

Wirral Borough Council

EARLY YEARS FUNDING ENTITLEMENT AGREEMENT

**For Providers of Early Years
Funding Entitlement**

September 2017 – August 2018

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1. Introduction

This agreement is to support providers to deliver the Early Years Funding Entitlements (EYFE), to ensure they understand the roles and responsibilities of Wirral Borough Council (WBC) and themselves as a EYFE provider. All providers of EYFE (Private, Charity / Voluntary, Independent sectors) will be required to sign up to the Funding Agreement in order to remain eligible for Funding and/or support through Wirral Borough Council (WBC).

The Funding Agreement is a one year arrangement, and WBC reserves the right to amend this Agreement in accordance with required changes as stated by the Department for Education (DfE) / Secretary of State, or through mutual agreement with local providers.

It is expected that providers are fully conversant with all their responsibilities and the role of WBC in supporting providers. If providers have any queries about the process, WBC's role, provider responsibilities, or rights of parents / carers please do not hesitate to contact the Early Childhood Service, Quality Improvement and Business Support team Tel: 0151 666 3980 or fis@wirral.gov.uk.

The following frameworks and legislation underpin this 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 2014
- 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 2015
- Data Protection Act 1998

Wirral Borough Council (WBC) reserves the right to vary the agreement to reflect changes in legislation and departmental guidance.

References to legislation will be to that legislation as amended from time to time, without express change in the provider agreement.

2. Key Responsibilities

Local Authority

2.1. Local authorities must secure a funded entitlement place for every eligible child in their area.

2.2. The local authority should work in partnership with providers to agree how to deliver funding entitlement places.

2.3. The local authority should be clear about their role and the support on offer locally to meet the needs of children with special educational needs and/or disabilities (SEND) as well as their expectations of providers.

2.4. The local authority must contribute to the safeguarding and promote the welfare of children and young people in their area.

Provider

2.5. The provider must comply with all relevant legislation and insurance requirements.

2.6. The provider should deliver the funding 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 funded places, along with their services and charges. Those children accessing the funding entitlements should receive the same quality and access to provision.

2.7. 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.

2.8. 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

3. Safeguarding

3.1. The local authority has overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. They 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 guidance¹ sets these out in detail.

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

3.2. 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.

4. Eligibility – Universal and + 15 hours for working parents

4.1. The provider should check original copies of documentation to confirm a child has reached the eligible age and criteria for eligibility on initial registration for all Early Years Funding 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. All parents must complete the Parental Consent to Early Years Funding Entitlements (EYFE 1a form) (Please see Annex A)

4.2. 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.

4.3. Wirral Borough Council (WBC) is responsible for ensuring that a child has a funded entitlement place no later than the beginning of the term following the child and the parent meeting the eligibility criteria for the funding entitlements.

4.4. Alongside the 30 hours eligibility code, which is the child's unique 11-digit number, and original copies of documentation (see 4.1), 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 EYFE 1a form (Please see Annex A)

4.5. Once a provider has received written consent from the parent, they should verify the 30 hours eligibility code with the local authority. (For details please see Annex B)

4.6. WBC will confirm the validity of 30 hours eligibility codes to allow providers to offer 30 hours places for eligible three- and four-year-olds. The local authority will provide a validity checking service to providers to enable them to verify the 30 hours eligibility code swiftly and efficiently. The Eligibility Checking Service (ECS) allows all local authorities to make instant checks for code validity. This will be completed via the Capita provider headcount portal.

4.7. Thereafter, the local authority should complete audit checks to review the validity of eligibility codes for children who qualify for 30 hours funding entitlements 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). It is the local authority's responsibility to notify a provider where a parent has fallen out of eligibility and inform them of the grace period end date.

Table A:

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

5. The Grace Period

5.1. 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.

<http://legislation.data.gov.uk/cy/uksi/2016/1257/part/4/made/data.htm?wrap=true>

5.2. WBC will access information about whether a child has ceased to meet the eligibility criteria and entered the grace period via the Eligibility Checking Service (ECS). The grace period end date will automatically be applied to eligibility codes.

