

Wirral Council

EARLY YEARS FUNDING ENTITLEMENT AGREEMENT

**For Providers of Early Years
Funding Entitlement**

April 2024 – March 2025

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1. Introduction

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

The Funding Entitlement Agreement is a one-year arrangement, and Wirral Council 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 Wirral Council in supporting providers. If providers have any queries about the process, Wirral Council's role, provider responsibilities, or rights of parent / carer please do not hesitate to contact the Early Years Business Support and Performance team Tel: 0151 666 3980 or fis@wirral.gov.uk.

This document makes reference to the Early Years Entitlements: Operational Guidance for local authorities and providers June 2018. New Guidance will be released for local authorities and providers in due course ahead of the roll out of the new funding entitlements. This document will be updated with the new guidance and the new version shared with providers as soon as is reasonable practical.

The following frameworks and legislation underpin this agreement:

- Early Education and Childcare, Statutory Guidance for local authorities January 2024
- Early years entitlements: Operational Guidance for local authorities and providers June 2018
- Childcare Act 2006
- Childcare Act 2016
- Equality Act 2010
- School admissions code 2021
- Statutory framework for the early year's foundation stage 2023
- Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2014
- The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations January 2024
- Children and families Act 2014
- Special educational needs and disability code of practice: 0 to 25 years 2015
- Disability Discrimination Act 2018
- Data Protection Act 2018

Wirral Council reserves the right to vary the agreement to reflect any changes in legislation and departmental guidance they may be advised of. References to legislation will be specific to that legislation amends or changes as advised, without express change in the provider agreement.

Wirral Council works to the premise that children are awarded early years funding entitlements.

This document makes reference to the Capita Provider Portal, which is used by Private Voluntary Independent (PVI) settings to complete headcount tasks, 30-hour checks, Disability Access Fund (DAF) applications and submit tracking data. It is expected that this will be replaced by a system known as Liquid Logic Early Years and Education System (EYES) before the end of the period that this agreement relates to. More information will be shared regarding the migration to this new system throughout 2024 and this agreement will be updated accordingly once the new system goes live.

2. Key Responsibilities

Local Authority

2.1. Wirral Council **must** secure a funded entitlement place for every child who is eligible in their area, no later than the beginning of the term following the child or parent / carer meeting the eligibility criteria.

2.2. Wirral Council will work in partnership with providers to advise or agree how to deliver funded entitlement places.

2.3. Wirral Council will make clear its role and the support on offer locally to meet the needs of children with special educational needs and/or disabilities (SEND) and their families as well as its expectations of providers for such children and their families.

2.4. Wirral Council will make explicit its responsibility to safeguard and protect children and to promote the welfare and wellbeing of children and young people in its area.

2.5. Wirral Council will endeavour, as far as is reasonably practicable, to ensure that eligible children who move into the local authority area from another local authority are able to take up their free place.

Provider

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

2.7. The provider **should** deliver funded entitlement places consistently to all parent / carers, whether in receipt of 15 or 30 hours of funding and regardless of whether they opt to pay for optional services or consumables. This means that the provider **should** be clear and communicate to parent / carers 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 as all others.

2.8. The provider **must** follow the statutory framework for the Early Years Foundation Stage (EYFS) and have clear safeguarding policies and procedures in place that take into consideration the local authority's guidance for recognising, responding, reporting and recording suspected or actual abuse. See section 22 for the link

2.9. The provider **must** have arrangements in place to support children with SEND. These arrangements **should** include a clear approach to identifying and responding to

SEND. Providers **should** utilise Special Educational Needs Inclusion Fund (SENIF) and Disability Access Fund to deliver effective support, they **must** make information available about their SEND offer to parent / carers.

2.10. The provider **MUST** have a completed Parent / Carer agreement to Early Years Funding Entitlements (EYFE1b) for each child **PRIOR** to a place being offered and entering information onto the Capita Headcount portal for PVI's and SIMS for maintained settings.

2.11. The provider **must** seek confirmation of eligibility of funding to be claimed, before commencement of placement. Failure to do so may result in a child accessing a funded place to which they are not entitled. Where this is the case, it will be for the provider and parent / carer to agree how to pay for any hours used.

3. Safeguarding

3.1. Wirral Council 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' 2018 guidance sets these out in detail. Please see section 22 for a link

3.2. The provider **must** follow the statutory framework for 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 in each setting **must** take overall responsibility for safeguarding and all staff **must** have up to date safeguarding training and be able to identify signs of abuse and neglect. The provider **must** have regard to 'Working Together to Safeguard Children' 2018 guidance. See section 22 for a link or Monday to Friday, 9am-5pm phone 0151 606 2008 or outside these hours 0151 677 6557 or email Integrated Front Door ifd@wirral.gov.uk

3.3. The provider **must** contact to advise the Early Years Business Support and Performance team, tel: 0151 666 3980 email: fis@wirral.gov.uk when a child has not attended for two weeks or when a child's usual attendance pattern changes without notification or where a child's attendance is sporadic.

