
38	12	14	12

The table below sets out the maximum number of weeks term time only providers should deliver in each term for the year ahead, and what timeframe these weeks should be delivered in.

Term	Number of weeks	Term Dates
Summer 2023	12	17/04/23 – 21/07/23
Autumn 2023	14	04/09/23 – 15/12/23
Spring 2024	12	02/01/24 – 29/03/24
Summer 2024	12	15/04/24 – 23/07/24

The stretched offer

4.29 Providers are encouraged to provide FE hours on as flexible a basis as possible to suit the needs of working parents. This may include provision outside of the school terms with the FE hours reduced accordingly. Payments will be made on a termly basis as set out in 4.11 and 4.25, but providers can stretch the funding to suit parents' preferences, subject to the termly limit set out below.

Term	Stretched Claims – maximum number of weeks available	Term Dates
Summer 2023	20 (includes half term and Summer Holidays)	17/04/23 – 01/09/23
Autumn 2023	17 (includes half term and Christmas Holidays)	04/09/23 – 29/12/23
Spring 2024	15 (includes half term and Easter Holidays)	02/01/24 – 12/04/24
Summer 2024	20 (includes half term and Summer Holidays)	15/04/24 – 30/08/24

4.30 It is the provider's responsibility to accurately claim funding for each child. Parents/carers **must not** be charged because of any mistakes made by the provider in claiming the funding. For further explanation of the different ways you can claim FE, please refer to the [additional information online](#).

4.31 Providers **must not** continue to claim for a child beyond the term in which they leave, even if they are within their notice period (see 4.16).

Planned or unplanned temporary closures

4.32 If a provider has any planned closures during FE time (for example due to holiday, INSET days or bank holidays) these **should not** be included in the offer, and those FE hours offered at another time wherever reasonable. Any planned closures could have implications on funding. For any closures other than INSET days or Bank Holidays, you must **inform** the FIS.

4.33 Should the setting need to close in the event of an emergency, it is expected that you make up any loss of FE hours wherever reasonable. You **must** contact the FIS to discuss the circumstances and anticipated length of closure.

Early Years Single Funding Formula

4.34 WSCC sets the rates at which providers will be funded based on the Early Years Single Funding Formula (EYSFF) with rates being reviewed annually. The WSCC formula is Base Rate plus a mandatory deprivation supplement if applicable. Deprivation supplement is linked to Early Years Pupil Premium (EYPP) eligibility. This is calculated using each term's headcount. EYPP is additional to the EYSFF (see 1.22). The Disability Access Fund (DAF) is additional to the EYSFF (see 1.23).

Section 5: Audit Requirements and Compliance

- 5.1 WSCC staff will carry out a number of provider audits each year to verify claims processed against the above framework. These can be as a result of self-assessments or parental surveys of which settings will be informed (see Appendix H). Providers will usually be given notice of any audit by telephone and/or letter but if the FIS cannot contact a childcare provider or has any cause for concern around a childcare provider's claim for funding, a visit may be made without any prior notice.
- 5.2 WSCC will also carry out a sample check by requesting copies of Parent Declaration Forms and registers to check against Headcount claims. This may be by visit or by requesting submission of paper copies.
- 5.3 In respect of a support/audit visit, childcare providers will be asked to supply:
- the attendance register and Parent Declaration forms;
 - accounts and supporting documentation as requested;
 - policies relating to admissions, fees etc.;
 - such assistance with interpretation of records shall be required.
- 5.4 Childcare providers **must** ensure that the headcount arrangements are not subject to fraud on the part of directors, governors, staff, or parents with regard to inaccurate, incomplete, or misleading claims for payment. It is the provider's responsibility to ensure that the Parent Declarations are accurate.
- 5.5 Providers **must** retain all documentation related to the FE places for the current year plus two years for audit purposes. All Parent Declarations (including signed confirmation that the original of each child's birth certificate or valid passport was seen by the provider representative making the return), registers of attendance, estimate and final headcount claims for the current year plus two years.
- 5.6 Providers **must** maintain a separate non-personal bank account specifically for the childcare provision in order to facilitate payment for the FE places through the BACS system. The account **must** be dual signatory unless the provider is a sole trader.
- 5.7 Any providers that are registered charities **must** refer and comply with the Charities Commission guidelines on maintaining financial accounts and records, as well as meeting the relevant requirements above.
- 5.8 If you are signing on behalf of the registered person(s) (for example, an owner, Trustees of the company or the Committee that runs the setting) please ensure they are fully aware of the conditions set out in the FE Provider Declaration document (and each time it is updated) and their financial obligations under this agreement.
- 5.9 All or part of the payment may be reduced, suspended, withheld or reclaimed if it becomes evident that:
- there is failure to comply with any obligations under this form of agreement;
 - false, inaccurate or misleading information is provided;
 - the organisation has been, or is about to be, dissolved;