5.3. WBC 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.

5.4. When a child/ family falls out of eligibility the provider will be notified of their grace period end date through email and the Capita Provider Headcount portal.

6. Flexibility

6.1. 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.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596460/early_education_and_childcare_statutory_guidance_2017.pdf

6.2. The provider should work with the local authority and share information about the times and periods at which they are able to offer funded places to support the local authority to secure sufficient stretched and flexible places to meet parent 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.

6.3. All parents must complete an EYFE form 1 (see Annex A) which details multiple providers and hours. The funding will then be split accordingly.

7. Partnership working

7.1. Partnerships will be supported by WBC on four levels between:

- I. Local authorities and providers
- II. Providers working with other providers, including childminders, schools and organisations
- III. Providers and parents
- IV. Local authorities and parents

7.2. WBC encourages and supports partnership working between different types of providers, including childminders, across all sectors and encourage more providers to offer flexible provision, alongside other providers.

7.3. The provider should work in partnership with parents, carers and other providers to improve provision and outcomes for children in their setting. An interactive toolkit 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.

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

8. Special educational needs and disabilities (SEND)

8.1. WBC strategically plan's support for children with special educational needs and/or disabilities (SEND) to meet the needs of all children in their local area as per the Special Educational Needs and Disability code of practice: 0 to 25 years (January 2015)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

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

8.3. The local authority must be clear and transparent about the support on offer in their area, through their Local Offer, so parents and providers can access that support.

<http://localofferwirral.org/>

8.4. Wirral SEND inclusion fund is paid in relation to a child's Universal 15 hours only and is granted by the SEND inclusion fund panel for more details visit the Local Offer website. The Disability Access fund is a one off yearly payment to providers who have evidenced the child is in receipt of Disability Living Allowance, for more information please visit the Local Offer website.

8.5. 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.

9. Social mobility, disadvantage and EYPP

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

9.2. The provider should ensure that they have identified the disadvantaged children in their setting as part of the process for Early Years Pupil Premium (EYPP). There is a process of "opt in/opt out" for parents to automatically take up of EYPP with providers, ensuring maximising the support through this funding scheme. They will also use EYPP and locally available funding streams or support to improve outcomes for this group.

10. Quality

10.1. The Early Years Foundation Stage (EYFS) statutory framework 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.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596629/EYFS_STATUTORY_FRAMEWORK_2017.pdf

10.2. Ofsted are the sole arbiter of quality 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.

10.3. Local authorities 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.

10.4. 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.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596460/early_education_and_childcare_statutory_guidance_2017.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596629/EYFS_STATUTORY_FRAMEWORK_2017.pdf

11. Business Planning

11.1. The local authority should not carry out audit regimes which are disproportionate or are unnecessarily burdensome to providers.

11.2. The objective of the audit process is to confirm that the funding provided for the provision of funded places is being claimed in accordance with the terms and conditions of the funding and that delivery models are in accordance with the statutory guidance.

11.3. The provider should ensure they submit timely and accurate information, including but not limited to, headcount data, census data, parental declarations/consent and invoices, as per the financial guidelines of their local authority. Failure to do so may result in inaccurate, delayed or suspended funding. Settings should retain on site all documentation to support their funding claim, such as parent application forms, proof of children's age (birth certificate or passport), registers etc. It is advised these are retained for 7 years after the conclusion of the claim.

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

12. Charging

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

12.2. The provider can charge for meals and snacks as part of Early Years Funding Entitlement for 3 and 4 year olds 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 funded 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.

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

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

12.5. The provider should publish their admissions criteria and ensure parents understand which hours/sessions can be taken as funded 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.

12.6. The provider can charge a deposit to secure their child's 3 and 4 year Early Years Funding Entitlement but should refund the deposit in full to parents within a reasonable timescale.

12.7. 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 funded places) or require parents to pay a registration fee as a condition of taking up their child's funded place.

12.8. The provider should ensure their invoice and receipts are clear, transparent and itemised, allowing parents to see that they have received their funded entitlements 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 specific provider.