3.4. If a child receives a serious injury whilst attending an early year's provision, the provider **must** inform Ofsted and child protection services, for Wirral this is the integrated front door 0151 606 2008 or ifd@wirral.gov.uk. A copy of this process is available on Wirral's Training Platform see section 22 a for a link.

3.5. Operation Encompass was created to support children experiencing Domestic Abuse through timely information sharing directly between police and schools, which has now been expanded from January 2024 to the Early Years sector. The core purpose of Operation Encompass is to enable support to be given to the child that may have witnessed parental conflict.

3.6. When a child has been present during a Domestic Violence (DV) incident, the Early Years provider they attend will be informed- the key adult will be provided with all the information contained within the notification from Merseyside Police. This ensures that the child can be supported, dependent upon their needs.

3.7. The provider must return their signed Operation Encompass agreement and comply with the responsibilities outlined within this. This requires the provider to endorse the Encompass model, support adults within their provision, promote the Encompass process in line with safeguarding procedures and ensure the sensitive nature of information is retained and used within data protection guidelines. Providers will also ensure any changes to the designated Operation Encompass contact in their setting are passed across via fis@wirral.gov.uk.

4. Attendance

4.1. Wirral Council campaigns to ensure all families and professionals understand the importance of attending school. The #EveryDayCounts campaign is a council and partner campaign to improve school attendance in Wirral to achieve better outcomes for children and young people.

4.2. Wirral take a proactive approach to provide advice and support to families as early as possible. Early Years play a vital role in supporting parents to develop good habits and routines for children's attendance both now and in the future when attending school. Wirral Council would like your help to promote this message to parents, to ensure they receive the help and support they need by advising the early years team of any absences without notification.

4.3. Sporadic attendance can highlight a potential safeguarding issue for children, or it could mean a family is struggling and needs early help support. Wirral Council endeavours to ensure all children can take up their full funding entitlements to maximise their learning opportunities and to this end will provide support to families who may be struggling to take their children to early years provision.

4.4. Wirral Council request that providers continue to promote good attendance particularly for vulnerable children, e.g. disadvantaged two-year-funded children, children involved with early help or social care. This will ensure children can engage with all the learning opportunities that you provide and build good habits for their later life. The expectation is that providers will have conversations with parents where attendance is sporadic and highlight the benefits of good attendance.

4.5. Where a child's attendance is of concern, continued ad hoc days or more than 2 weeks without any notification to the setting we request that the Early Years Business Support and Performance team is informed. Please see above section 3.3. This is to identify any support a parent or child may need to take up their funding entitlement.

5. Transition

5.1. Moving from an early year's provision into a Foundation stage 2 class is one of the biggest transitions a child will make during their educational journey. It is imperative that this transition is supported by both the early years provider and the school.

5.2. To support this transition Wirral Council will send a prepopulated spreadsheet of all the children that should be transitioning to a foundation 2 class. The spreadsheet contains 14 statements with answers e.g., agree, sometimes, disagree or yes, no. Providers will need to alter the answers based on their assessments of each child. There is a comments section for any additional information e.g. *The parents don't speak much English and the Auntie will often translate for them.*

5.3. The spreadsheet will be sent out early April 2024. Early years providers **MUST** complete the spreadsheet within the two-week period identified.

5.4 Once all spreadsheet's have been completed and returned, they will be sorted into the receiving schools. Schools will receive the spreadsheet week commencing in early May 2024. It is anticipated that schools will utilise the information to identify how children will be best supported through the transition process and any further conversations they need to have with either parents or early years professionals.

5.5 Wirral council only has attendance information for children who claim funding therefore will only be sending pre-populated spreadsheets to funding providers. Blank spreadsheets will be attached to the weekly email so providers with non-funded children that are transitioning to schools can complete and their information be included.

6. Eligibility – Universal, Extended and Expansion hours for working parent / carers

6.1. Where this document references the original two-year-old funding offer, this refers to the existing disadvantaged offer for two-year-olds. References to 11-digit eligibility codes and working parent places refer to the existing 30 hours entitlement and the new expansion offers.

6.2. The provider **should** check original copies of documentation to confirm a child has reached the eligible age and meets the relevant criteria to claim on initial registration for all Early Years Funding Entitlements. The provider **MUST** retain paper or digital copies of documentation to enable the local authority to carry out routine audits and or any other relevant investigations as deemed necessary, such as 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, refer to point 13.4. All parents / carers **MUST** complete the Parent / Carer agreement to Early Years Funding Entitlements (EYFE1b) form in order to access Early Years Funding.

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

6.4. Wirral Council is responsible for ensuring that a child has a funded entitlement place no later than the beginning of the term following the child's eligible birthday (second or third birthday or the term after turning 9 months of age) **AND** the parent / carer meets the relevant eligibility criteria for the funding entitlements.

6.5. The provider **MUST** have a completed Parent / Carer agreement to Early Years Funding Entitlements (EYFE1b) for each child **PRIOR** to a place being offered and entering information onto the Capita Headcount portal. This confirms parent / carer consent, enables the provider to verify the eligibility code through the Capita Headcount portal when relevant, and claim EYPP where eligible.

6.6. The provider **MUST** validate the 11-digit eligibility codes to offer working parent places for eligible aged children. Validity dates **must** be relevant for the claim period as determined by the DfE or before the start of term. An eligibility code does not in itself confirm entitlement to the working parents funding.