- the provider is not meeting the needs of children with special educational needs and/or disabilities;
- the provider is not promoting fundamental British values;
- the provider is promoting as fact, views or theories which are contrary to established scientific or historical evidence and explanations.

Section 6: Directory of Providers and Appeals Process

- 6.1 WSCC is required to keep an up-to-date Directory of all providers within their area that are eligible to claim funding for the provision of FE places. Providers **must** update their setting information termly.
- 6.2 Only providers included within this Directory are eligible to receive funding. Providers will not be funded for any period in which they are not included in the Directory. Any funds paid in error for such periods will be recovered.
- 6.3 For providers to be eligible for inclusion in WSCC's Directory, and hence funding of FE, providers **must** offer FE for eligible children at premises within the WSCC area and **must** be one of the following:
- An Ofsted registered group care provider with provision for under 5s. WSCC must receive Ofsted Notifications;
 - An independent school registered with the DfE;
 - A LA maintained school, or Academy, with a nursery class
 - A registered provider rated Requires Improvement, Good or Outstanding, or equivalent ratings, by Ofsted. To deliver FE for 2 year olds, Childminders are required to either hold a relevant Level 3 qualification or be Ofsted rated Good or Outstanding.
 - Childminders registered with a Childminding Agency who is rated Effective (see Appendix I).
 - A school-based pre-school provision exempt from Ofsted registration.

Adding providers to the Directory

- 6.4 New providers **must** apply to WSCC for entry to the Directory by contacting the FIS prior to offering FE places, with a minimum of half a term's notice before making their first claim. Exceptional circumstances can be discussed with FIS.
- 6.5 New providers may be included in WSCC's Directory of Providers in advance of their Ofsted inspection to deliver FE, but this is conditional upon their submitting to inspection by Ofsted when required to do so. In the event of the provider not meeting the required standards in the first Ofsted inspection (see 3.5), they will be removed from the Directory.
- 6.6 Before including a provider in the Directory, WSCC will:
- ensure that the provider fits into one of the categories eligible to receive funding for the provision of free early learning places and request documentary evidence of this;
 - ensure that the provider has updated their setting information;
 - ensure that the provider is able to meet the conditions that have been set;
 - ensure that the provider operates in West Sussex.

- 6.7 For every provider in the Directory, WSCC will record the address of the premises where the FE is provided, the contact details for the head teacher, proprietor, manager, or other contact responsible for administration, the details of the bank account into which funding is to be paid and the Ofsted unique reference number.
- 6.8 Providers **must** inform WSCC as soon as possible whenever there is a change in the following:
- Ownership, registered person or premises;
 - Name or address of the contact responsible for administration;
 - The details of the bank account into which funding is paid;
 - Change to Ofsted outcome, as a result of an inspection, resulting in Inadequate or Requires Improvement. This includes provision that falls under a school's inspection, unless there is a clear statement regarding early years in the report.

Failure to inform WSCC of a change which results in a mis-payment of funding will result in the clawback of that funding.