13. Funding

13.1. WBC will consult with providers in the Autumn term 17 to decide on payment intervals.

13.2. Current process - each term providers will receive two payments; the first payment is an estimate payment and will be sent through automatically before the start of term. This payment will be calculated using 50% of the indicative termly budget based on the attended hours for the previous calendar year. The second payment will be made to providers following the submission of **actual** headcount information.

13.3. Providers must remember that the estimate payment of 50% will be deducted from the second payment based on actual attendance levels - there is no half term adjustment. Providers are funded for a term based on the children on the register on the headcount day.

13.4. Payments, as above will be paid directly into the provider's nominated bank account. Providers are responsible for providing details of a change to bank details.

WBC accepts no responsibility were bank details have changed and WBC was not informed or WBC has been misinformed.

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

Headcount Dates 17/18 Academic Year

Autumn Term 17	5th October 2017	claims to be submitted by 12/10/17
Spring Term 18	18th January 2018	claims to be submitted by 25/01/18
Summer Term 18	17th May 2018	claims to be submitted by 24/05/18

13.6. A revised application form (EYFE 1a) has been completed which will be introduced for new children commencing in the Autumn 17 term the form will take into account the additional 15 hours that will be available to eligible children.

13.7. Registers for children attending in the summer term will be rolled forward to the autumn term; the new registers will include a section which will take into account the additional 15 hours that will be available to eligible children.

13.8. A dual process is currently in place which requires providers to complete their headcount claims on line and submit hard copy returns. It is anticipated that this arrangement will be temporary, with the intention being to move to just an on-line process. Settings will be advised when hard copies are no longer required to be submitted to the Authority.

13.9. Providers can expect to receive the second headcount payment by approximately 6 weeks after headcount date, although errors or queries on submissions may delay payments beyond this.

13.10. The standard number of weeks per term is 14 weeks in the autumn term, 11 in spring and 13 in the summer term. However, not all settings operate on this standard model. Providers who are only open for 38 weeks per year are able to allocate weeks to each term however they chose, but only 38 weeks of funding can be claimed for any child in a financial year, unless stretching the offer see below, point 13.12.

13.11. Providers who take on new children during the financial year are advised to liaise with the parents and previous setting as to how many funded hours have already been claimed for that year, and it is the responsibility of the Provider and parents to arrange how any shortfall will be charged/recovered.

13.12. For Providers who are open for more than 38 weeks per year, parents can opt to have their childcare entitlement stretched over a longer period of up to 52 weeks rather than the standard 38 weeks. However, hours claimed for an individual child cannot exceed 570 for a financial year for the basic offer (equivalent of 15 hours per week for 38 weeks) and the same for additional entitlement.

13.13. As in section 13.10. if a child changes provider midway through the year it is the responsibility of the new provider to liaise with the parents and the previous provider as to how many funded hours have already been claimed for that year, and to arrange with parents how any shortfall will be charged/recovered

14. Compliance

14.1. WBC will carry out checks and /or audits on providers to ensure compliance with requirements of delivering the funded entitlements.

14.2. The Finance Team will provide notice to the provider of the intention to carry out an audit. The provider will be issued with an outline of the checks that will be examined out together with a list of documents that they will require access to.

14.3. Each term WBC will check compliance of 10% of each type of childcare provider. These providers will be randomly selected from the directory.

14.4. Providers will asked to supply the following documentation electronically

- Admissions policy
- Parental funding contract or parental contract
- Delivery models/ offer for funded hours if applicable

14.5. WBC will check compliance through the documentation and may interview the manager or parents if it is felt this is needed. Providers will be given one week's notice prior to any interviews. Failure to comply with the requirements of delivering funding entitlements may result in the withdrawal or termination of funding.

14.6. Any information regarding compliance to deliver funded hours by parents or professionals will result in a compliance check reviewing the above documentation and meeting with the relevant provider.

15. Termination and withdrawal of funding

15.1. 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.

15.1. If a provider would like to stop providing funded hours, they must give parents and the Local Authority FIS@wirral.gov.uk one term's notice. Exceptional circumstances should be discussed with your quality improvement officer.