6.7. For foster carers, codes will be created and validated by the local authority on completion of a manual application form and necessary evidence checks. This process will be governed by the same timescales as non-fostering applications.

6.8. Thereafter, Wirral Council will undertake and complete audit checks to review and confirm the validity of eligibility codes for children who qualify for any funding entitlements at 6 fixed points in the year: at mid-term and end of term periods across the year (in line with the dates as listed within table A below). Providers **must** access the Capita Headcount Provider Portal within the audit period shown below for each term and view the dashboard which shows where a parent / carer has fallen out of eligibility and informs them of the grace period end date.

Table A:

| Date parents eligibility code becomes invalid | LA audit date from statutory guidance | Grace Period End date |
|--|--|------------------------------|
| 1 Jan – 10 February | 11 February | 31 March |
| 11 Feb – 31 March | 1 April | 31 August |
| 1 April – 26 May | 27 May | 31 August |
| 27 May – 31 August | 1 September | 31 December |
| 1 September – 21 October | 22 October | 31 December |
| 22 October – 31 December | 1 January | 31 March |

Note: HMRC will not issue validity end dates which fall between the 23rd month and 6th of the following month inclusive.

To facilitate this Wirral Council offers access to the Provider Portal all year round, allowing checks to be made at any point. For maintained settings checks are offered on a weekly basis via spreadsheets shared through AnyComms+.

7. The Grace Period

7.1. A child will enter the grace period when the child's parent / carer ceases to meet the eligibility criteria set out in the Childcare (Model Agreement Early years provision free of charge and free childcare) Regulations January 2024 or parent / carers fail to reconfirm their eligibility code, as determined by HMRC or a First Tier Tribunal in the case of an appeal. Please direct parent / carer to contact Childcare Choices on telephone number 0300 123 4097 if they wish to make a complaint.

7.2. Wirral Council 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.

7.3. Wirral Council will continue to fund a place for a child who enters the grace period only if the child remains at the same setting and is continuing an existing 30 hour or expansion funded place, as set out in the Early Education and Childcare Statutory guidance for local authorities January 2024.

7.4. When a child / family falls out of eligibility the provider can check the child's grace period by viewing the headcount portal expiration dashboard. Providers **MUST** check this regularly, with particular reference to table A within section 6.

7.5. Children cannot start a new 30-hour or expansion place if the eligibility code is within the grace period, this includes both at their current setting and at a new setting.

7.6. Wirral will consider extending the grace period in very exceptional circumstances such as if a parent is victim of domestic abuse. In this situation we would also consider allowing a parent to move settings whilst in their grace period if required.

8. Flexibility

8.1. 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. Please see section 22 for a link to the document.

8.2. There is no minimum session length a child **must** attend to receive funding; however, sessions **must** not be longer than 10 hours. The hours of sessions **should** not be before 6 a.m. or after 8 p.m. and a child can only visit a maximum of two sites in a day.

8.3. The provider **should** work with Wirral Council 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 / carer demand in the local authority area. The provider **should** also make information about

their offer and admissions criteria available to parents / carers at the point the child first accesses provision at their setting.

8.4. All parents / carers **must** complete an EYFE1b with all providers they are accessing a place with. Please ensure a parent is clear they **must** decide which provider is the universal entitlement provider and which is the extended entitlement provider.

8.5. To support flexibility Wirral offers 2 supplements to the base rate.

- Flexibility 1 (15p) is for early years providers who can offer parents' choice within the school day for example either 3 days of 5 hours or 5 days of 3 hours.
- Flexibility 2 (15p) is for early years providers who can offer parents' choice outside of the school day for example 1 day of 10 hours and 1 day of 5 hours or 2 days of 7.5 hours.

To receive flexibility supplement, evidence **MUST** be supplied to us as part of the January census data submission, any known changes to flexibility after the census submission **MUST** be provided to us no later than the end of February, to enable us to adjust funding rates for the year ahead, and distribute indicative budgets promptly. After this date **NO** further adjustments can be made until the following year.

9. Partnership working

9.1. Partnerships will be supported by Wirral Council on four levels between:

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

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

9.3. The provider **should** work in partnership with parents / carers, and other providers to improve quality and outcomes for children in their setting. An interactive toolkit has been developed to help providers set up or join a partnership to maximise the benefits of working together and tackle the challenges joint working can bring. Please see section 22 for link to the toolkit.

9.4. The provider **should** discuss and work closely with parents / carers 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 smooth transitions between the providers for the child.

10. Submitting Summative Data

10.1. The time has been taken to review what we collect as summative data. Part of this was reviewing available data to see where the focus should be to support children. Our vulnerable children are least likely to achieve their Good Level of Development (GLD) especially in communication and language which underpins all aspects of learning. It is felt that targeting WellComm screenings will help to ensure that our vulnerable children are more likely to achieve their GLD.

10.2. WellComm has been used as a screening tool across Wirral for a number of years and toolkits have been provided for a majority of settings. Toolkits are also available at local Children's Centres and through the Wirral Childminders Association (WCMA) for childminders to access.