Rejecting an application to be included in the Directory

- 6.9 New applicants to join the Directory will be rejected because they are unable to meet the conditions required by WSCC.
- 6.10 Where a provider's application is rejected, WSCC will give the provider a written explanation of the decision.

Removing providers from the Directory

- 6.11 At any time, if a provider fails to meet the requirements, they will be sent an "official notice of intention to remove FE funding", explaining what it is they are failing to meet and what is expected of them in order to remain on the Directory in the future.
- 6.12 If the provider continues to fail to meet the requirements and/or refuses to work in partnership with WSCC, they will be removed from the Directory. In this instance, providers will be given sufficient notice to allow parents/carers to find alternative provision without losing access to funding (see Appendix F).
- 6.13 If a provider is refused inclusion or is facing removal from the Directory an appeals process is in operation.
- 6.14 Removal on the grounds of quality will be in line with the Ofsted policy on registration and de-registration of providers.
- 6.15 Removal on the grounds of not promoting fundamental British values or promoting as fact, views or theories which are contrary to established scientific or historical evidence and explanation, will lead to WSCC securing alternative provision for children accessing their early education place, as soon as is practicable.

Appeals process for providers

- 6.16 If providers are not satisfied with any aspect of this policy, they **should** in the first instance contact FIS who will be able to offer advice.
- 6.17 Following consultation with FIS, if providers are still not satisfied, they **should** set out the circumstances in writing to FIS who will forward to the Early Years Service Manager, who will arrange for an investigation of the matter and response.

Appeals process for parents

6.18 Please see Appendix G which clarifies the process of how the FIS deal with a parental complaint, regarding FE, made against a childcare provider within West Sussex.

Variation to Agreement

6.19 As new policy is being introduced by central Government on a regular basis, WSCC may need to issue a variation to the requirements. When this happens, the changes will be communicated with providers. If they do not wish to accept the changes, then the provider will be removed from the Directory.

Section 7: Contact List

Family Information Service (FIS)

Support and training for the development of quality provision and practice and the implementation of the EYFS to meet FE and Ofsted and statutory requirements (all providers including childminders).

You can find information and support using the web links below:

- [Children and Families](#) - WSCC
- [Early Years](#) - WSCC
- [Business support](#) - WSCC

You can contact FIS either by phone on 01243 777807 or email to family.info.service@westsussex.gov.uk

Free Entitlement

Information and guidance for providers on the exceptions, policies, delivery and administration of the FE.

- [Copies of key supporting documents](#)

Contact us using the FIS number as above or email free.entitlement@westsussex.gov.uk

Inclusion support

- [Guidance and Strategies to Support Inclusive Practice](#)
- [Tools for Schools and Settings](#)

Support to Settings

- [Request support within your setting](#)

Contact us using the FIS number as above or email tssrequests@westsussex.gov.uk

West Sussex Virtual School

The West Sussex Virtual School Advisory Service champions the educational experiences and outcomes of children and young people who have, or have ever had social care involvement, and those who have achieved permanence through a court order.

- [Information and support for both parents and professionals](#)

Ofsted

Regulatory body for care and education (South West Regional Centre)

- Phone: 0300 123 1231
- Email: enquiries@ofsted.gov.uk

Appendix A: Eligibility Criteria for 2 Year Olds

Families living in West Sussex need to meet the eligibility criteria in order to [apply](#) to WSCC for the FE for 2 year olds.

2 year olds from families who meet one or more of the following criteria may be eligible.

- Income Support;
- Guaranteed element of State Pension Credit;
- Income-based Jobseeker's Allowance;
- Income-related Employment and Support Allowance;
- Support under Part VI of the Immigration and Asylum Act 1999;
- Universal Credit and have an annual net earned income equivalent to and not exceeding £15,400;
- Child Tax Credit, provided that you are **not** also entitled to Working Tax Credit and have an annual gross income of no more than £16,190, as assessed by Her Majesty's Revenue and Customs (or any subsequent replacement);
- Working Tax Credit 4-week run on (the payment you get when you stop qualifying for Working Tax Credit).