15.2. Once a provider receives an Inadequate, Requires Improvement, not met or non-compliance judgement from OFSTED; the provider will be asked to complete a EYFE judgement form. The funding officer will complete a sufficiency check within a one mile area of the provider, the Quality Improvement and Business Support Team Leader will arrange to visit the setting once the report is published to discuss the continuation of funding. All the reports will be reviewed and a decision made in line with regulation 7 (termination of the arrangements) of the Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2014 and regulation 37 (arrangements between local authorities and early years providers: termination) of The Childcare (Early Years Funded Entitlement) Regulations 2016. The provider will be informed in writing following sign off of decision from senior manager, within 5 working days of the visit.

16. Appeals process

16.1. A provider may be denied approval to offer the Early Years Funding Entitlements or have their funding withdrawn as set out above. The provider can appeal against that decision.

16.2. Where a provider receives confirmation that Wirral Borough Council intends to remove them from the Directory of EYFE Providers, they will have the right to appeal. This appeal should be made within 1 month of receiving the letter confirming the intention to remove them from the Directory.

16.3. Appeals should be sent to the Early Childhood Service Manager, Hamilton Building, 132 Conway Street, Birkenhead, CH41 6JE. Tel no:0151 606 2000 in the form of a written report, outlining the reason(s) for appeal.

16.4. The Early Childhood Service Panel has the responsibility to make a decision on the appeal based on the written evidence presented, or it may request personal representation from the provider.

16.5. A decision to the appeal will be made and the provider notified in writing of the decision within 14 days. There is no further appeal against a decision.

16.6. A provider will be permitted to Re-register, after a period of 6 months, but would need to demonstrate a good OFSTED judgement for 2 year old funding and/or a Requires Improvement OFSTED judgement for three and four year funding.

16.7. A provider who has been De-registered for failing to comply with the Terms and Conditions of EYFE Funding or who has made a fraudulent claim would not be allowed to Re-register with WBC's Directory of providers of EYFE.

17. Complaints

17.1. Where a parent has a complaint about the quality of provision or a provider, they should be advised to follow the provider's Complaints Procedure. The provider should ensure that their complaints procedure is clearly publicised and accessible to parents and is in accordance with their registration requirements. The provider can refer the parent to OFSTED (or their regulatory agent) where the parent remains unsatisfied after the complaint has been addressed and the provider believes that it has done all it can to resolve matters.

17.2. Where a parent has a complaint that there is insufficient childcare or EYFE provision for them to access, or where they believe that they have not received their EYFE in an agreed manner according to the local definition of the EYFE offer, then this concern is in relation to WBC carrying out its' Childcare Sufficiency Duty, and parents should be signposted to the WBC Early Childhood Service (QIBS) who are contactable on (0151) 666 3980, email: fis@wirral.gov.uk

17.3. Where a provider has a complaint or concern that WBC has not acted properly in discharging its duties in relation to Childcare Sufficiency or Improving outcomes for children through its' Quality Improvement Process, then the WBC's Complaints Procedure can be used to make such a complaint. For more information on making a complaint please go to:

<https://www.wirral.gov.uk/about-council/complaints/how-complain-wirral-council>

or phone: 0151 666 5677

or email: cypdcomplaints@wirral.gov.uk

17.4. If a complaint in relation to WBC's actions or behaviour remains unresolved, then a parent or provider has the right to take this concern to the Local Government Ombudsman.

<http://www.lgo.org.uk/>

17.5. 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 funded entitlement in the correct way, as set out in this agreement and in the Early Education and Childcare Statutory guidance for local authorities.

17.6. 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.

<http://www.lgo.org.uk/>

This Contract is an agreement between Wirral Borough Council and the Provider indicated below, to abide by the Terms and Conditions relating to the provision and funding of Early Years Entitlement:

Signed on behalf of Wirral Borough Council

Name of Nominated Officer: Deborah Gornik

Signature of Nominated Officer

Date

Provider Setting:

Name of Authorised Signatory:

Position of Authorised Signatory:

Signature of Authorised Signatory:Date:

E-signature or signature:

To be returned to:

Quality Improvement and Business Support Team

Bromborough Satellite Centre

Gratrix Road

Bromborough, CH62 7BW

Or email to: fis@wirral.gov.uk