10.3. Providers must submit a WellComm screening for all children on the original two-year funding entitlement and children involved with social care in the Summer term and Autumn term and uploaded to the Testwise system. If you do not know your Testwise log in please contact the Early Years Team, FIS@wirral.gov.uk or 0151 666 3980.

10.4. If the screening result is green, they do not need to be re-screened again.

10.5. If the screening result is amber the child should continue to be assessed until they achieve a green score. Interventions should be provided to the child and family from the big book of ideas and the child should be re-screened in approximately 6 weeks.

10.6. If the screening result is red the child should continue to be assessed until they receive a green score. As per WellComm guidelines a referral to speech and language therapy may be appropriate also taking into account practitioner's knowledge of the child and their needs. Interventions must be provided to support the child and family, from the big book of ideas and the child should be re-screened in approximately 6 weeks.

11. Special educational needs and disabilities (SEND)

11.1. Wirral Council strategically plans support for children with Special Educational Needs and Disabilities (SEND) to meet the needs of all children in their local area as per the SEND Code of practice: 0 to 25 years (January 2015) please see section 22 for a link to the document.

11.2. The provider **must** ensure owners and all staff members are aware of their duties in relation to the SEND Code of Practice 2015 and the Equality Act 2010. This is part of the early years framework and will be checked by Ofsted during inspections.

11.3. Wirral Council has set out the offer for children with SEND through the SENDLO website with information for both, parents / carers and providers. Please see section 22 for a link to the website.

11.4. Wirral Special Educational Needs Inclusion Fund (SENIF) is paid in relation to a child's Universal 15 hour offer and is granted by the SENIF panel. Where children also receive the working parents entitlement additional hours **may** be paid subject to panel decision. For more details visit the SENDLO website. The Disability Access Fund is a one-off yearly payment of £881 (from September 2023), paid in a financial year calendar, to providers who have evidenced the child is in receipt of Disability Living Allowance, for more information please visit the SENDLO website.

11.5. Education, Health and Care Plans (EHCP) are legal documents. EHC Plans are for children and young people between the ages of 0-25. EHC Plans are for children and young people who have special educational need or disability that cannot be met by support that is usually available in a setting, school or college. This is known as what is "ordinarily available" and is expected that settings and schools provide. Before children and young people get an EHC Plan they must have an EHC Needs Assessment.

11.6. EHC Plans are designed to give families more control over how their child is supported. Having an EHC Plan means the different agencies that provide education, health and social care will work together to help children and young people achieve their goals. EHC plans will focus on what a child or young person wants to achieve and what support is needed to do this. For more information, please see the SENDLO website.

11.7. 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 and carers to choose the right setting and type of care for their child.

11.8. All providers **should** have a named SENCo to support the staff with planning, talk with parents and to liaise with professionals supporting the child with SEND. SENCo's **should** apply the Graduated Approach through their setting where a child has an emerging or identified need identified.

11.9. All early years and childcare providers and schools with 2-year-old provision can request the involvement of the Early Years SEND Team.

12. Social mobility, disadvantage and EYPP

12.1. Wirral Council promotes equality and inclusion, particularly for vulnerable groups including families, who are disadvantaged, children looked after, children in need and children with Special Educational Needs and Disabilities (SEND). This is done by removing barriers of access to funded places and working with parents / carers to give each child the support they need to reach their potential.

12.2. The provider **should** ensure that they have identified those children who are disadvantaged within their setting, as part of the process for Early Years Pupil Premium (EYPP). Children who are looked after by Wirral Council will automatically receive EYPP.

12.3. To identify eligible children, PVI providers **should** capture the details of parents / carers on the EYFE1b form and add these details to the child on the headcount task

(details on how to do this can be found in your Provider Portal User guide that was issued to you on becoming a funded provider).

12.4. Wirral Council will use these details to run a check for eligibility and then make payment for children who have been identified as eligible.

12.5. Schools **should** use the EYFE 1b form to capture the information required to complete an EYPP check and use the Online Free School Meals Checker to complete an application.

12.6. Children looked after by Wirral who are placed in another Local Authority area will need to follow the process of the Local Authority, they receive the funded offer of support through.

12.7. Any changes to this process will be communicated to providers.

12.8. EYPP **should** be used to support the child's learning and development during their funded hours. It CANNOT be used to pay for supplement hours.

12.9. The current funding rate for EYPP is [TBC] per hour, EYPP is only awarded against universal hours.

12.10. Providers should ensure that they have effective means of monitoring the spend and impact of EYPP on children's learning and development as this may be checked by OFSTED during inspection.

12.11. To support high quality provision in the least advantaged areas, Wirral Council has a deprivation supplement with 3 rates. Settings that serve children from the most advantaged areas will receive 19p per hour. Settings that serve children from the least disadvantaged areas will receive 4p per hour. Whilst settings in between receive 12p per hour.

12.12. The supplement is calculated based on the average postcode of funded children on roll during the Spring (January) Early Years Census and will be applied from the following Summer Term (April) for the financial year.

12.13. Newly registered providers will automatically have the lowest rate of deprivation applied until it is recalculated as per the above timeframe.