2 year olds will also be eligible in West Sussex if:

- they are a Child Looked After (where the Local Authority acts as the corporate parent);
- the child is adopted*;
- the child has a Special Guardianship Order*;
- the child has special educational needs or a disability (SEND). These children are eligible if the child either:
 - receives Disability Living Allowance*;
 - has a current Education, Health and Care Plan (EHCP)* or;
- they are a child of a family with no recourse to public funds (NRPF)** (subject to a maximum annual household income threshold of £26,500 for families with one child, and £30,600 for families with two or more children). This includes children of:
 - Zambrano carers (persons from a non-EEA state whose residence is required in order to enable a child or dependant adult, who is British, to live in the UK)
 - families with no recourse to public funds with a right to remain in the UK on grounds of private/family life under Article 8 of the European Convention on Human Rights
 - families receiving support under Section 17 of the Children Act 1989 who are also subject to a no recourse to public funds restriction.
 - those who have [claimed asylum](#) in the UK and are waiting for a decision (known as 'part 6')
 - a subset of failed asylum seekers supported under Section 4 of the Immigration and Asylum Act 1999
 - Chen carers
 - families holding a [BN\(O\) passport](#)
 - spousal visa holders
 - work visa holders

- student visa holders
- those with no immigration status
- those with a UK Ancestry Visa
- those with temporary protection status under Section 12 of the Immigration and Nationality Act
- those with pre-settled status who do not meet the qualifying right to reside test.

*Parent/carer will need to provide evidence when they apply.

** The family will need to provide evidence of a Biometric Residence Permit, or their online immigration status share code. Proof of income is also required.

To ascertain when children become eligible for the FE for 2 year olds, refer to 1.1. This continues until the term after their third birthday, at which point they will become eligible for Universal [FE for 3 and 4 year olds](#). It is important that you do not allow a child to start accessing their 2 year old place before eligibility has been confirmed with WSCC.

Appendix B: Eligibility Criteria for Extended FE for 3 and 4 year olds

- B.1 Parent/carers of eligible 3 and 4 year olds could be entitled to an additional 15 hours, known as Extended FE or 30 hours FE. Providers should direct parent/carers to check whether they could be eligible for a range of Government childcare offers, including Extended FE, via Childcare Choices on our [help with childcare costs](#) web page. Parents who could be eligible for Extended FE will be directed to the digital childcare service to apply.
- B.2 Parent/carers will need to meet eligibility criteria. These include:
- the parent earns or expects to earn the equivalent to 16 hours at National Minimum or Living Wage over the coming three months. This applies whether you are in paid employment, self-employed or on zero hours contract.
 - the parent (and their partner where applicable) should be seeking the Extended FE to enable them to work.
 - where one or both parents are on maternity, paternity, shared parental or adoption leave, or if they are on statutory sick leave.
 - where one parent meets the income criteria and the other is unable to work because they are disabled, have caring responsibilities or have been assessed as having limited capability to work.
 - where a parent is in a 'start-up period' (i.e., they are newly self-employed) they do not need to demonstrate that they meet the income criteria for 12 months.
 - if a non-EEA national, the parent must have recourse to public funds.
 - foster carers who work in addition to their role as a foster carer, if accessing additional hours is in the best interests of the child. In this instance, the foster carer will apply via the social worker rather than the processes outlined here.
- B.3 A parent will not meet the criteria when:
- either parent has an income of more than £100,000
 - either parent is a non-EEA national and subject to immigration control (and has no recourse to public funds)
- B.4 If a parent/carers loses eligibility:
- they will receive a "grace period" – this means they will be able to keep their childcare at their existing provider for a short period.
 - once the "grace period" has lapsed, the parent will still be entitled to the Universal FE.
- For full criteria visit [GOV.UK](#)
- B.5 HMRC is responsible for checking whether a parent is eligible and issuing an eligibility code, with validity start/end dates and identifying grace periods.
- B.6 Providers **must** ensure that eligibility codes are valid before offering a place. For more information on how to check eligibility codes including start/end dates and grace periods, see the [guidance](#).

Providers and LAs are responsible for verifying (or confirming) eligibility by checking that the parent's code is valid.

- B.7 To claim Extended FE, providers **must** record the child's eligibility code, child's date of birth and the National Insurance number of the parent who made the application via the Parent Declaration for submission with Headcount. A partner who is listed on the application may come in place of the applicant and should bring their own National Insurance number. Parents **must** re-confirm eligibility every three months when prompted by HRMC via text message and/or e-mail. This includes where a parent has applied early and falls within their grace period before taking up their 30 hours place.

Providers **must** encourage parents to apply for the Extended FE the term **before** the child becomes of eligible age (see Section 1.1).

Grace Periods

- B.8 The grace period enables parents to retain their childcare place until the end of term if they become ineligible for the Extended FE. They would still be eligible for Universal FE. The table below shows the specific grace period end dates:

Validity End Date	Grace Period End Date
1 January – 10 February	31 March
11 February – 31 March	31 August
1 April – 26 May	31 August
27 May – 31 August	31 December
1 September – 21 October	31 December
22 October – 31 December	31 March

- B.9 Parents reconfirm their eligibility around every three months. The 'validity start date' is the date on which the parent has applied and been issued a code. The 'validity end date' is the parent's 'deadline' for reconfirming. Their 'grace period' date is the last date on which they should receive the Extended FE. A child should not start accessing their Extended FE at their current or new provider whilst in their grace period.

WSEC will automatically assign grace period end dates to every eligibility code and inform providers which children are in their grace period via the Online Provider Portal (OPP).

Appendix C: Parent Declaration Form

- [Free Entitlement Parent Declaration Form](#)

The current version of the Parent Declaration Form **must** be used in the following circumstances:

- When a child starts accessing funded hours for the first time (so all new starters for Summer Term 2023 onwards should use the form that has the last updated date as 'April 23').
- When there is a change to any of the details on the form, including address details, change to sessions attended or number of hours claimed.
- When submitting a claim for DAF.

As a reminder, the declaration should be signed by both provider and parent before headcount day in order to be able to claim at headcount as noted in point 4.22 of the main agreement.

Appendix D: Post-headcount/exceptional payment request form

- [Post-headcount/Exceptional Payments Request Form](#)

Appendix E: Privacy notice for parents

- [Privacy Notice for parents accessing Early Years and Childcare provision](#)

Appendix F: FE Removal

Process for FE removal

This process may be triggered if provider:

- Receives Inadequate Ofsted inspection.
- Receives second consecutive Ofsted inspection outcome of less than Good. For example, Requires Improvement.
- Parental complaints received by us – go to step 5.
- Concerns identified during another WSCC visit – go to step 5.
- Non-compliance to 'musts' in the Provider Declaration – go to step 5.