13. Quality

13.1. 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 year's providers **must** meet to ensure that children learn and develop well and are kept healthy and safe. Please see section 22 for a link to the document

13.2. Ofsted are the sole arbiter of quality, Ofsted and inspectorates of independent schools have regard to the EYFS in carrying out inspections and report on the quality and standards of provision.

13.3. Wirral Council has a legal duty to provide information, advice and training on meeting the requirements of the EYFS, meeting the needs of children with Special Educational Needs and Disability (SEND) and on effective safeguarding and child protection for providers who are judged less than 'good' by Ofsted or providers who are newly registered.

13.4. 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. Please see section 22 for a link to the document.

13.5. When government dictates that early year's providers **should** not open to all children and funding remains in place for children who are not allowed to attend it is expected that providers will support parents to provide appropriate educational opportunities to their children, for example sharing playdough recipes, simple activities to complete at home.

13.6. To support quality within provision Wirral offers two supplements to the base rate. Quality 1 (13p per hour) and quality 2 (9p per hour). To receive quality supplement providers must evidence one staff member per setting has one of the following qualifications:

Quality Supplement 1

- Early Years Professional Status
- Early Years Teacher Status
- Qualified Teacher Status (Early Years or Primary Teacher Specialism)

Quality Supplement 2

- Qualified Teacher (Primary Teacher specialism)

13.7. The qualified worker should be actively involved in teaching, evaluating and adapting provision to improve outcomes for children.

13.8. To receive quality supplement, evidence **MUST** be supplied to us as part of the January census data submission, any known changes to staff qualifications after the census submission **MUST** be provided to us no later than the end of February, to enable us to adjust funding rates for the year ahead, and distribute indicative budgets promptly. After this date **NO** further adjustments can be made until the following year.

13.9. To further support quality within the early years sector the Quality Improvement & Training team offer pre-registration support, pre- and post-Ofsted advice, local and national information, template documentation to support effective leadership and management, Continued Professional Development opportunities to address the needs of the sector and in response to EYFS outcomes and tailored support to

address any specific needs. This may include quality first teaching, provision (indoor and outdoor), safeguarding, transition, moderation etc.

13.10. All information is available through the Wirral Early Years training website: www.wirralquality.co.uk

13.11. Quality Improvement and Training team contact information

| Locality | Contact | Email | Number |
|---------------------|-----------------|--|-----------------------------|
| Birkenhead | Karen Norbury | karennorbury@wirral.gov.uk | 01516663986 07787 105673 |
| South Wirral | Ellie McMillan | elinormcmillan@wirral.gov.uk | 01516663985 07789 618090 |
| Wallasey | Joanne Gelling | joannegelling@wirral.gov.uk | 01516663988 07919 290681 |
| West Wirral | Jo Fahy | joannefahy@wirral.gov.uk | 01516663984 07767 806499 |
| Team Leader | Daniel Franklin | danielfranklin@wirral.gov.uk | 01516663887 07767 657626 |

14. Business Planning

14.1. The objective of the financial 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 agreement and that delivery models are in accordance with the statutory guidance.

14.2. The provider will ensure they submit timely and accurate information, including but not limited to, development data, headcount data, census data, transition data, parent / carer declarations / agreement / consent, as per the Wirral Council terms and conditions of this agreement. Failure to do so may result in inaccurate, delayed or suspended funding claims.

14.3. Consistent failure to comply with the submission of designated tasks (including nil returns) may see a settings status as a funded provider reviewed and potentially withdrawn.

14.4. Settings are required and are responsible for securely retaining on site all documentation to support their funding claim as per the UK data protection Act 2018. For example, parent / carer application forms, proof of children's age (copy of birth certificate or passport), registers etc. These documents **must** be retained for 7 years after the conclusion of the claim.

14.5. The provider will maintain accurate financial and non-financial records relating to funding entitlement places and will 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.

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

14.7. Wirral Council 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 carried out together with a list of documents that Wirral Council will require access to.

14.8. Periodically Wirral Council will review compliance of financial and/or delivery practice of a sample of providers; this may be via an onsite audit visit or a request for original documentation to be provided.

14.9. Wirral Council will check compliance through financial or delivery documentation and may interview the manager and / or parents / carers if it is felt this is required. Providers will be given notice prior to any interviews. Failure to comply with the requirements of delivering funding entitlements may result in the withdrawal or termination of funding.

15. Charging

15.1. Government funding is intended to cover the cost of delivering 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.

15.2. In line with OFSTEDs Early Education and Childcare Statutory Guidance January 2024 (link in section 22), providers can charge for meals and snacks as part of Early Years Funding Entitlement for all funded children and they can also charge for consumables such as nappies or sun cream and for services such as trips and yoga.

15.3. These charges **MUST** be voluntary for the parent / carer. Where parents / carers are unable or unwilling to pay for meals or consumables, providers who choose to offer the funded entitlements are responsible for setting their own policy on how to respond, to enable parents to access the entitlements free. Options could include with options including waiving or reducing the cost of meals and snacks or allowing parents / carers to supply their own meals and consumables.

15.4. Providers **should** consider that charging for meals and consumables may create barriers for families looking to access funded places.