Process steps

1. Restrict 2-year-old Free Entitlement funding. The Early Years Funding Team will formally write to provider to advise cannot offer a funded space to any new 2-year-olds; also identify which children will continue to access funding and for how many terms.
2. The Early Years and Childcare Adviser (EYCA) and/or Early Years Team Manager meets with provider to support them in writing a Setting Action Plan to address the issues identified, including clear time frames, allowing for potential notice periods for parents.
3. Early Years Funding Team formally remove all FE 2-year-old funding.
4. Within 4 weeks, the EYCA visits the provider to check that the Setting Action Plan is fully implemented, and checks evidence that proves actions have been carried out. If all actions are completed and evidenced, the process ends here. If actions are incomplete, or limited progress has been made towards the agreed actions, the process continues – go to step 6.
5. If a provider is identified as non-compliant – The Early Years and Childcare Adviser (EYCA) and/or Early Years Team Manager meets with provider to support them in writing a Setting Action Plan to address the issues identified, including clear time frames, to be completed within a 4-week deadline.
6. Restrict claiming for any new FE places – includes 2- (if offered), 3- and 4-year-olds.
7. Review Setting Action Plan. The EYCA visits the provider to check that the Setting Action Plan is fully implemented, and checks evidence that proves actions have been carried out. If all actions are completed and evidenced, the process ends here. If actions are incomplete, or limited progress has been made towards the agreed actions, the Early Years Funding Team writes to the provider with an official notice of intention to withhold FE payment and remove funding, outlining the reasons why and support offered. The Family Information Service (FIS) to notify parents of the warning to withdraw funding and identify suitable alternative providers.
8. Withhold next FE payment (either estimate or actuals) if Setting Action Plan not completed. Provider will receive payment once actions to become compliant have been taken/evidenced.

9. Remove Free Entitlement funding if Setting Action Plan not fully implemented or limited progress has been made towards the agreed actions. The Service Manager/Strategic Lead to write to provider giving formal notice to remove FE funding, including confirmation of date funding will cease. The FIS to write to parents to confirm funding removal date and offer Childcare Brokerage to assist in finding alternative provision (plus evaluation).

All FE related funding is removed no less than half a term following formal notice to remove it.

Appendix G: Appeals Process for Parents

The Family Information Service (FIS) has a role to relay accurate and impartial information to parents. If parents have any queries or concerns about their FE funding, they should raise these in the first instance with the childcare provider through which funding is being accessed. However, in some circumstances, parents may wish to seek guidance about FE funding and how it should be administered. The FIS can therefore provide impartial information and may initiate support from colleagues within Early Help Services. However, the complaint is held between the customer (parent) and the supplier (childcare provider). It is the responsibility of all childcare providers to communicate with their customers (parents) regarding the service provided and administration of the FE.

The local authority has a role within administration of the FE only and not the overall or general fee structure of childcare providers, unless directly contravening the FE agreement and principles, for example top-up fees, compulsory services, or different hourly rates for FE parents only.

This appendix sets out how FIS will deal with a parent's query:

Step 1 - Receive a potential complaint about FE administration.

- FIS will provide parent with further information about the scheme, providing additional information such as a leaflet, or referring to web pages etc.
- FIS informs parent of the role of WSCC, within the context of FE Administration only, and our limitations in terms of a provider's fee structure.
- If after providing additional information the parent still has concerns the FIS will direct the parent to speak to the provider direct.

Step 2 - The parent contacts FIS again after speaking with the provider if still not satisfied that FE is being correctly administered.

- FIS confirm the parent has spoken to the provider and still concerned. Reiterate the role of FIS and WSCC in FE administration only - not wider fee structure etc.
- FIS inform parent about the role of WSCC colleagues and that we cannot guarantee any outcomes from their involvement, for example, potential fee structure review in provider could lead to fees being increased rather than decreased.
- FIS checks parent happy to continue and gain permission to pass information to WSCC colleagues (or anonymously if parent would prefer).

Step 3 - Involving the wider team.

- FIS ensures that all information passed on is objective and anonymous (unless parental consent gained to share details with the wider team and childcare provider for resolution).
- If the concern/issue is resolved, parent is updated. No further action.
- If the concern/issue is not resolved for parent, concern is logged and may trigger an FE monitoring visit by WSCC.

Appendix H: Audit Process

Process of how FE Audits are carried out

When selected for an audit, you will be informed that WSCC will contact parents to invite them to take part in an FE survey about the provider. You will also be asked to complete a self-evaluation form to assess your compliance with the Provider Declaration.

The survey is open for two weeks. The response rate is monitored after five days, and again after ten days. WSCC will follow up with providers with a low response rate.

When the survey closes, responses are collated and a summary is reviewed by WSCC, alongside the provider's admissions or FE policies, to build a picture of how FE is provided at the setting.