15.5. The provider **CANNOT** charge parents / carers top-up fees (the difference between a provider's usual fee and the funding they receive from Wirral Council to deliver funded places) or require parents / carers to pay a registration fee as a condition of taking up their child's funded place.

15.6. 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. If a provider does not wish to offer extended/expansion places, they **must** clearly display this to parents / carers as potential service users.

15.7. The provider **should** ensure their invoice and receipts are clear, transparent and itemised, allowing parents / carers to see that they have received their funded entitlements completely free of charge and that they clearly understand any fees they may have paid for additional hours / consumables. The provider will also ensure that all receipts provided for childcare contain the settings full details to ensure that they can be identified as coming from a specific provider for a specific service. An example invoice can be seen in the supporting documents section at the end of this agreement.

15.8. Wirral Council will not intervene where parents / carers choose to purchase additional hours or provision or additional services, providing that this does not affect the parents / carers ability to take up their child's funded place. The provider **should** be completely transparent about any additional charges and ensure they are shown clearly on invoices for parent / carers. Wirral Council recommends funded hours to be shown on each invoice with no charge attached and any additional charges illustrated above clearly shown. An example invoice can be found in section 24.2.

15.9. The provider **should** publish their admissions criteria and ensure parents / carers clearly 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 / carers to ensure that as far as possible the pattern of hours are convenient to support parents / carer's working hours / needs.

15.10. The provider can charge a refundable deposit to secure a working families Funding Entitlement place. The deposit **should** be refunded in full to the parent / carer after the child has been admitted and submitted through headcount. Providers should consider the impact of charging a deposit for families of the original two-year-old funding entitlement given the demographic of the families who qualify, as this can create barriers to accessing a place. Where a provider charges a deposit to secure a 2-year-olds original funding entitlement this **should** be refunded in full to the parent / carer after the child has been admitted and submitted through headcount.

16. Funding

16.1. Hourly funding rates are determined for the financial year by the following calculation.

| | |
|--|--------|
| Under twos working families base rate | £10.32 |
|--|--------|

| | | |
|---|---|-------|
| Two-year-old working families funding rate | | £7.72 |
| Two-year-old disadvantaged funding rate | | £7.76 |
| Three and four-year funding rate | | £4.77 |
| Three and four-year working families funding rate | | £4.77 |
| Supplement criteria as hourly rate | | |
| Deprivation – calculated based on the children’s postcodes | High | £0.19 |
| | Medium | £0.12 |
| | Low | £0.04 |
| Quality – calculated based on practitioner qualifications | <ul style="list-style-type: none"> • EYP • EYT • QTS | £0.13 |
| | <ul style="list-style-type: none"> • QTS (EYFS / Primary Specialism) | £0.09 |
| Flexibility - choices available for when families can use their funded hours | Within core school hours | £0.15 |
| | Outside of core school hours | £0.15 |
| Early Years Pupil Premium (EYPP for eligible children) | | £0.68 |
| Total hourly rate without EYPP (Please complete for your setting, for your records) | | |
| Total hourly rate with EYPP (Please complete for your setting, for your records) | | |

16.2. New providers registering to provide the Early Years Funding Entitlement (EYFE) are required to complete a provider pack, at least 8 weeks before the start of the term they wish to commence claiming early years funding. New providers initially receive the basic hourly rate plus the lowest deprivation supplement rate, plus flexibility and quality elements if the provider can evidence, they are eligible.

16.3 Existing providers who declare continued eligibility for the Quality Supplement will be requested to provide evidence as part of the annual Early Years Census submission.

16.4. An estimate headcount task will be issued to providers prior to the start of each term. Monthly estimate payments will be calculated based on the estimate headcount submitted by a provider. The actual headcount task will then be issued prior to headcount date, and the actual payment for the whole term will be calculated based on the actual headcount submitted by the provider. The estimate payments will be deducted from the actual for the term and a balancing payment / reclaim will be processed. (see provider payment schedule attached as an appendix in section 24.1) **Providers are funded for a term based on the children on their register on the headcount day; there is no half term adjustment.**

16.5. Payments, as above will be paid directly into the provider’s nominated bank account. Providers are responsible for providing details of all / any changes to bank details. **Wirral Council does not accept any responsibility where bank details**

have changed and Wirral Council was not informed or Wirral Council has been misinformed.

16.6. Providers are required to submit headcount submissions and other necessary data returns by the agreed dates to enable Wirral Council to make accurate payment. Headcount submissions **must** be true and accurate and supported by signed parent / carer applications together with evidence of age (copy of birth certificate / passport).

16.7. Accurate submission of Headcount data is the responsibility of the provider. Any corrections or amendments **must** be raised with the Budget Support Team **within the term funding applies too.**

Headcount Dates 2024/25 Financial Year

| Term | Headcount date |
|------------------|-------------------|
| Summer Term 2024 | 16th May 2024 |
| Autumn Term 2024 | 3rd October 2024 |
| Spring Term 2025 | 16th January 2025 |

16.8. Providers must only claim for funded hours they intend to deliver to families. For example if a provider closes on Bank Holidays and they have claimed funding for them they should offer the hours back to the family at another appropriate time.