After the review is complete, one of the following will happen:

- The survey response is 50% or over, and the parental comments and review of policies reveal no concerns. A letter confirming no further action, and a summary of the survey responses, is sent to the provider. The process ends.
- The survey response is 50% or over, and the parental comments and review of policies reveal minor concerns. A letter with advice on how to improve FE offer, and a summary of the survey responses, is sent to the provider. The process ends.
- The survey response rate is under 50%, and/or the parental comments and policy review reveal concerns. A letter confirming what action needs to be taken and the timeframes involved, together with the survey summary, is sent to provider.

The provider supplies evidence that the actions have been addressed. The evidence is checked, and one of the following will happen:

- If the evidence received shows that the actions have been addressed in full, there is no further action, and the process ends.
- If no evidence is received, or the evidence shows that the provider has not addressed the actions in full, then the process to remove FE is triggered.

Appendix I: Childminder Agencies

WSCC will ensure that none of the funding (including EYPP and DAF payments) paid to childminders registered with an agency to deliver free places is retained by the agency.

WSCC will rely on the childminder agency as the benchmark of quality.

WSCC will fund places for eligible 2, 3 and 4 year old children at any childminder registered with a childminder agency judged 'effective' by Ofsted if a parent wants their child to take up their free place at that provider and the provider is willing to accept the local authority funding and any other local authority requirements.

WSCC will fund places for eligible 2, 3 and 4 year old children at a childminder registered with an agency until the agency's first full Ofsted inspection judgement is published if a parent wants their child to take up their free place at that provider and the provider is willing to accept the local authority funding and any other local authority requirements.

WSCC will secure alternative provision and withdraw funding from a provider, as soon as is practicable, after an inspection judgement of a childminder agency of 'ineffective'.

WSCC will not fund childminders registered with a childminder agency where the agency has indicated to WSCC that the childminder is not of the appropriate quality unless it is necessary to do so to ensure sufficiency of accessible places. WSCC will also consider any information provided by a childminder agency about the childminder registered with them and the childminder's premises.

WSCC will consider any information published by Ofsted about a childminder agency including the recent history about childcare provision by a particular agency or childcare provision at a particular address. This may include, for example, where WSCC has concerns that a provider judged "inadequate" by Ofsted may have re-registered their setting with Ofsted to avoid making the quality improvements identified by Ofsted.

WSCC will only fund childminders directly as set out in Section 4, and **not** through the childminder agency.

FE requirements will apply to the person with whom WSCC makes arrangements to deliver FE. As WSCC funds an agency registered childminder directly, WSCC will place requirements on the childminder as outlined in this declaration.

Appendix J: Sharing Safeguarding Concerns

This appendix sets out the processes of communication between FIS and LADO when a safeguarding concern is relating to a member of staff.

Step 1

LADO is notified of a safeguarding concern relating to member of staff by the provider or Ofsted.

Or FIS is notified via the Ofsted data feed of the following notices:

- Welfare Notice
- Improvement Notice
- Ofsted Requires Improvement and Inadequate where a safeguarding issue has been identified
- Supervision of children identified on Ofsted or Welfare Notice.
- Suspensions

Or FIS becomes aware of concerns from conversations with providers, parents or training providers:

- Safeguarding-specific training identified
- Notification of a safeguarding concern/complaint

Step 2

Within 24 hours of initial notification, information is shared with either LADO or FIS.

Step 3

FIS will then track/monitor cases. Checks will be made to see if this concern impacts on FE payments (see Appendix F).

Step 4

LADO to provide updates on specific cases providing actions and timeframes. LADO will identify if LADO-case only. If action plan identified, EYCA involved when investigations complete.

Step 5

FIS to feedback to the local Early Help Service Hub on a monthly basis.

Step 6

FIS to log when actions are complete and communicate outcomes relating to FE payments.