16.9. Providers **must retain** relevant completed parent / carer consent forms for all children they wish to claim for, including a copy of the child’s birth certificate or passport. Parent / carer consent forms **must** contain accurate up to date information and be kept securely and confidentially for seven years. Providers **must** keep a copy of each individual child register securely and confidentially for seven years.

16.10. Providers can expect to receive monthly payments; however, errors or queries on submissions could cause delays to payment for providers involved or subsequent adjustment to headcount submissions may be required if found to be incorrect.

16.11. In the event a provider closes mid-term, the provider will be funded for the hours that have been provided to a child up to that point. Any additional hours funded as part of the estimate or actual headcount process will be reclaimed.

16.12. The standard number of weeks per term is 13 weeks in the summer term; 14 weeks in the autumn term; 11 weeks in spring term. Funding is based on a maximum of 38 weeks in any financial year, unless stretching the offer (see point 16.12)

16.13. For Providers who are open for more than 38 weeks per year, parents / carers can opt to have their childcare entitlement stretched over a longer period up to 52 weeks rather than the standard 38 weeks. Hours claimed for an individual child cannot exceed 570 hours universal entitlement or 1140 hours with extended/expansion entitlement for any financial year, and will be capped on a termly basis as follow:

| Term | Universal Hours | Extended Hours | Expansion Hours (From April 2024) |
|------|-----------------|----------------|--------------------------------------|
|------|-----------------|----------------|--------------------------------------|

| | | | |
|--------|-----|-----|-----|
| Summer | 195 | 195 | 195 |
| Autumn | 210 | 210 | 210 |
| Spring | 165 | 165 | 165 |

16.14. Providers **should** not accept new children after the start of term without contacting the Early Childhood Services, Business Support and Performance team and will be advised to liaise with the parent / carer and previous setting as to how many funded hours have already been claimed for that term. It is the responsibility of the Provider and parent / carer (not Wirral Council) to arrange how any shortfall will be charged / recovered.

16.15. Funding is awarded for 38 weeks per year. The weeks designated as funded weeks mirror school term weeks as closely as possible. Please see appendix 3.

16.16. Funding can only be moved from one setting to another, or funded hours changed before the start of each term. Providers will only be funded for children attending at headcount. Parents / carer **must** be advised to contact the Early Years Business Support & Performance Team if they plan to move their child during term time, and changes will only be authorised in exceptional circumstances. Tel: 0151 666 3980.

16.17. Providers **must** receive confirmation in writing from the Early Years Business Support and Performance team prior to accepting a child after the start of term to confirm the funding available for that child.

16.18. To claim funding in a term a setting will need to be eligible during headcount week. For example if a setting has had funding suspended as per section 18, if funding is reinstated after headcount they will need to wait until the next term to claim funding.

16.19. All providers are encouraged to register to Tax Free Childcare (TFC) to enable parents to claim this benefit. For more information on TFC please contact fis@wirral.gov.uk.

17. Temporary Closures

17.1. Early years providers from time to time will have to close temporarily this could be for as short as a day or longer. In any instance the provider **must** contact the Early Years Team on 666-3980 or via fis@wirral.gov.uk as soon as possible to inform them and discuss any potential actions.

17.2. The Department for Education (DfE) advises that providers temporarily closed **should** still submit their headcount as normal with children expected to attend, however this **must** be discussed with the early years team prior to submission.

17.3. All parents affected by the temporary closure **must** be given contact information for the Early Years Team on 666-3980 or via fis@wirral.gov.uk to enable them to gain support to find alternative provision **should** they need it. If parents do require a placement at another provider during the temporary closure then it is likely that the

original provider would need to pass over any funding they have received for that child/ren for closure period.

18. Cessation of funding

18.1. Cessation of funding may occur when a provider, receives a judgement from Ofsted that is less than good. If a childminder is registered with a Childminder Agency (CMA) cessation of funding may occur if the CMA receives 2 consecutive ineffective judgements from Ofsted or if the CMA informs the LA that the childminder is rated less than good (or equivalent).

| | |
|---|--|
| Original two-year-funding (Disadvantaged) | Inspection report to go to panel if judged requires improvement or inadequate. |
| Working families funding and universal 3-and-4 year-old funding | Inspection report to go to panel if judged inadequate. |

18.2. Providers **MUST** inform the Business Support and Performance team of the provisional judgement as soon as is permissible.

18.3. Once the Business Support and Performance team have been informed, they will follow the process to determine if funding needs to cease until the provider receives a good or above judgement from Ofsted (or CMA where applicable) or the CMA receives a judgement of Effective form Ofsted.

18.4. A panel of early years representatives, made up of school forum representatives, council officers and voluntary organisation representatives, will be convened. A decision will be made in line with regulation 7 (termination of the arrangements) of the Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations January 2024 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 from a decision by a senior manager employed by Wirral Council, within 5 working days.

18.5. Decisions can be appealed please see section 20.

18.6. If a provider would like to stop providing funded hours, they **should** give parents/carers and the Business Support and Performance team at least one term's notice. Exceptional circumstances **should** be discussed with your locality quality improvement officer.

18.7. If a provider is concerned about the financial sustainability of the business, then please discuss this with your locality quality improvement officer before any final decisions are made. The local authority may be able to offer support to ensure sustainability.

18.8. If a provider is selling or liquidating their business, the owner / manager **must** inform the Business Support and Performance team as soon as possible to avoid

overpayments of funding, that could result in the business owing funding to Wirral Council.

19. Disqualification of providing funded places

19.1. Suspension of registration by Ofsted, a breach of statutory requirements, safeguarding issues or fraudulent claims may result in the termination of the agreement with Wirral Council and withdrawal of funding by Wirral Council.

19.2. Evidence will be reviewed by the Early Years Operational Manager to decide if a provider **should** be disqualified from providing funded places. The decision will be sent in writing to the provider within 48 hours.

19.3. Decisions can be appealed please see section 20.

20. Appeals process

20.1. A provider may be denied approval to offer the Early Years Funding Entitlements, be removed from the funding directory or have funding withdrawn for a set period as set out above. The provider can appeal against that decision.

20.2. This appeal **should** be made within one month of receiving the letter confirming the intention to deny provision of funding, pause funding or remove them from the Directory of EYFE Providers.

20.3. Appeals **should** be sent to James Backhouse, Assistant Director, Education, Cheshire Lines building, Canning Street, Birkenhead, Wirral, CH41 1ND or FIS@wirral.gov.uk in the form of a written report, outlining the reason(s) for appeal.

20.4. The Operations Manager will investigate all decision made by either head of service manager or early years panel.

20.5. 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 such a decision.

20.6. Funding will be reinstated when a positive change is demonstrated such as: a good or above Ofsted judgement, the lifting of any suspension of registration by Ofsted, proof that previously breached statutory requirements have been redressed, compliance with safeguarding requirements.

20.7. 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 Wirral Council's Directory of providers for EYFE.

21. Complaints

21.1. Where a parent / carer 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 up to date, clearly publicised and accessible to parents / carers and is detailed in accordance with their registration requirements. The provider can refer the parent / carer to Ofsted (or their regulatory agent) where the parent / carer remains unsatisfied after the complaint has been addressed and the provider believes that it has done all it can to resolve matters.

21.2. Where a parent / carer complains 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 Wirral Council carrying out its' Childcare Sufficiency Duty, and parents / carers **should** be signposted to the Wirral Council Early Childhood Service who are contactable on (0151) 666 3980, email: fis@wirral.gov.uk

21.3. Where a provider has a complaint or concern that Wirral Council 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 Wirral Council'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 4340

or email: cypdcomplaints@wirral.gov.uk

21.4. If a complaint in relation to Wirral Council's actions or behaviour remains unresolved, then a parent / carer or provider has the right to take this concern to the Local Government Ombudsman.

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

22. Useful links

Working together to safeguard children link:

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

Early Years compliance document link

<https://www.gov.uk/government/publications/early-years-provider-non-compliance-action-by-ofsted>

Childcare regulations 2016 link:

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

Early Education and childcare statutory guidance June 2018 link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718179/Early_education_and_childcare-statutory_guidance.pdf

Early Years Entitlements: Operational Guidance for Local Authorities and providers June 2018

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718181/Early_years_entitlements-operational_guidance.pdf

Working with partners to provide 30 hours toolkit link:

<https://www.familyandchildcaretrust.org/dfes-30-hour-mixed-model-partnership-toolkit>

SEND code of practice link:

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

SENDLO website link:

<https://www.sendlowirral.co.uk/>

EYFS link

<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>

Wirral EY Training Platform

<https://wirralequality.co.uk/>

23. Signatures

This Contract is an agreement between Wirral 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 Council

Name of Nominated Officer: Simone White

Signature of Nominated Officer

Date

Existing Funded Providers will sign the agreement through the Capita One portal. Providers who accept payments for 2023/2024 will be agreeing to the terms and conditions within this agreement regardless of agreement through the Capita portal.

New Funded providers should sign below and return it to via email to:

fis@wirral.gov.uk

Setting Name:

Name of Signatory:

Position:

Signature:

Date:

24. Appendices

24.1. Payment Schedule [To follow]

DRAFT

24.2. Example Invoice

| ABC Childcare Invoice | | | | |
|--|------------|---|-------------------|----------------|
| Child: | John Doe | | Period | Jan-22 |
| Days | Hours | | | |
| Monday | 10 | | | |
| Tuesday | 10 | | | |
| Wednesday | 10 | | | |
| Thursday | 10 | | | |
| Friday | 0 | | | |
| Total weekly hours | 40 | | | |
| Number of weeks in period | 4 | | | |
| Total Hours (Total weekly hours x Number of weeks in period): | 160 | | | |
| Less Weekly Free Entitlement (hours) | 30 | | | |
| Total Free Entitlement | 120 | | | |
| Chargable Hours (Total hours less Total free entitlement): | 40 | x | £4.50 | £180.00 |
| Charge for meals: | 16 | x | £3.50 | £56.00 |
| Total Amount Payable: | | | | £236.00 |
| Payment Due by: | | | 14th January 2022 | |