Appendix K: Example Invoice

In this example, the child is attending the provider for four x five hour morning sessions a week. Using 15 universal hours across three sessions, with an additional privately charged morning session. The parent has agreed to the meals, snacks and consumables charge per session.

Provider Details: Name and address (Optional - Could include company or charity or registration number)

Invoice To: Parents name and address

Child's Name:

Date of Invoice:

Billing Invoice period: (Optional – Could include reference or invoices numbers)

Invoice Breakdown	Cost
3 x FE sessions per week (totalling 60 hours over 4 weeks)	£0.00 (FE has no monetary value and so must not be shown as a subsidy or deduction)
1 x AM Session per week @ £25.00 x 4 weeks	£100.00
Lunch @ £4.00 x 12 sessions (Accessed during FE sessions)	£48.00
Consumables @ £0.50 x 12 sessions (Optional – see Appendix L). (Accessed during FE sessions) should include a breakdown of what this includes e.g., a contribution towards suncream, and nappies and snacks	£6.00
(Discounts – Sibling discount, promotional discount)	-£0.00
Details of other charges i.e., Late charges, Extra-Curricular activities as applicable. These should be itemised and costed separately. Remember that voluntary charges should not be included on the invoice.	£0.00
Invoice Total This could include an accumulative balance to show credit/debit balance brought forward from previous months.	£154.00

Terms of Payment

- Include details of when fees are due i.e., Fees are due by DATE or Within xxx days of receipt of this invoice.
- Could include how to pay with Bank Transfer details
- Result if payment is late, is there a charge?
- Refer to which policies have more details and how they access copies e.g., fee policy, late payment policy, free entitlement policy, terms and conditions etc.
- Could include what a parent should do if they are having difficulty paying their bill

Appendix L: Chargeable consumables/services

To clarify the items you can include in a consumables charge, please see the lists below of chargeable and non-chargeable items, along with rationale behind these limitations. This is not an exhaustive list.

Chargeable

- Snacks - Parents must also have a choice to bring in their own snacks in line with the setting's policy on allergies and healthy eating etc.
- Nappies, nappy sacks and wipes - Parents must also be given the choice to provide their own.
- Sun cream - Parents must also be given the choice to provide their own.
- Activities over and above the EYFS such as ballet, French and yoga.
- Trips out - However, consideration must be given to equality of opportunity for any child/ren whose parent/s could not or choose not to pay.

Non-chargeable

- Fresh drinking water. EYFS (3.48).
- General play and learning resources (including for craft). A core business expense to enable registration with Ofsted and delivery of the EYFS.
- Gardening activities. Generally, it does not cost to dig in the garden or run around and play, all of which contributes to the delivery of the EYFS. A voluntary charge could be considered for a 'one off purchase or activity', for example, to buy plants. However, consideration must be given to equality of opportunity for any child/ren whose parent/s could not or choose not to pay.
- Blankets/sheets. This is about providing basic care for children. EYFS (3.61).
- Online journaling and progress tracker tools. Business costs central to tracking and monitoring children's progress.
- Toilet rolls, soap, hand gel, paper towels, face cloths etc. Must be supplied by setting to meet Health and Safety law and the requirements of the EYFS (3.55).
- Cleaning products, for example, washing powder, hygiene gloves, aprons. Must be supplied by setting to meet Health and Safety law and the requirements of the EYFS (3.55).
- White goods. Not a consumable as they are not products that people buy regularly as they are quickly used and need to be replaced often. It is a business expense.
- Utilities. Business cost.
- Salaries for all staff as is a business cost.
- Stationery. Business cost.
- Insurance. Requirement for registration as stated in EYFS (3.64).
- Staff training costs. Benefit to business and EYFS (3.21) states 'providers must support staff to undertake appropriate training and professional development opportunities to ensure they offer quality learning and development experiences for children that continually improves'.
- First Aid supplies. Must be supplied by setting to meet Health and Safety law and the requirements of the EYFS (3.51).

Appendix M: Change History

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Updated: